

ORDERS FOR JUNE 12 THROUGH  
SEPTEMBER 29, 2017

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JUNE 12, 2017

*Dismissal Under Rule 46*

No. 16–1342. ANTHEM, INC. *v.* UNITED STATES ET AL. C. A. D. C. Cir. Certiorari dismissed under this Court’s Rule 46. Reported below: 855 F. 3d 345.

*Certiorari Granted—Vacated and Remanded*

No. 16–1003. MCKNIGHT ET AL. *v.* PETERSEN, ON BEHALF OF L. P., A MINOR AND BENEFICIARY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF PETERSEN. C. A. 9th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *White v. Pauly*, 580 U. S. 73 (2017) (*per curiam*). Reported below: 663 Fed. Appx. 531.

No. 16–7234. MCINTOSH *v.* UNITED STATES. C. A. 4th Cir. Reported below: 660 Fed. Appx. 199; and

No. 16–7794. BROWN *v.* UNITED STATES. C. A. 3d Cir. Reported below: 661 Fed. Appx. 190. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Honeycutt v. United States*, 581 U. S. 443 (2017).

*Certiorari Granted—Reversed.* (See No. 16–1177, *ante*, p. 91.)

*Certiorari Dismissed*

No. 16–9107. MORROW *v.* BRENNAN, POSTMASTER GENERAL. C. A. 7th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. Reported below: 676 Fed. Appx. 582.

*Miscellaneous Orders*

No. D–2977. IN RE DISCIPLINE OF CLARK. Thomas Andrew Clark, of Perth Amboy, N. J., is suspended from the practice of

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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-2978. *IN RE DISCIPLINE OF SMITH*. Allan Christopher Smith, of Morrisville, Pa., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2979. *IN RE DISCIPLINE OF BAILEY*. Kathy Dianne Bailey, of Alexandria, Va., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring her to show cause why she should not be disbarred from the practice of law in this Court.

No. D-2980. *IN RE DISCIPLINE OF FERRELL*. Ronald Tyson Ferrell, of Wilkesboro, N. C., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2981. *IN RE DISCIPLINE OF WALTON*. Elbert A. Walton, Jr., 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-2982. *IN RE DISCIPLINE OF HESTERBERG*. Gregory Xavier Hesterberg, of Garden City, 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-2983. *IN RE DISCIPLINE OF WROBLEWSKI*. David Raymond Wroblewski, of Mesa, Ariz., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2984. *IN RE DISCIPLINE OF THORNSBURY*. Michael Thornsberry, of Lexington, Ky., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

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No. D-2985. *IN RE DISCIPLINE OF LONGMEYER*. Timothy Michael Longmeyer, of Louisville, Ky., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2986. *IN RE DISCIPLINE OF KUCHINSKY*. Neil Kuchinsky, of Colonial Heights, 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-2987. *IN RE DISCIPLINE OF BELLO*. Thomas F. Bello, of Staten Island, 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-2988. *IN RE DISCIPLINE OF BYRD*. Charles Grant Byrd, Jr., of Baltimore, 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-2989. *IN RE DISCIPLINE OF BOISSEAU*. Eldon L. Boisseau, of Wichita, Kan., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. 16-9150. *IN RE BRACKEN*;  
No. 16-9189. *IN RE CONE*;  
No. 16-9226. *IN RE MANNING*;  
No. 16-9238. *IN RE LASSINGER*; and  
No. 16-9239. *IN RE LOPEZ*. Petitions for writs of habeas corpus denied.

No. 16-9256. *IN RE DOWELL*. Petition for writ of habeas corpus denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition.

*Certiorari Granted*

No. 16-712. *OIL STATES ENERGY SERVICES, LLC v. GREENE'S ENERGY GROUP, LLC, ET AL.* C. A. Fed. Cir. Certiorari

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granted limited to Question 1 presented by the petition. Reported below: 639 Fed. Appx. 639.

*Certiorari Denied*

No. 16–1029. BALL ET AL. *v.* MILWARD ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 838 F. 3d 1207.

No. 16–1060. KUTLAK *v.* COLORADO. Ct. App. Colo. Certiorari denied.

No. 16–1062. JEFFERS *v.* METROPOLITAN LIFE INSURANCE CO. ET AL. C. A. 6th Cir. Certiorari denied.

No. 16–1074. CARAFFA, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF CARAFFA *v.* CARNIVAL CORP. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 208 So. 3d 172.

No. 16–1092. LOCKWOOD, ANDREWS & NEWMAN, P. C., ET AL. *v.* MASON ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 842 F. 3d 383.

No. 16–1201. SCHOCKNER *v.* CASH, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–1209. RIEMER *v.* OREGON ET AL. Sup. Ct. Ore. Certiorari denied.

No. 16–1217. TICHICH ET AL. *v.* CITY OF BLOOMINGTON, MINNESOTA, ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 835 F. 3d 856.

No. 16–1223. BLUE SPIKE, LLC *v.* GOOGLE INC. C. A. Fed. Cir. Certiorari denied. Reported below: 669 Fed. Appx. 575.

No. 16–1228. OWNER-OPERATOR INDEPENDENT DRIVERS ASSN., INC., ET AL. *v.* DEPARTMENT OF TRANSPORTATION ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 840 F. 3d 879.

No. 16–1235. FRANKLIN *v.* LAUGHLIN, DBA BWD PROPERTIES 2, LLC, ET AL. Ct. App. Nev. Certiorari denied. Reported below: 132 Nev. 970.

No. 16–1247. BARTH *v.* MCNEELY ET AL. Sup. Ct. Fla. Certiorari denied.

No. 16–1249. D. E. *v.* DOE ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 834 F. 3d 723.

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No. 16–1266. *DIVERSIFIED INGREDIENTS, INC. v. TESTA, TAX COMMISSIONER OF OHIO*. C. A. 8th Cir. Certiorari denied. Reported below: 846 F. 3d 994.

No. 16–1270. *POPE v. GUNS ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 251.

No. 16–1282. *ADAMS v. NILES ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 674 Fed. Appx. 956.

No. 16–1317. *HERNANDEZ ET AL. v. AVERY*. C. A. 7th Cir. Certiorari denied. Reported below: 847 F. 3d 433.

No. 16–1325. *AKHTAR-ZAIDI ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 664 Fed. Appx. 422.

No. 16–1333. *NEASE ET UX. v. FORD MOTOR Co.* C. A. 4th Cir. Certiorari denied. Reported below: 848 F. 3d 219.

No. 16–5895. *ZEBBS v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 16–7763. *PERRY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 659 Fed. Appx. 146.

No. 16–7775. *CUEVAS CABRERA v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 826 F. 3d 514.

No. 16–7776. *DAVIS v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 16–7855. *MILLER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 662 Fed. Appx. 169.

No. 16–7857. *RAMIREZ-QUINTANILLA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 304.

No. 16–7991. *RODRIGUEZ-BERBAL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 367.

No. 16–8212. *GARRITY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 664 Fed. Appx. 889.

No. 16–8244. *RODRIGUEZ-LOPEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 273.

No. 16–8259. *CARTER v. THOMAS, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 657 Fed. Appx. 176.

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No. 16–8301. *HAYWARD v. KELLY, SUPERINTENDENT, OREGON STATE PENITENTIARY*. Ct. App. Ore. Certiorari denied. Reported below: 281 Ore. App. 113, 383 P. 3d 437.

No. 16–8459. *MALDONADO-JAIMES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 441.

No. 16–8519. *WARDLOW v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 666 Fed. Appx. 861.

No. 16–8598. *KULKARNI v. UPASANI ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 659 Fed. Appx. 937.

No. 16–8602. *VEGA v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 16–8615. *RAMNATH v. WANG*. Sup. Ct. Wash. Certiorari denied.

No. 16–8624. *BELLAMY v. MICHIGAN*. Sup. Ct. Mich. Certiorari denied. Reported below: 500 Mich. 881, 886 N. W. 2d 420.

No. 16–8626. *CORREA-AYALA v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 144 A. 3d 199.

No. 16–8631. *BONILLA v. CALIFORNIA*. Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 16–8632. *LANGLEY v. UNKNOWN*. C. A. 4th Cir. Certiorari denied. Reported below: 677 Fed. Appx. 138.

No. 16–8642. *ZEBBS v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 16–8643. *WOODSON v. WHITEHEAD ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 931.

No. 16–8650. *YANEY ET AL. v. SUPERIOR COURT OF CALIFORNIA, SAN BERNARDINO COUNTY, ET AL.* Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 16–8655. *SANCHO v. ANDERSON SCHOOL DISTRICT FOUR*. C. A. 4th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 204.

No. 16–8664. *MITCHELL v. WISCONSIN DEPARTMENT OF HEALTH SERVICES*. Ct. App. Wis. Certiorari denied.

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No. 16–8665. *PINKSTON v. UNIVERSITY OF SOUTH FLORIDA BOARD OF TRUSTEES ET AL.* C. A. 11th Cir. Certiorari denied.

No. 16–8668. *JONES v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied. Reported below: 834 F. 3d 1299.

No. 16–8670. *COULSTON v. CAMERON, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HOUTZDALE, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 651 Fed. Appx. 139.

No. 16–8673. *ALEXANDER v. LOUISIANA.* Sup. Ct. La. Certiorari denied. Reported below: 2015–1879 (La. 10/28/16), 202 So. 3d 990.

No. 16–8674. *PACK v. UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT.* C. A. 4th Cir. Certiorari denied.

No. 16–8754. *EARL v. FOSTER, WARDEN.* C. A. 7th Cir. Certiorari denied.

No. 16–8759. *CONTRERAS v. BUTLER, WARDEN.* C. A. 7th Cir. Certiorari denied.

No. 16–8763. *RIVERA v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 679 Fed. Appx. 51.

No. 16–8799. *SCHessler v. McDONALD, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 16–8844. *HARRIS v. BUTLER, WARDEN.* Sup. Ct. Ill. Certiorari denied.

No. 16–8861. *BEAM v. UNITED STATES.* C. A. 3d Cir. Certiorari denied.

No. 16–8901. *FIELDS v. HARRIS, CLERK, SUPREME COURT OF THE UNITED STATES.* C. A. D. C. Cir. Certiorari denied. Reported below: 671 Fed. Appx. 808.

No. 16–8928. *SMITH v. SESSIONS, ATTORNEY GENERAL.* C. A. 3d Cir. Certiorari denied.

No. 16–8951. *FORTSON v. UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied.

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No. 16–8956. *EVANS v. CUNNINGHAM ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 157.

No. 16–8968. *ABDUL-HAQQ v. KAISER FOUNDATION HOSPITALS ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 462.

No. 16–8994. *RAMIREZ TORRES v. SEIBEL, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 16–9026. *COLTER v. CHAPMAN CHEVROLET.* Ct. App. Ariz. Certiorari denied.

No. 16–9036. *BLOODMAN v. LIGON, EXECUTIVE DIRECTOR, ARKANSAS SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT.* Sup. Ct. Ark. Certiorari denied.

No. 16–9045. *MACKEY v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 369.

No. 16–9051. *VANLAAR v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 269.

No. 16–9054. *WRIGHT v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 674 Fed. Appx. 567.

No. 16–9057. *MONTIEL-CORTES v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 849 F. 3d 221.

No. 16–9068. *MORENO v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 685 Fed. Appx. 474.

No. 16–9079. *CURRY v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 679 Fed. Appx. 781.

No. 16–9080. *CLARK v. SPEER, ACTING SECRETARY OF THE ARMY.* C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 84.

No. 16–9083. *LAWRENCE v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

No. 16–9088. *SHEFFIELD v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 16–9090. *TUCKER v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 330.

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- No. 16–9092. *WOODARD v. UNITED STATES*; and  
No. 16–9154. *ROBINSON v. UNITED STATES*. C. A. 11th Cir.  
Certiorari denied. Reported below: 662 Fed. Appx. 854.
- No. 16–9095. *WHITE v. UNITED STATES*. C. A. 4th Cir. Cer-  
tiorari denied. Reported below: 850 F. 3d 667.
- No. 16–9097. *WHOOLERY v. UNITED STATES*. C. A. 3d Cir.  
Certiorari denied.
- No. 16–9102. *RODRIGUEZ v. UNITED STATES*. C. A. 11th Cir.  
Certiorari denied. Reported below: 673 Fed. Appx. 914.
- No. 16–9110. *SILER v. UNITED STATES*. C. A. 11th Cir. Cer-  
tiorari denied. Reported below: 671 Fed. Appx. 739.
- No. 16–9111. *CARTER v. UNITED STATES*. C. A. 2d Cir. Cer-  
tiorari denied. Reported below: 675 Fed. Appx. 100.
- No. 16–9114. *EVANS v. UNITED STATES*. C. A. 4th Cir. Cer-  
tiorari denied. Reported below: 848 F. 3d 242.
- No. 16–9119. *MENDEZ-BELLO v. UNITED STATES*. C. A. 9th  
Cir. Certiorari denied. Reported below: 678 Fed. Appx. 508.
- No. 16–9121. *BEAMON v. UNITED STATES*. C. A. 11th Cir.  
Certiorari denied. Reported below: 678 Fed. Appx. 883.
- No. 16–9122. *PRYOR v. UNITED STATES*. C. A. 6th Cir. Cer-  
tiorari denied. Reported below: 842 F. 3d 441.
- No. 16–9123. *LEWIS v. UNITED STATES*. C. A. 6th Cir. Cer-  
tiorari denied. Reported below: 676 Fed. Appx. 440.
- No. 16–9127. *LASHER v. UNITED STATES*. C. A. 2d Cir.  
Certiorari denied. Reported below: 661 Fed. Appx. 25.
- No. 16–9129. *KAHRE v. UNITED STATES*. C. A. 9th Cir. Cer-  
tiorari denied.
- No. 16–9135. *JENKINS v. UNITED STATES*. C. A. 4th Cir.  
Certiorari denied. Reported below: 677 Fed. Appx. 845.
- No. 16–9136. *WALLER v. COLORADO*. Ct. App. Colo. Certio-  
rari denied. Reported below: 412 P. 3d 866.
- No. 16–9137. *TAYLOR v. UNITED STATES*. C. A. 1st Cir. Cer-  
tiorari denied. Reported below: 848 F. 3d 476.

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No. 16–9142. *HOFFMAN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 847 F. 3d 878.

No. 16–9143. *FELIPE-DIEGO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 496.

No. 16–9161. *BUCZEK v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 16–810. *NACCHIO ET AL. v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied. JUSTICE KAGAN and JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 824 F. 3d 1370.

No. 16–853. *JOHNSON v. FORD MOTOR CO. ET AL.* Ct. App. Ga. Certiorari denied. THE CHIEF JUSTICE and JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 335 Ga. App. XXIX.

No. 16–950. *JACOBS FIELD SERVICES NORTH AMERICA, INC. v. ACOSTA, SECRETARY OF LABOR*. C. A. 5th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 659 Fed. Appx. 181.

No. 16–1216. *DALY v. UNITED STATES ET AL.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 669 Fed. Appx. 19.

No. 16–1280. *TANNER SERVICES, LLC v. GUIDRY ET UX*. Sup. Ct. La. Motion of Stallion Oilfield Construction, LLC, et al. for leave to file brief as *amici curiae* granted. Certiorari denied. Reported below: 2016–2013 (La. 1/23/17), 209 So. 3d 90.

No. 16–8948. *GRIGSBY v. MARTEN, JUDGE, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS, ET AL.* C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 670 Fed. Appx. 982.

No. 16–9106. *DARIO RAMIREZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 846 F. 3d 615.

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No. 16–9113. *DERROW v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 675 Fed. Appx. 481.

*Rehearing Denied*

No. 16–7414. *DAKER v. BRYSON, COMMISSIONER, GEORGIA DEPARTMENT OF CORRECTIONS, ET AL.*, 580 U. S. 1174;

No. 16–7418. *TAYLOR v. UNITED STATES*, 580 U. S. 1174;

No. 16–7580. *WHITE v. EDS CARE MANAGEMENT LLC ET AL.*, 581 U. S. 941;

No. 16–7593. *WHITE ET UX. v. ATTORNEY GRIEVANCE COMMISSION OF MICHIGAN*, 581 U. S. 941;

No. 16–7709. *DAMJANOVIC v. CALIFORNIA*, 581 U. S. 907;

No. 16–7713. *PENDER v. MORRIS DUFFY ALONSO & FALEY, LLP*, 581 U. S. 907;

No. 16–7765. *SMITH v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 581 U. S. 908;

No. 16–7783. *HILL ET UX. v. DITECH FINANCIAL, LLC, ET AL.*, 581 U. S. 908;

No. 16–7880. *RAMIREZ v. BAUSCH & LOMB, INC.*, 581 U. S. 922;

No. 16–7901. *BENFORD v. CALIFORNIA*, 581 U. S. 923;

No. 16–7957. *CELESTINE v. BERRYHILL, ACTING COMMISSIONER OF SOCIAL SECURITY, ET AL.*, 580 U. S. 1221;

No. 16–7960. *IN RE MARIE ET UX.*, 581 U. S. 938;

No. 16–8107. *SHEPPARD v. MEDEIROS, SUPERINTENDENT, MASSACHUSETTS CORRECTIONAL INSTITUTION AT NORFOLK*, 581 U. S. 925;

No. 16–8145. *COWAN v. OKLAHOMA*, 581 U. S. 976;

No. 16–8168. *OLMOS MUNOZ v. UNITED STATES*, 581 U. S. 911;

No. 16–8252. *CONROY v. WALTON, WARDEN*, 581 U. S. 926;

No. 16–8253. *CONRAD v. UNITED STATES*, 581 U. S. 926; and

No. 16–8314. *IN RE CLAYBORNE*, 581 U. S. 917. Petitions for rehearing denied.

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*Miscellaneous Orders*

No. 16A1202 (16–649). *NORTH CAROLINA ET AL. v. COVINGTON ET AL.*, 581 U. S. 1015. Application for issuance of the judgment

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forthwith, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied.

No. 16A1203 (16–1023). NORTH CAROLINA ET AL. *v.* COVINGTON ET AL., 581 U. S. 486. Application for issuance of judgment forthwith, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied.

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*Certiorari Granted—Reversed and Remanded.* (See No. 16–1116, *ante*, p. 280.)

*Certiorari Granted—Vacated and Remanded*

No. 15–734. MILBERG LLP ET AL. *v.* LABER. C. A. 9th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Microsoft Corp. v. Baker*, *ante*, p. 23. Reported below: 801 F. 3d 1066.

*Certiorari Dismissed*

No. 16–9191. HINES *v.* UNITED STATES. C. A. 7th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

*Miscellaneous Orders*

No. D–2948. IN RE DISBARMENT OF DAVIDSON. Disbarment entered. [For earlier order herein, see 580 U. S. 1110.]

No. D–2950. IN RE DISBARMENT OF THOMPSON. Disbarment entered. [For earlier order herein, see 580 U. S. 1110.]

No. D–2954. IN RE DISBARMENT OF HARRINGTON. Disbarment entered. [For earlier order herein, see 580 U. S. 1194.]

No. D–2955. IN RE DISBARMENT OF SULLIVAN. Disbarment entered. [For earlier order herein, see 580 U. S. 1194.]

No. D–2956. IN RE DISBARMENT OF GOLDTHORPE. Disbarment entered. [For earlier order herein, see 580 U. S. 1194.]

No. D–2990. IN RE DISCIPLINE OF MOENNING. Richard Carl Moenning, of Evanston, 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.

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No. D-2991. IN RE DISCIPLINE OF COYLE. Francis Joseph Coyle, Jr., of Rock Island, 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-2992. IN RE DISCIPLINE OF PADGETT. Squire Padgett, Jr., 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-2993. IN RE DISCIPLINE OF CARTER. George R. Carter, of Las Vegas, Nev., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. 16M139. CLINE *v.* BALL, SUPERINTENDENT, AVERY-MITCHELL CORRECTIONAL INSTITUTION; and

No. 16M140. WILLIAMS *v.* GROUNDS, WARDEN. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 16-1215. LAMAR, ARCHER & COFRIN, LLP *v.* APPLING. C. A. 11th Cir. The Acting Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 16-8842. HERNANDEZ-GONZALEZ *v.* SESSIONS, ATTORNEY GENERAL. C. A. 5th Cir.; and

No. 16-9213. FRANCISCO *v.* UNITED STATES. C. A. 2d Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until July 10, 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. 16-1402. IN RE SINGLETON;

No. 16-9290. IN RE NEUMAN;

No. 16-9364. IN RE JOHNSON; and

No. 16-9386. IN RE BOSTON. Petitions for writs of habeas corpus denied.

No. 16-1281. IN RE TOBINICK ET AL.;

No. 16-8748. IN RE SOUTHGATE;

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No. 16–8767. IN RE DAVIS; and  
No. 16–8778. IN RE HOWELL. Petitions for writs of mandamus denied.

No. 16–8716. IN RE GLEIS. Petition for writ of mandamus and/or prohibition denied.

*Probable Jurisdiction Postponed*

No. 16–1161. GILL ET AL. *v.* WHITFORD ET AL. Appeal from D. C. W. D. Wis. Further consideration of question of jurisdiction postponed to hearing of case on the merits. Reported below: 218 F. Supp. 3d 837.

*Certiorari Denied*

No. 16–217. LENZ *v.* UNIVERSAL MUSIC CORP. ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 815 F. 3d 1145.

No. 16–837. LAUREL-ABARCA *v.* SESSIONS, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied.

No. 16–952. SINGH *v.* SESSIONS, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied. Reported below: 835 F. 3d 880.

No. 16–1016. MACY’S, INC. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 5th Cir. Certiorari denied. Reported below: 824 F. 3d 557.

No. 16–1063. WILCHCOMBE ET AL. *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 838 F. 3d 1179.

No. 16–1068. NORTHEAST OHIO COALITION FOR THE HOMELESS ET AL. *v.* HUSTED, OHIO SECRETARY OF STATE, ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 837 F. 3d 612.

No. 16–1082. GARCIA ET AL. *v.* BLOOMBERG ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 662 Fed. Appx. 50.

No. 16–1085. ULTRAFLO CORP. *v.* PELICAN TANK PARTS, INC., ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 845 F. 3d 652.

No. 16–1089. NEW MIGHTY U. S. TRUST ET AL. *v.* YUEH-LAN WANG, BY AND THROUGH HER ATTORNEY-IN-FACT, WONG. C. A. D. C. Cir. Certiorari denied. Reported below: 843 F. 3d 487.

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No. 16–1106. COX COMMUNICATIONS, INC., ET AL. *v.* SPRINT COMMUNICATION Co. LP ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 838 F. 3d 1224.

No. 16–1110. BLOOMINGDALE’S, INC. *v.* VITOLO. C. A. 9th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 890.

No. 16–1113. MEYERS *v.* NICOLET RESTAURANT OF DE PERE, LLC. C. A. 7th Cir. Certiorari denied. Reported below: 843 F. 3d 724.

No. 16–1123. POLY-AMERICA, L. P. *v.* API INDUSTRIES, INC. C. A. Fed. Cir. Certiorari denied. Reported below: 839 F. 3d 1131.

No. 16–1151. FLOCK ET AL. *v.* DEPARTMENT OF TRANSPORTATION ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 840 F. 3d 49.

No. 16–1155. MILLER *v.* STAMM, PERSONAL REPRESENTATIVE OF THE ESTATE OF STAMM. C. A. 6th Cir. Certiorari denied. Reported below: 657 Fed. Appx. 492.

No. 16–1157. ACTIVELAF, LLC, DBA SKY ZONE LAFAYETTE, ET AL. *v.* DUHON; and ACTIVELAF, LLC, *v.* ALICEA ET AL. (Reported below: 2016–0708 (La. 10/19/16), 218 So. 3d 1001). Sup. Ct. La. Certiorari denied.

No. 16–1178. DONZIGER ET AL. *v.* CHEVRON CORP. C. A. 2d Cir. Certiorari denied. Reported below: 833 F. 3d 74.

No. 16–1214. CONOVER ET AL. *v.* FISHER ET AL. Ct. Sp. App. Md. Certiorari denied. Reported below: 229 Md. App. 720 and 722.

No. 16–1218. MARQUEZ ET AL. *v.* SUPERIOR COURT OF CALIFORNIA, TULARE COUNTY, ET AL. Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 16–1227. ROBERTSON *v.* EMI CHRISTIAN MUSIC GROUP, INC., ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 844 F. 3d 79.

No. 16–1229. MCKINLEY *v.* LEGRAND, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 610.

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No. 16–1232. *BACH v. LABOR AND INDUSTRY REVIEW COMMISSION ET AL.* Ct. App. Wis. Certiorari denied. Reported below: 2016 WI App 80, 372 Wis. 2d 184, 888 N. W. 2d 23.

No. 16–1234. *DAVIS ET AL. v. JPMORGAN CHASE BANK N. A.* App. Ct. Conn. Certiorari denied.

No. 16–1243. *JONES v. ADMINISTRATIVE OFFICE OF THE COURTS, MARYLAND JUDICIARY.* C. A. 4th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 160.

No. 16–1260. *R. J. REYNOLDS TOBACCO CO., AS SUCCESSOR IN INTEREST TO LORILLARD TOBACCO CO. v. MICHIGAN DEPARTMENT OF TREASURY.* Ct. App. Mich. Certiorari denied.

No. 16–1264. *LUCAS, INDIVIDUALLY, AS WIDOW AND WRONGFUL DEATH BENEFICIARY, AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF LUCAS, DECEASED, ET AL. v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 664 Fed. Appx. 333.

No. 16–1267. *NORBER v. FEDERAL AVIATION ADMINISTRATION.* C. A. 11th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 911.

No. 16–1269. *ZIOBER v. BLB RESOURCES, INC.* C. A. 9th Cir. Certiorari denied. Reported below: 839 F. 3d 814.

No. 16–1272. *RAPLEE, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF RAPLEE v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 842 F. 3d 328.

No. 16–1273. *WIEST v. CINCINNATI BAR ASSN.* Sup. Ct. Ohio. Certiorari denied. Reported below: 148 Ohio St. 3d 683, 2016-Ohio-8166, 72 N. E. 3d 621.

No. 16–1315. *MELVIN v. NAYLOR ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 115.

No. 16–1326. *BRIGHAM ET AL. v. PATLA, STRAUS, ROBINSON & MOORE, P. A., ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 168.

No. 16–1358. *DIETRICH v. SOO LINE RAILROAD, DBA CANADIAN PACIFIC.* C. A. 8th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 403.

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No. 16–1377. TRUSTEES OF THE UPSTATE NEW YORK ENGINEERS PENSION FUND *v.* IVY ASSET MANAGEMENT ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 843 F. 3d 561.

No. 16–1383. SWECKER *v.* COLORADO. Ct. App. Colo. Certiorari denied.

No. 16–7182. SULLIVAN *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 16–7662. PIPER *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 839 F. 3d 1261.

No. 16–7686. BREWTON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 659 Fed. Appx. 998.

No. 16–7689. HERNANDEZ-CIFUENTES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 233.

No. 16–7756. DURHAM *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 659 Fed. Appx. 990.

No. 16–7869. HERNANDEZ-ESPINOZA *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 627 Fed. Appx. 210.

No. 16–7874. CANTU *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 665 Fed. Appx. 384.

No. 16–7883. FRITTS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 841 F. 3d 937.

No. 16–8003. HUNNICUTT *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 664 Fed. Appx. 521.

No. 16–8054. MCCANDLESS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 841 F. 3d 819.

No. 16–8072. SEABROOKS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 839 F. 3d 1326.

No. 16–8186. CULBRETH *v.* ALABAMA. Sup. Ct. Ala. Certiorari denied.

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No. 16–8192. *CERVANTES-SANDOVAL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 315.

No. 16–8336. *PETERS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 843 F. 3d 572.

No. 16–8357. *BURGENER v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 1 Cal. 5th 461, 376 P. 3d 659.

No. 16–8448. *GREENE v. NEVADA*. Sup. Ct. Nev. Certiorari denied. Reported below: 132 Nev. 973.

No. 16–8536. *SALDIERNA-ROJAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 447.

No. 16–8689. *HOLMAN v. IOWA*. Ct. App. Iowa. Certiorari denied. Reported below: 888 N. W. 2d 902.

No. 16–8701. *KOBE v. MCMASTER, GOVERNOR OF SOUTH CAROLINA, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 666 Fed. Appx. 281.

No. 16–8706. *STEWART v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 141602–U.

No. 16–8711. *SCOTT v. WRIGHT ET AL.* Sup. Ct. Ga. Certiorari denied.

No. 16–8722. *SCHOONOVER v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 16–8727. *R. M. v. COMMITTEE ON CHARACTER AND FITNESS*. Ct. App. N. Y. Certiorari denied. Reported below: 27 N. Y. 3d 950, 49 N. E. 3d 1205.

No. 16–8728. *WILLIAMS v. TEXAS*. Ct. App. Tex., 1st Dist. Certiorari denied. Reported below: 499 S. W. 3d 498.

No. 16–8739. *CAMICK v. WATTLEY ET AL.* C. A. 10th Cir. Certiorari denied.

No. 16–8740. *BOSTICK v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 948.

No. 16–8741. *LEE v. MACOMBER*. C. A. 9th Cir. Certiorari denied.

No. 16–8743. *KEY v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

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No. 16–8750. *SAMPSON v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 16–8753. *CAISON v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 16–8757. *WHITNUM-BAKER v. BAKER*. App. Ct. Conn. Certiorari denied. Reported below: 161 Conn. App. 227, 127 A. 3d 330.

No. 16–8779. *HESS v. WOODS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 16–8797. *BYFORD v. NEVADA*. Sup. Ct. Nev. Certiorari denied. Reported below: 132 Nev. 951, 385 P. 3d 35.

No. 16–8806. *HARDY v. RIVARD, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 16–8818. *STAMPS, AKA STAMPS BEY v. HAAS, WARDEN*. Sup. Ct. Mich. Certiorari denied.

No. 16–8824. *ARMSTRONG v. UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA*. C. A. 11th Cir. Certiorari denied.

No. 16–8827. *FLOYD v. HOFFNER, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 16–8830. *LAMPKIN v. BROCK*. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 16–8845. *HART v. BERRYHILL, ACTING COMMISSIONER OF SOCIAL SECURITY*. C. A. 6th Cir. Certiorari denied.

No. 16–8851. *McKENZIE v. SESSIONS, ATTORNEY GENERAL*. C. A. 11th Cir. Certiorari denied.

No. 16–8859. *M. B. v. OHIO*. Ct. App. Ohio, 5th App. Dist., Ashland County. Certiorari denied. Reported below: 2016-Ohio-4780.

No. 16–8860. *C. B. v. OHIO*. Ct. App. Ohio, 5th App. Dist., Ashland County. Certiorari denied. Reported below: 2016-Ohio-4779.

No. 16–8890. *LYNCH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 665 Fed. Appx. 607.

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No. 16–8903. *NUSHAWN W., AKA JOHNSON v. NEW YORK*. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 139 App. Div. 3d 1375, 31 N. Y. S. 3d 362.

No. 16–8932. *GILLILAND v. KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION*. C. A. 8th Cir. Certiorari denied.

No. 16–8938. *MALDONADO v. GILMORE, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GREENE, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 16–8939. *ODUESO v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 369 N. C. 486, 795 S. E. 2d 367.

No. 16–8958. *COACH v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 16–9004. *SIMPSON v. ECKSTEIN, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 16–9020. *TOWNSEND v. RICHARDSON, WARDEN*. Ct. App. Wis. Certiorari denied.

No. 16–9060. *OWEN v. OFFICE OF PERSONNEL MANAGEMENT*. C. A. Fed. Cir. Certiorari denied. Reported below: 659 Fed. Appx. 652.

No. 16–9117. *ESTRADA-JIMENEZ v. ECKSTEIN, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 16–9118. *SCHAEFER v. WISCONSIN*. Ct. App. Wis. Certiorari denied. Reported below: 2017 WI App 1, 372 Wis. 2d 833, 890 N. W. 2d 49.

No. 16–9131. *CLARDY v. NIKE, INC., ET AL.* Ct. App. Ore. Certiorari denied. Reported below: 279 Ore. App. 811, 381 P. 3d 1100.

No. 16–9133. *JONES v. NEVEN, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 490.

No. 16–9134. *JONES v. SKOLNIK ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 560.

No. 16–9144. *BARNETT v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. Reported below: 300 Ga. 551, 796 S. E. 2d 653.

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No. 16–9148. *WRIGHT v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 844 F. 3d 759.

No. 16–9152. *ROGERS v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS*. C. A. 10th Cir. Certiorari denied.

No. 16–9163. *STONE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 469.

No. 16–9164. *SCARLETT v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 848 F. 3d 524 and 677 Fed. Appx. 21.

No. 16–9166. *JENKINS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 849 F. 3d 390.

No. 16–9172. *WILLIAMS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 684 Fed. Appx. 661.

No. 16–9174. *WILES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 16–9176. *LEE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 16–9183. *BAUTISTA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 677 Fed. Appx. 394.

No. 16–9184. *BLACKMON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 16–9185. *ROSALES-ACOSTA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 679 Fed. Appx. 860.

No. 16–9192. *HARRINGTON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 814 F. 3d 896.

No. 16–9195. *NEMAN, AKA DAVATGARZADEH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 649.

No. 16–9197. *LEWIS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 16–9204. *BEAR v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 844 F. 3d 981.

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No. 16–9206. *ANDRADE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 397.

No. 16–9209. *HELMER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 16–9210. *FERNANDEZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 636 Fed. Appx. 71.

No. 16–9211. *GODFREY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 201.

No. 16–9212. *FRANCISCO HERRERA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 16–9223. *COOK v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 16–9225. *KRASNIQI ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 16–9227. *MONSHIZADEH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 679 Fed. Appx. 359.

No. 16–9229. *GARCIA-MARTINEZ v. UNITED STATES* (Reported below: 680 Fed. Appx. 278); and *RIOS-OJEDA v. UNITED STATES* (677 Fed. Appx. 168). C. A. 5th Cir. Certiorari denied.

No. 16–866. *CONNECTICUT v. DICKSON*. Sup. Ct. Conn. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 322 Conn. 410, 141 A. 3d 810.

No. 16–1084. *FREDERICKSEN v. OLSEN ET AL.* Ct. App. Iowa. Motion of Concerned United Birthparents, Inc., for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 888 N. W. 2d 682.

No. 16–1224. *FLORIDA v. K. C., A CHILD*. Dist. Ct. App. Fla., 4th Dist. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 207 So. 3d 951.

No. 16–1230. *CUNNINGHAM ET VIR v. JACKSON HOLE MOUNTAIN RESORT CORP.* C. A. 10th Cir. Certiorari denied. JUS-

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TICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 673 Fed. Appx. 841.

No. 16–1236. QUINN ET AL. *v.* CITY OF DETROIT, MICHIGAN, ET AL. C. A. 6th Cir. Motion of Ad Hoc Committee of Allied Nevada, Inc., Shareholders for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 838 F. 3d 792.

No. 16–1252. FLORIDA *v.* JOHNSON. Sup. Ct. Fla. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 205 So. 3d 1285.

No. 16–1304. NTCH, INC. *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL. C. A. D. C. Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. Reported below: 841 F. 3d 497.

No. 16–1376. WHISENANT *v.* SHERIDAN PRODUCTION CO., LLC. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition.

No. 16–6786. VERDIN-GARCIA ET AL. *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 824 F. 3d 1218.

No. 16–7953. GILMORE *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 841 F. 3d 909.

No. 16–9214. GARCIA *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. 16–1091. HILL *v.* SUWANNEE RIVER WATER MANAGEMENT DISTRICT, 581 U. S. 960;

No. 16–7610. MINARD *v.* WAL-MART STORES, INC., 580 U. S. 1206;

No. 16–7914. JOHNSON *v.* KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, ET AL., 581 U. S. 923;

No. 16–8010. BYERS *v.* UNITED STATES, 580 U. S. 1222;

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No. 16–8144. *DUNLAP v. HORTON, WARDEN*, 581 U. S. 925;  
No. 16–8175. *WILLIAMS v. PFISTER, WARDEN*, 581 U. S. 925;  
No. 16–8221. *ANDREWS v. CASSADY, WARDEN*, 581 U. S. 963;  
No. 16–8274. *JORDAN v. UNITED STATES*, 581 U. S. 927;  
No. 16–8397. *MITCHELL v. NEW YORK UNIVERSITY ET AL.*,  
581 U. S. 964; and  
No. 16–8556. *IN RE RAY*, 581 U. S. 937. Petitions for rehear-  
ing denied.

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*Certiorari Granted—Reversed and Remanded.* No. 16–992, *ante*,  
p. 563.

*Certiorari Granted—Vacated and Remanded*

No. 16–7806. *HICKS v. UNITED STATES*. 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 the position asserted by the Acting Solicitor General in his brief for the United States filed on May 1, 2017. Reported below: 669 Fed. Appx. 213.

JUSTICE GORSUCH, concurring.

Everyone agrees that Mr. Hicks was wrongly sentenced to a 20-year mandatory minimum sentence under a now-defunct statute. True, Mr. Hicks didn't argue the point in the court of appeals. But before us the government admits his sentence is plainly wrong as a matter of law, and it's simple enough to see the government is right. Of course, to undo and revise a sentence under the plain error standard, a court must not only (1) discern an error, that error must (2) be plain, (3) affect the defendant's substantial rights, and (4) implicate the fairness, integrity, or public reputation of judicial proceedings. *United States v. Olano*, 507 U. S. 725, 732 (1993). And while the government concedes the first two legal elements of the plain error test, it asks us to remand the case to the court of appeals for it to resolve the latter two questions in the first instance.

I cannot think of a good reason to say no. When this Court identifies a legal error, it routinely remands the case so the court of appeals may resolve whether the error was harmless in light of other proof in the case—and so decide if the judgment must be revised under Federal Rule of Criminal Procedure 52(a). After

identifying an unpreserved but plain legal error, this Court likewise routinely remands the case so the court of appeals may resolve whether the error affected the defendant's substantial rights and implicated the fairness, integrity, or public reputation of judicial proceedings—and so (again) determine if the judgment must be revised, this time under Rule 52(b). We remand in cases like these not only when we are certain that curing the error will yield a different outcome, but also in cases where we think there's a reasonable probability that will happen. See, e.g., *Skilling v. United States*, 561 U.S. 358, 414 (2010) (harmless error); *Tapia v. United States*, 564 U.S. 319, 335 (2011) (plain error); *United States v. Marcus*, 560 U.S. 258, 266–267 (2010) (plain error).

To know this much is to know what should be done in our current case. A plain legal error infects this judgment—a man was wrongly sentenced to 20 years in prison under a defunct statute. No doubt, too, there's a reasonable probability that cleansing this error will yield a different outcome. Of course, Mr. Hicks's conviction won't be undone, but the sentencing component of the district court's judgment is likely to change, and change substantially. For experience surely teaches that a defendant entitled to a sentence consistent with 18 U.S.C. § 3553(a)'s parsimony provision, rather than pursuant to the rigors of a statutory mandatory minimum, will often receive a much lower sentence. So there can be little doubt Mr. Hicks's substantial rights are, indeed, implicated. Cf. *Molina-Martinez v. United States*, 578 U.S. 189, 204 (2016). When it comes to the fourth prong of plain error review, it's clear Mr. Hicks also enjoys a reasonable probability of success. For who wouldn't hold a rightly diminished view of our courts if we allowed individuals to linger longer in prison than the law requires only because we were unwilling to correct our own obvious mistakes? Cf. *United States v. Sabillon-Umana*, 772 F.3d 1328, 1333 (CA10 2014).

Now this Court has no obligation to rove about looking for errors to correct in every case in this large country, and I agree with much in Justice Scalia's dissent in *Nunez v. United States*, 554 U.S. 911, 911–913 (2008), suggesting caution. For example, it rightly counsels against vacating a judgment when we harbor doubts about a confession of error or when the confession bears the marks of gamesmanship. Nor should we take the government's word for it and vacate a judgment when we cannot with ease determine the existence of an error of federal law. Or when

independent and untainted legal grounds appear to exist that would support the judgment anyway. Or when lightly accepting a confession of error could lead to a circuit conflict or interfere with the administration of state law. No doubt other reasons too will often counsel against intervening. But, respectfully, I am unaware of any such reason here. Besides, if the only remaining objection to vacating the judgment here is that, despite our precedent routinely permitting the practice, we should be wary of remanding a case without first deciding for ourselves the latter elements of the plain error test, that task is so easily done in this case that I cannot think why it should not be done. Indeed, the lone peril in the present case seems to me the possibility that we might permit the government to deny someone his liberty longer than the law permits only because we refuse to correct an obvious judicial error.

CHIEF JUSTICE ROBERTS, with whom JUSTICE THOMAS joins, dissenting.

Petitioner Marcus Deshaw Hicks pleaded guilty to conspiracy to possess with intent to distribute crack cocaine in violation of federal law. Between the time Hicks was sentenced for that crime and his direct appeal, this Court decided *Dorsey v. United States*, 567 U. S. 260 (2012), holding that the Fair Sentencing Act applies to defendants like Hicks whose crimes predated the effective date of the Act but who were sentenced after that date. On direct appeal Hicks failed to argue that *Dorsey* entitled him to a reduced sentence. Presented with no such claim, the Fifth Circuit affirmed. Hicks now seeks certiorari.

The Government's response is not to concede that the Fifth Circuit's judgment was wrong. Rather it is to request that this Court vacate that judgment and send the case back to the Fifth Circuit so that the Court of Appeals may conduct plain error review. My colleague concurring in this Court's order "cannot think of a good reason to say no." *Ante*, at 924 (opinion of GORSUCH, J.). After all, Hicks was "wrongly sentenced to a 20-year mandatory minimum sentence under a now-defunct statute." *Ibid.* But, as the Government itself acknowledges, that gets us past only the first two prongs of this Court's four-prong test for plain error: There was an error and the error was plain in light of *Dorsey*. See *Puckett v. United States*, 556 U. S. 129, 134–135 (2009). The Government does not contend that Hicks also satis-

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fies prongs three and four of the test for plain error and that the judgment below rejecting Hicks's claim was therefore wrong. Brief in Opposition 12–13. No matter, says my colleague, because the outcome on remand is a no-brainer. But without a determination from this Court that the judgment below was wrong or at least a concession from the Government to that effect, we should not, in my view, vacate the Fifth Circuit's judgment. See *Nunez v. United States*, 554 U. S. 911 (2008) (Scalia, J., dissenting).

No. 16–7835. *JOHNSON 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 the position asserted by respondent in its brief filed on May 10, 2017.

THE CHIEF JUSTICE, with whom JUSTICE THOMAS, JUSTICE ALITO, and JUSTICE GORSUCH join, dissenting.

The Court vacates the judgment below in light of the position asserted by respondent in its brief. That position is that the Court should vacate a state court judgment for further consideration in light of *Ex parte Beckworth*, 190 So. 3d 571 (Ala. 2013). *Beckworth* is a state court decision that turns entirely on state procedural law. It was expressly called to the attention of the state courts, which declined to upset the decision below in light of it. Reply to Brief in Opposition 2, n. 1. The question presented concerns state collateral review—purely a creature of state law that need not be provided at all. Whatever one's view on the propriety of our practice of vacating judgments based on positions of the parties, see *Hicks v. United States*, *supra*, p. 924, the Court's decision to vacate this state court judgment is truly extraordinary. I respectfully dissent.

*Certiorari Dismissed*

No. 16–8825. *HOPKINS v. ILLINOIS WORKERS' COMPENSATION COMMISSION ET AL.* C. A. 7th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 16–8834. *WILSON v. CALIFORNIA*. Sup. Ct. Cal. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 16–9085. *AZEEZ v. WEST VIRGINIA ET AL.* Sup. Ct. App. W. Va. Motion of petitioner for leave to proceed *in forma pau-*

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*peris* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 16–9305. *ELLIS v. UNITED STATES*. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

*Miscellaneous Orders*

No. D–2959. *IN RE DISBARMENT OF SAFAVIAN*. Disbarment entered. [For earlier order herein, see 581 U. S. 914.]

No. 16M141. *ANGHEL v. ELIA, COMMISSIONER, NEW YORK STATE DEPARTMENT OF EDUCATION, ET AL.*;

No. 16M142. *SWART v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, ET AL.*; and

No. 16M143. *COBBERT v. STEVENSON, WARDEN*. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 16M144. *STANCU v. STARWOOD HOTELS & RESORTS WORLDWIDE, INC., ET AL.* Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record denied.

No. 147, Orig. *NEW MEXICO v. COLORADO*. Motion for leave to file bill of complaint denied. JUSTICE THOMAS and JUSTICE ALITO would grant the motion for the reasons stated in *Nebraska v. Colorado*, 577 U. S. 1211 (2016) (THOMAS, J., dissenting). [For earlier order herein, see 580 U. S. 995.]

No. 16–1071. *SOKOLOW ET AL. v. PALESTINE LIBERATION ORGANIZATION ET AL.* C. A. 2d Cir.;

No. 16–1102. *SAMSUNG ELECTRONICS CO., LTD., ET AL. v. APPLE INC.* C. A. Fed. Cir.;

No. 16–1180. *BREWER, FORMER GOVERNOR OF ARIZONA, ET AL. v. ARIZONA DREAM ACT COALITION ET AL.* C. A. 9th Cir.; and

No. 16–1220. *ANIMAL SCIENCE PRODUCTS, INC., ET AL. v. HEBEI WELCOME PHARMACEUTICAL CO. LTD. ET AL.* C. A. 2d Cir. The Acting Solicitor General is invited to file briefs in these cases expressing the views of the United States.

No. 16–1422. *IN RE ARPAIO*. Motion of petitioner to expedite consideration of petition for writ of mandamus denied.

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No. 16–8508. *IN RE KOH*. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [581 U. S. 958] denied.

No. 16–9003. *CARLOS DIAZ v. SESSIONS, ATTORNEY GENERAL*. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until July 17, 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. 16–9399. *IN RE HARTMAN*. Petition for writ of habeas corpus denied.

*Certiorari Granted*. (See also Nos. 16–1436 and 16–1540, *ante*, p. 571.)

No. 16–1276. *DIGITAL REALTY TRUST, INC. v. SOMERS*. C. A. 9th Cir. *Certiorari granted*. Reported below: 850 F. 3d 1045.

No. 16–111. *MASTERPIECE CAKESHOP, LTD., ET AL. v. COLORADO CIVIL RIGHTS COMMISSION ET AL.* Ct. App. Colo. Motion of Foundation for Moral Law for leave to file brief as *amicus curiae* granted. *Certiorari granted*. Reported below: 370 P. 3d 272.

*Certiorari Denied*

No. 15–888. *GARCIA DE LA PAZ ET AL. v. COY ET AL.* C. A. 5th Cir. *Certiorari denied*. Reported below: 786 F. 3d 367.

No. 15–1305. *BEAVEX, INC. v. COSTELLO ET AL.* C. A. 7th Cir. *Certiorari denied*. Reported below: 810 F. 3d 1045.

No. 15–1345. *ALI v. WARFAA*; and

No. 15–1464. *WARFAA v. ALI*. C. A. 4th Cir. *Certiorari denied*. Reported below: 811 F. 3d 653.

No. 16–481. *TV AZTECA, S. A. B. DE C. V., ET AL. v. TREVINO RUIZ, INDIVIDUALLY AND ON BEHALF OF HER MINOR CHILD, A. G. J. T., ET AL.* Sup. Ct. Tex. *Certiorari denied*. Reported below: 490 S. W. 3d 29.

No. 16–789. *HINRICHS v. GENERAL MOTORS OF CANADA, LTD.* Sup. Ct. Ala. *Certiorari denied*. Reported below: 222 So. 3d 1114.

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No. 16–879. *ALVAREZ v. SKINNER, FIELD OFFICE DIRECTOR, IMMIGRATION AND CUSTOMS ENFORCEMENT, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 818 F. 3d 1194.

No. 16–971. *VILLARREAL v. R. J. REYNOLDS TOBACCO CO. ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 839 F. 3d 958.

No. 16–975. *MIDWEST FENCE CORP. v. DEPARTMENT OF TRANSPORTATION ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 840 F. 3d 932.

No. 16–988. *SILVER v. CHEEKTOWAGA CENTRAL SCHOOL DISTRICT ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 670 Fed. Appx. 21.

No. 16–999. *NEGRON v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 837 F. 3d 91.

No. 16–1010. *BOMBARDIER AEROSPACE CORP. v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 831 F. 3d 268.

No. 16–1013. *FLORIDA DEPARTMENT OF REVENUE v. LAZARO GONZALEZ.* C. A. 11th Cir. Certiorari denied. Reported below: 832 F. 3d 1251.

No. 16–1056. *BLACK v. DIXIE CONSUMER PRODUCTS LLC ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 835 F. 3d 579.

No. 16–1075. *COUTTS v. WATSON.* C. A. 3d Cir. Certiorari denied. Reported below: 834 F. 3d 417.

No. 16–1095. *GRANADOS v. SESSIONS, ATTORNEY GENERAL.* C. A. 3d Cir. Certiorari denied. Reported below: 677 Fed. Appx. 813.

No. 16–1130. *SANTANDER HOLDINGS USA, INC., AND SUBSIDIARIES, FKA SOVEREIGN BANCORP, INC. v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 844 F. 3d 15.

No. 16–1141. *PAYNE v. WEST VIRGINIA.* Sup. Ct. App. W. Va. Certiorari denied. Reported below: 239 W. Va. 247, 800 S. E. 2d 833.

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No. 16–1172. *HOFFMAN v. NORDIC NATURALS, INC.* C. A. 3d Cir. Certiorari denied. Reported below: 837 F. 3d 272.

No. 16–1198. *PATRIOTIC VETERANS, INC. v. HILL, ATTORNEY GENERAL OF INDIANA.* C. A. 7th Cir. Certiorari denied. Reported below: 845 F. 3d 303.

No. 16–1208. *BOURNE VALLEY COURT TRUST v. WELLS FARGO BANK, N. A.* C. A. 9th Cir. Certiorari denied. Reported below: 832 F. 3d 1154.

No. 16–1225. *HEAVEN v. COLORADO.* Ct. App. Colo. Certiorari denied.

No. 16–1237. *WYATT v. GILMARTIN ET AL.* Sup. Ct. N. H. Certiorari denied.

No. 16–1245. *MUNOZ v. GOLDEN EAGLE INSURANCE CORP.* Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 16–1248. *BHARDWAJ v. PATHAK ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 763.

No. 16–1254. *JONES v. GROSS ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 266.

No. 16–1261. *SWITZER, INDIVIDUALLY AND AS INDEPENDENT EXECUTRIX OF THE ESTATE OF SWITZER v. VAUGHAN.* Ct. App. Tex., 5th Dist. Certiorari denied.

No. 16–1262. *SCHAFFER ET AL. v. BERINGER ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 842 F. 3d 585.

No. 16–1289. *DCV IMPORTS, LLC v. BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.* C. A. 7th Cir. Certiorari denied. Reported below: 838 F. 3d 914.

No. 16–1291. *SILVER v. QUORA, INC.* C. A. 10th Cir. Certiorari denied. Reported below: 666 Fed. Appx. 727.

No. 16–1292. *TRITZ v. BRENNAN, POSTMASTER GENERAL.* C. A. 9th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 446.

No. 16–1295. *GRUMAZESCU v. SESSIONS, ATTORNEY GENERAL.* C. A. 9th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 318.

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No. 16–1297. *CHINNIAH ET UX. v. UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA* (Reported below: 670 Fed. Appx. 59); and *CHINNIAH ET UX. v. EAST PENNSBORO TOWNSHIP, PENNSYLVANIA, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 16–1313. *SEASIDE FARM, INC. v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 842 F. 3d 853.

No. 16–1319. *PADMANABHAN v. KASSLER ET AL.* C. A. 1st Cir. Certiorari denied.

No. 16–1328. *BECK ET AL. v. SHULKIN, SECRETARY OF VETERANS AFFAIRS, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 848 F. 3d 262.

No. 16–1331. *HAMPTON v. McCABE, ACTING DIRECTOR, FEDERAL BUREAU OF INVESTIGATION, ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 16–1338. *FORD v. ARTIGA ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 657 Fed. Appx. 710.

No. 16–1345. *COATY v. BERRYHILL, ACTING COMMISSIONER OF SOCIAL SECURITY.* C. A. 9th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 787.

No. 16–1346. *STRAW v. INDIANA SUPREME COURT.* Sup. Ct. Ind. Certiorari denied. Reported below: 68 N. E. 3d 1070.

No. 16–1347. *CALHOUN v. DEPARTMENT OF THE ARMY.* C. A. Fed. Cir. Certiorari denied. Reported below: 845 F. 3d 1176.

No. 16–1353. *KORMAN ET AL. v. UNITED STATES.* Sup. Ct. Mont. Certiorari denied. Reported below: 386 Mont. 397, 386 P. 3d 618.

No. 16–1368. *APPISTRY, LLC v. AMAZON.COM, INC., ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 676 Fed. Appx. 1008.

No. 16–1375. *BARRETT v. GREENUP ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 679 Fed. Appx. 525.

No. 16–1379. *LONG ET AL. v. COUNTY OF ARMSTRONG, PENNSYLVANIA, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 679 Fed. Appx. 221.

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No. 16–1388. *EUGSTER v. WASHINGTON STATE BAR ASSN. ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 684 Fed. Appx. 618.

No. 16–1396. *BORDA v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied. Reported below: 848 F. 3d 1044.

No. 16–1404. *INTERMEC, INC., ET AL. v. ALIEN TECHNOLOGY, LLC.* C. A. Fed. Cir. Certiorari denied. Reported below: 664 Fed. Appx. 962.

No. 16–1412. *ALTOMARE v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 956.

No. 16–6387. *LOOMIS v. WISCONSIN.* Sup. Ct. Wis. Certiorari denied. Reported below: 2016 WI 68, 371 Wis. 2d 235, 881 N. W. 2d 749.

No. 16–6725. *JEFFERSON v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 816 F. 3d 1016.

No. 16–6925. *MILLER v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 829 F. 3d 519.

No. 16–7346. *McFADDEN v. ILLINOIS.* Sup. Ct. Ill. Certiorari denied. Reported below: 2016 IL 117424, 61 N. E. 3d 74.

No. 16–7503. *SIMMONDS, AKA PARKER v. SESSIONS, ATTORNEY GENERAL.* C. A. 2d Cir. Certiorari denied. Reported below: 649 Fed. Appx. 44.

No. 16–7716. *JACKSON v. BRYSON, COMMISSIONER, GEORGIA DEPARTMENT OF CORRECTIONS, ET AL.* Sup. Ct. Ga. Certiorari denied. Reported below: 299 Ga. 751, 791 S. E. 2d 43.

No. 16–7762. *MARION v. JACKSON, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 663 Fed. Appx. 378.

No. 16–7986. *MATLACK v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 674 Fed. Appx. 869.

No. 16–7994. *JENKINS v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 659 Fed. Appx. 1.

No. 16–8037. *SCOTT v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 664 Fed. Appx. 232.

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No. 16–8043. *WILLIAMS v. ILLINOIS*. App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 2016 IL App (3d) 120840, 65 N. E. 3d 848.

No. 16–8052. *MINNIS v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 2016 IL 119563, 67 N. E. 3d 272.

No. 16–8053. *PERKINS v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 150889, 63 N. E. 3d 207.

No. 16–8482. *MCCLLOUD v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 16–8526. *BELTON v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 149 Ohio St. 3d 165, 2016-Ohio-1581, 74 N. E. 3d 319.

No. 16–8699. *FERRER ET AL. v. YELLEN, CHAIR, BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 659 Fed. Appx. 982.

No. 16–8710. *AMODEO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 16–8733. *THARPE v. SELLERS, WARDEN*. C. A. 11th Cir. Certiorari denied. Reported below: 834 F. 3d 1323.

No. 16–8752. *DAMPIER v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2015 IL App (1st) 131971–U.

No. 16–8766. *CORDOVANO v. PETERSON ET AL.* C. A. 11th Cir. Certiorari denied.

No. 16–8771. *YABLONSKY v. PARAMO, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 16–8774. *MUNOZ v. TEXAS*. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 16–8781. *FULLER v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 16–8791. *SHREVES v. PIRANIAN ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 740.

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No. 16–8792. *WILLIAMS v. KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION*. C. A. 8th Cir. Certiorari denied.

No. 16–8793. *DAVIES v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 16–8802. *EDWARDS v. SHERMAN, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 16–8804. *CARPENTER v. STRAHOTA, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 840 F. 3d 867.

No. 16–8807. *LOVINGS v. TEXAS*. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 16–8812. *CUMMINGS v. INTERNATIONAL UNION SECURITY POLICE AND FIRE PROFESSIONALS OF AMERICA (SPFPA), LOCAL 555, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 103.

No. 16–8813. *WILLIAMS v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 1 Cal. 5th 1166, 384 P. 3d 1162.

No. 16–8817. *CARRASQUILLO v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 212 So. 3d 364.

No. 16–8821. *BELL v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 236 So. 3d 155.

No. 16–8822. *CROWDER v. ILLINOIS*. App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 2016 IL App (3d) 140030–U.

No. 16–8823. *BLAND v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 16–8829. *GABLE v. BLADES, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 16–8831. *MACK v. LAUGHLIN, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 16–8832. *WHITE v. BETHESDA PROJECT INC.* C. A. 3d Cir. Certiorari denied. Reported below: 672 Fed. Appx. 218.

No. 16–8835. *YANEY v. SUPERIOR COURT OF CALIFORNIA, RIVERSIDE COUNTY, ET AL.* Sup. Ct. Cal. Certiorari denied.

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No. 16–8836. *WILLIAMS v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 209 So. 3d 543.

No. 16–8837. *THOMAS v. PARKER ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 328.

No. 16–8841. *GREEN v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 16–8843. *GUERRERO v. OFFICE OF ADMINISTRATIVE HEARINGS*. Ct. App. Ariz. Certiorari denied.

No. 16–8852. *FARQUHARSON ET AL. v. CITIBANK, N. A., ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 664 Fed. Appx. 793.

No. 16–8853. *ENCALADO v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2015 IL App (1st) 132671–U.

No. 16–8864. *BEY v. WINGARD, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SOMERSET, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 16–8865. *BROWN v. THOMAS, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 16–8866. *ARUANNO v. DAVIS ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 679 Fed. Appx. 213.

No. 16–8869. *HETTINGA v. CANTIL-SAKAUYE ET AL.* C. A. 9th Cir. Certiorari denied.

No. 16–8872. *GARCIA GOMEZ v. DEPARTMENT OF HOMELAND SECURITY*. C. A. 8th Cir. Certiorari denied.

No. 16–8876. *FULMORE v. FLORIDA*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 204 So. 3d 462.

No. 16–8882. *BROWN v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 16–8883. *BROWN v. MACLAREN, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 16–8886. *GONZALEZ ORDUNO v. LACKNER, WARDEN*. C. A. 9th Cir. Certiorari denied.

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No. 16–8891. *WON IL KIM v. HARRELL ET AL.* C. A. 8th Cir. Certiorari denied.

No. 16–8892. *MARTIN v. PARAMO, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 16–8905. *VENEY v. VIRGINIA.* Sup. Ct. Va. Certiorari denied.

No. 16–8912. *NEWELL v. LACKNER, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 16–8935. *CARPIO v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist., Div. 2. Certiorari denied.

No. 16–8936. *ELZEY v. KENT, WARDEN.* C. A. 5th Cir. Certiorari denied.

No. 16–8940. *PARKER v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 141597, 70 N. E. 3d 734.

No. 16–8946. *SCOTT v. NAYLOR ET AL.* C. A. 8th Cir. Certiorari denied.

No. 16–8963. *WILLIAMS v. STEELE, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER.* Sup. Ct. Mo. Certiorari denied.

No. 16–8975. *CAMPBELL v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 16–9010. *HAWLEY v. CLACKAMAS COUNTY CIRCUIT COURT ET AL.* C. A. 9th Cir. Certiorari denied.

No. 16–9032. *FIELDS v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

No. 16–9042. *ADESANYA v. SESSIONS, ATTORNEY GENERAL.* C. A. 9th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 581.

No. 16–9044. *CHARLTON v. OREGON DEPARTMENT OF CORRECTIONS ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 692.

No. 16–9049. *WELLS v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 133349–UB.

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No. 16–9065. *DARDEN v. TEGELS, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 16–9067. *MITCHELL v. KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION*. C. A. 8th Cir. Certiorari denied.

No. 16–9074. *CHI v. JONES*. C. A. 5th Cir. Certiorari denied.

No. 16–9084. *ARRIAGA v. DISTRICT ATTORNEY OF BRONX COUNTY, NEW YORK*. C. A. 2d Cir. Certiorari denied.

No. 16–9089. *CURRIE v. MERIT SYSTEMS PROTECTION BOARD*. C. A. Fed. Cir. Certiorari denied. Reported below: 679 Fed. Appx. 995.

No. 16–9091. *TASKOV v. SESSIONS, ATTORNEY GENERAL*. C. A. 5th Cir. Certiorari denied.

No. 16–9105. *RADILLA-ESQUIVEL v. TEXAS*. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 16–9116. *RIVERA v. LEWIS, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 139.

No. 16–9141. *WYNTER v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 29 N. Y. 3d 1002, 80 N. E. 3d 416.

No. 16–9147. *THOMPSON v. SPEER, ACTING SECRETARY OF THE ARMY*. C. A. 9th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 980.

No. 16–9149. *PETERMAN v. KANSAS*. Ct. App. Kan. Certiorari denied. Reported below: 52 Kan. App. 2d xxxvii, 362 P. 3d 1123.

No. 16–9156. *SILVA-HERNANDEZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 686 Fed. Appx. 12.

No. 16–9171. *NUNN v. KENTUCKY*. Ct. App. Ky. Certiorari denied.

No. 16–9190. *IOANE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 16–9201. *COVARRUBIAS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 847 F. 3d 556.

No. 16–9208. *GERIDEAU-WILLIAMS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

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No. 16–9221. *SCHENCK v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 212.

No. 16–9222. *CAMPILLO-RESTREPO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 948.

No. 16–9231. *HINCKLE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 308.

No. 16–9232. *HILL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 652 Fed. Appx. 835.

No. 16–9233. *GOMEZ-OLIVAS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 887.

No. 16–9234. *EDGAR F. v. BALLARD, WARDEN*. Sup. Ct. App. W. Va. Certiorari denied.

No. 16–9237. *FIELDS v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 142763–U.

No. 16–9243. *SIGILLITO v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 16–9247. *WEBB v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 679 Fed. Appx. 443.

No. 16–9249. *CAMPANA MORENO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 686 Fed. Appx. 470.

No. 16–9252. *POPE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 180.

No. 16–9253. *BITSINNIE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 680 Fed. Appx. 574.

No. 16–9257. *BUCKLEY v. RAY ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 848 F. 3d 855.

No. 16–9264. *VASQUEZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 16–9277. *DICKSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 609.

No. 16–9281. *LABELLE v. MERLAK, WARDEN*. C. A. 6th Cir. Certiorari denied.

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No. 16–9283. *SPENCER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 16–9286. *McDANIELS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 680 Fed. Appx. 274.

No. 16–9298. *VIERRA-GARCIA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 677 Fed. Appx. 193.

No. 16–9307. *ROSADO-TORO v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 16–9311. *REYNA-VASQUEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 379.

No. 16–9312. *ROMERO v. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 16–9314. *MITCHELL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 679 Fed. Appx. 259.

No. 16–9316. *PONCE-GUZMAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 677 Fed. Appx. 147.

No. 16–9320. *KELLY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 677 Fed. Appx. 633.

No. 16–9322. *MCGREW v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 846 F. 3d 277.

No. 16–9324. *CUADRA-NUNEZ v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 664 Fed. Appx. 349.

No. 16–9330. *CASBY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 16–9340. *ORANGE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 16–9343. *COFFEE v. UNITED STATES*; and

No. 16–9367. *DAVIS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 841 F. 3d 1253.

No. 16–9366. *CALDERON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

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No. 16–9381. TORRES SANTIAGO *v.* KAUFFMAN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HUNTINGDON, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–26. BULK JULIANA, LTD., ET AL. *v.* WORLD FUEL SERVICES (SINGAPORE) PTE, LTD. C. A. 5th Cir. Motion of Star Trident II, LLC, et al. for leave to file brief as *amici curiae* granted. Certiorari denied. Reported below: 822 F. 3d 766.

No. 16–673. GORDON *v.* CONSUMER FINANCIAL PROTECTION BUREAU. C. A. 9th Cir. Certiorari denied. JUSTICE KENNEDY took no part in the consideration or decision of this petition. Reported below: 819 F. 3d 1179.

No. 16–677. MATHIS *v.* SHULKIN, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. Certiorari denied. Reported below: 643 Fed. Appx. 968.

Statement of JUSTICE SOTOMAYOR respecting the denial of certiorari.

This petition raises important questions about how the Government carries out its obligations to our veterans. The Board of Veterans' Appeals (Board) applies a rebuttable presumption when reviewing veterans' disability claims: The medical examiner whose opinion the Department of Veterans Affairs (VA) relied on to deny a veteran's claim is presumed competent, absent a specific objection by the veteran. To raise an objection, a veteran needs to know the medical examiner's credentials. And yet, the VA does not provide veterans with that information as a matter of course. Nor does it always provide veterans with that information upon request. The only road to guaranteed access to an examiner's credentials runs through a Board order. The Board, however, has sometimes required the veteran to have already raised a specific objection to an examiner's competence before ordering the VA to provide the credentials. This places a veteran in a "catch-22" where she "must make a specific objection to an examiner's competence before she can learn the examiner's qualifications." *Mathis v. McDonald*, 834 F. 3d 1347, 1357 (CA Fed. 2016) (Reyna, J., dissenting from denial of rehearing en banc). As JUSTICE GORSUCH explains, see *post*, at 942, the Board's presumption is questionable. But the presumption is not the only problem. A decision by the VA to deny benefits in reliance on an examiner's opinion, while denying the veteran access to that

examiner's credentials, ensures that the presumption will work to the veteran's disadvantage. The petitioner here did not ask the VA to provide the examiner's credentials, and so this petition does not allow review of both the VA's practice and the Board's presumption. Full review would require a petition arising from a case in which the VA denied a veteran benefits after declining to provide the medical examiner's credentials. Until such a petition presents itself, staying our hand allows the Federal Circuit and the VA to continue their dialogue over whether the current system for adjudicating veterans' disability claims can be squared with the VA's statutory obligations to assist veterans in the development of their disability claims.

JUSTICE GORSUCH, dissenting.

Lower courts often presume that Department of Veterans Affairs medical examiners are competent to render expert opinions against veterans seeking compensation for disabilities they have suffered during military service. The VA appears to apply the same presumption in its own administrative proceedings.

But where does this presumption come from? It enjoys no apparent provenance in the relevant statutes. There Congress imposed on the VA an affirmative duty to assist—not impair—veterans seeking evidence for their disability claims. See 38 U. S. C. § 5103A(a)(1). And consider how the presumption works in practice. The VA usually refuses to supply information that might allow a veteran to challenge the presumption without an order from the Board of Veterans' Appeals. And that Board often won't issue an order unless the veteran can first supply a specific reason for thinking the examiner incompetent. No doubt this arrangement makes the VA's job easier. But how is it that an administrative agency may manufacture for itself or win from the courts a regime that has no basis in the relevant statutes and does nothing to assist, and much to impair, the interests of those the law says the agency is supposed to serve?

Now, you might wonder if our intervention is needed to remedy the problem. After all, a number of thoughtful colleagues on the Federal Circuit have begun to question the presumption's propriety. See *Mathis v. McDonald*, 834 F. 3d 1347 (2016). And this may well mean the presumption's days are numbered. But I would not wait in hope. The issue is of much significance to many today and, respectfully, it is worthy of this Court's attention.

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No. 16–847. *SESSIONS, ATTORNEY GENERAL, ET AL. v. BINDERUP ET AL.*; and

No. 16–983. *BINDERUP ET AL. v. SESSIONS, ATTORNEY GENERAL, ET AL.* C. A. 3d Cir. Certiorari denied. JUSTICE GINSBURG and JUSTICE SOTOMAYOR would grant the petitions for writs of certiorari. Reported below: 836 F. 3d 336.

No. 16–894. *PERUTA ET AL. v. CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 824 F. 3d 919.

JUSTICE THOMAS, with whom JUSTICE GORSUCH joins, dissenting.

The Second Amendment to the Constitution guarantees that “the right of the people to keep and bear Arm[s] shall not be infringed.” At issue in this case is whether that guarantee protects the right to carry firearms in public for self-defense. Neither party disputes that the issue is one of national importance or that the courts of appeals have already weighed in extensively. I would therefore grant the petition for a writ of certiorari.

## I

California generally prohibits the average citizen from carrying a firearm in public spaces, either openly or concealed. With a few limited exceptions, the State prohibits open carry altogether. Cal. Penal Code Ann. §§ 25850, 26350 (West 2012). It proscribes concealed carry unless a resident obtains a license by showing “good cause,” among other criteria, §§ 26150, 26155, and it authorizes counties to set rules for when an applicant has shown good cause, § 26160.

In the county where petitioners reside, the sheriff has interpreted “good cause” to require an applicant to show that he has a particularized need, substantiated by documentary evidence, to carry a firearm for self-defense. The sheriff’s policy specifies that “concern for one’s personal safety” does not “alone” satisfy this requirement. *Peruta v. County of San Diego*, 742 F. 3d 1144, 1148 (CA9 2014) (internal quotation marks omitted). Instead, an applicant must show “a set of circumstances that distinguish him from the mainstream and cause him to be placed in harm’s way.” *Id.*, at 1169 (internal quotation marks and alterations omitted). “[A] typical citizen fearing for his personal safety—by definition—cannot distinguish himself from the mainstream.” *Ibid.* (emphasis deleted; internal quotation marks and alterations omitted).

As a result, ordinary, “law-abiding, responsible citizens,” *District of Columbia v. Heller*, 554 U. S. 570, 635 (2008), may not obtain a permit for concealed carry of a firearm in public spaces.

Petitioners are residents of San Diego County (plus an association with numerous county residents as members) who are unable to obtain a license for concealed carry due to the county’s policy and, because the State generally bans open carry, are thus unable to bear firearms in public in any manner. They sued under Rev. Stat. § 1979, 42 U. S. C. § 1983, alleging that this near-total prohibition on public carry violates their Second Amendment right to bear arms. They requested declaratory and injunctive relief to prevent the sheriff from denying licenses based on his restrictive interpretation of “good cause,” as well as other “relief as the Court deems just and proper.” First Amended Complaint in No. 3:09-cv-02371 (SD Cal.), ¶¶ 149, 150, 152. The District Court granted respondents’ motion for summary judgment, and petitioners appealed to the Ninth Circuit.

In a thorough opinion, a panel of the Ninth Circuit reversed. 742 F. 3d 1144. The panel examined the constitutional text and this Court’s precedents, as well as historical sources from before the founding era through the end of the 19th century. *Id.*, at 1150–1166. Based on these sources, the court concluded that “the carrying of an operable handgun outside the home for the lawful purpose of self-defense . . . constitutes ‘bear[ing] Arms’ within the meaning of the Second Amendment.” *Id.*, at 1166. It thus reversed the District Court and held that the sheriff’s interpretation of “good cause” in combination with the other aspects of the State’s regime violated the Second Amendment’s command that a State “permit *some form* of carry for self-defense outside the home.” *Id.*, at 1172.

The Ninth Circuit *sua sponte* granted rehearing en banc and, by a divided court, reversed the panel decision. In the en banc court’s view, because petitioners specifically asked for the invalidation of the sheriff’s “good cause” interpretation, their legal challenge was limited to that aspect of the applicable regulatory scheme. The court thus declined to “answer the question of whether or to what degree the Second Amendment might or might not protect a right of a member of the general public to carry firearms openly in public.” *Peruta v. County of San Diego*, 824 F. 3d 919, 942 (2016). It instead held only that “the Second Amendment does not preserve or protect a right of a member of

the general public to carry *concealed* firearms in public.” *Id.*, at 924 (emphasis added).

## II

We should have granted certiorari in this case. The approach taken by the en banc court is indefensible, and the petition raises important questions that this Court should address. I see no reason to await another case.

## A

The en banc court’s decision to limit its review to whether the Second Amendment protects the right to concealed carry—as opposed to the more general right to public carry—was untenable. Most fundamentally, it was not justified by the terms of the complaint, which called into question the State’s regulatory scheme as a whole. See First Amended Complaint ¶63 (“Because California does not permit the open carriage of loaded firearms, concealed carriage with a [concealed carry] permit is the only means by which an individual can bear arms in public places”); *id.*, ¶74 (“States may not completely ban the carrying of handguns for self-defense”). And although the complaint specified the remedy that intruded least on the State’s overall regulatory regime—declaratory relief and an injunction against the sheriff’s restrictive interpretation of “good cause”—it also requested “[a]ny further relief as the Court deems just and proper.” *Id.*, ¶152.

Nor was the Ninth Circuit’s approach justified by the history of this litigation. The District Court emphasized that “the heart of the parties’ dispute” is whether the Second Amendment protects “the right to carry a loaded handgun in public, either openly or in a concealed manner.” *Peruta v. County of San Diego*, 758 F. Supp. 2d 1106, 1109 (SD Cal. 2010). As the Ninth Circuit panel pointed out, “[petitioners] argue that the San Diego County policy in light of the California licensing scheme *as a whole* violates the Second Amendment because it precludes a responsible, law-abiding citizen from carrying a weapon in public for the purpose of lawful self-defense in *any* manner.” 742 F. 3d, at 1171. The panel further observed that although petitioners “focu[s]” their challenge on the “licensing scheme for concealed carry,” this is “for good reason: acquiring such a license is the only practical avenue by which [they] may come lawfully to carry a gun for self-defense in San Diego County.” *Ibid.* Even the en banc court acknowledged that petitioners “base their argument on the en-

tirety of California’s statutory scheme” and “do *not* contend that there is a free-standing Second Amendment right to carry concealed firearms.” 824 F. 3d, at 927.

## B

Had the en banc Ninth Circuit answered the question actually at issue in this case, it likely would have been compelled to reach the opposite result. This Court has already suggested that the Second Amendment protects the right to carry firearms in public in some fashion. As we explained in *Heller*, to “bear arms” means to “‘wear, bear, or carry upon the person or in the clothing or in a pocket, for the purpose of being armed and ready for offensive or defensive action in a case of conflict with another person.’” 554 U. S., at 584 (quoting *Muscarello v. United States*, 524 U. S. 125, 143 (1998) (GINSBURG, J., dissenting); alterations and some internal quotation marks omitted). The most natural reading of this definition encompasses public carry. I find it extremely improbable that the Framers understood the Second Amendment to protect little more than carrying a gun from the bedroom to the kitchen. See *Drake v. Filko*, 724 F. 3d 426, 444 (CA3 2013) (Hardiman, J., dissenting) (“To speak of ‘bearing’ arms solely within one’s home not only would conflate ‘bearing’ with ‘keeping,’ in derogation of the [*Heller*] Court’s holding that the verbs codified distinct rights, but also would be awkward usage given the meaning assigned the terms by the Supreme Court”); *Moore v. Madigan*, 702 F. 3d 933, 936 (CA7 2012) (similar).

The relevant history appears to support this understanding. The panel opinion below pointed to a wealth of cases and secondary sources from England, the founding era, the antebellum period, and Reconstruction, which together strongly suggest that the right to bear arms includes the right to bear arms in public in some manner. See 742 F. 3d, at 1153–1166 (canvassing the relevant history in detail); Brief for National Rifle Association as *Amicus Curiae* 6–16. For example, in *Nunn v. State*, 1 Ga. 243 (1846)—a decision the *Heller* Court discussed extensively as illustrative of the proper understanding of the right, 554 U. S., at 612—the Georgia Supreme Court struck down a ban on open carry although it upheld a ban on concealed carry. 1 Ga., at 251. Other cases similarly suggest that, although some regulation of public carry is permissible, an effective ban on all forms of public carry is not. See, e. g., *State v. Reid*, 1 Ala. 612, 616–617 (1840)

“A statute which, under the pretence of regulating, amounts to a destruction of the right, or which requires arms to be so borne as to render them wholly useless for the purpose of defence, would be clearly unconstitutional”).

Finally, the Second Amendment’s core purpose further supports the conclusion that the right to bear arms extends to public carry. The Court in *Heller* emphasized that “self-defense” is “the *central component* of the [Second Amendment] right itself.” 554 U. S., at 599. This purpose is not limited only to the home, even though the need for self-defense may be “most acute” there. *Id.*, at 628. “Self-defense has to take place wherever the person happens to be,” and in some circumstances a person may be more vulnerable in a public place than in his own house. Volokh, *Implementing the Right To Keep and Bear Arms for Self-Defense: An Analytical Framework and a Research Agenda*, 56 UCLA L. Rev. 1443, 1515 (2009).

## C

Even if other Members of the Court do not agree that the Second Amendment likely protects a right to public carry, the time has come for the Court to answer this important question definitively. Twenty-six States have asked us to resolve the question presented, see Brief for Alabama et al. as *Amici Curiae*, and the lower courts have fully vetted the issue. At least four other Courts of Appeals and three state courts of last resort have decided cases regarding the ability of States to regulate the public carry of firearms. Those decisions (plus the one below) have produced thorough opinions on both sides of the issue. See *Drake*, 724 F. 3d 426, cert. denied *sub nom. Drake v. Jerejian*, 572 U. S. 1100 (2014); 724 F. 3d, at 440 (Hardiman, J., dissenting); *Woollard v. Gallagher*, 712 F. 3d 865 (CA4), cert. denied, 571 U. S. 952 (2013); *Kachalsky v. County of Westchester*, 701 F. 3d 81 (CA2 2012), cert. denied *sub nom. Kachalsky v. Cacace*, 569 U. S. 918 (2013); *Madigan*, 702 F. 3d 933; *id.*, at 943 (Williams, J., dissenting); *Commonwealth v. Gouse*, 461 Mass. 787, 800–802, 965 N. E. 2d 774, 785–786 (2012); *Williams v. State*, 417 Md. 479, 496, 10 A. 3d 1167, 1177 (2011); *Mack v. United States*, 6 A. 3d 1224, 1236 (D. C. 2010). Hence, I do not see much value in waiting for additional courts to weigh in, especially when constitutional rights are at stake.

The Court’s decision to deny certiorari in this case reflects a distressing trend: the treatment of the Second Amendment as

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a disfavored right. See *Friedman v. Highland Park*, 577 U. S. 1039, 1043 (2015) (THOMAS, J., dissenting from denial of certiorari) (“The Court’s refusal to review a decision that flouts two of our Second Amendment precedents stands in marked contrast to the Court’s willingness to summarily reverse courts that disregard our other constitutional decisions”); *Jackson v. City and County of San Francisco*, 576 U. S. 1013, 1017 (2015) (same). The Constitution does not rank certain rights above others, and I do not think this Court should impose such a hierarchy by selectively enforcing its preferred rights. *Id.*, at 1014 (“Second Amendment rights are no less protected by our Constitution than other rights enumerated in that document”). The Court has not heard argument in a Second Amendment case in over seven years—since March 2, 2010, in *McDonald v. Chicago*, 561 U. S. 742. Since that time, we have heard argument in, for example, roughly 35 cases where the question presented turned on the meaning of the First Amendment and 25 cases that turned on the meaning of the Fourth Amendment. This discrepancy is inexcusable, especially given how much less developed our jurisprudence is with respect to the Second Amendment as compared to the First and Fourth Amendments.

\* \* \*

For those of us who work in marbled halls, guarded constantly by a vigilant and dedicated police force, the guarantees of the Second Amendment might seem antiquated and superfluous. But the Framers made a clear choice: They reserved to all Americans the right to bear arms for self-defense. I do not think we should stand by idly while a State denies its citizens that right, particularly when their very lives may depend on it. I respectfully dissent.

No. 16–964. *MAGLUTA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 660 Fed. Appx. 803.

No. 16–1006. *DICKEY v. ALLBAUGH, DIRECTOR, OKLAHOMA DEPARTMENT OF CORRECTIONS, 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. 690.

No. 16–1070. *TOWN OF EAST HAMPTON, NEW YORK v. FRIENDS OF THE EAST HAMPTON AIRPORT, INC., ET AL.* C. A.

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2d Cir. Motion of Committee to Stop Airport Expansion et al. for leave to file brief as *amici curiae* granted. Certiorari denied. Reported below: 841 F. 3d 133.

No. 16–1077. BAY POINT PROPERTIES, INC., FKA BP PROPERTIES, INC. *v.* MISSISSIPPI TRANSPORTATION COMMISSION ET AL. Sup. Ct. Miss. Motions of Cato Institute et al., Pacific Legal Foundation, and Virginia Institute for Public Policy et al. for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 201 So. 3d 1046.

Statement of JUSTICE GORSUCH, with whom JUSTICE THOMAS joins, respecting the denial of certiorari.

When a State negotiates an easement limited to one purpose but later uses the land for an entirely different purpose, can the State limit, by operation of statute, the compensation it must pay for that new taking? The Mississippi Supreme Court held that it may do just that. But this decision seems difficult to square with the teachings of this Court’s cases holding that legislatures generally cannot limit the compensation due under the Takings Clause of the Constitution. See *Monongahela Nav. Co. v. United States*, 148 U. S. 312, 327 (1893). Tension appears to exist, too, between the decision here and decisions of the Federal Circuit. See, *e. g.*, *Toews v. United States*, 376 F. 3d 1371, 1376 (2004). And the matter is one of general importance as well, for many States have adopted statutes like Mississippi’s and the question presented implicates a fundamental feature of the compact between citizen and State. Given all this, these are questions the Court ought take up at its next opportunity.

No. 16–1126. SOUTH CAROLINA *v.* HUNSBERGER. Sup. Ct. S. C. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied.

No. 16–1142. SOUTH CAROLINA *v.* HUNSBERGER. Sup. Ct. S. C. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 418 S. C. 335, 794 S. E. 2d 368.

No. 16–1168. AMERICAN MUNICIPAL POWER, INC., ET AL. *v.* ENVIRONMENTAL PROTECTION AGENCY ET AL. C. A. D. C. Cir. Motions of Southeastern Legal Foundation and Washington Legal Foundation for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 830 F. 3d 579.

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No. 16–1253. *VENCIL v. PENNSYLVANIA STATE POLICE ET AL.* Sup. Ct. Pa. Motion of Autistic Self Advocacy Network et al. for leave to file brief as *amici curiae* granted. Certiorari denied. Reported below: 638 Pa. 1, 152 A. 3d 235.

No. 16–1255. *LOCKETT, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF LOCKETT v. FALLIN, GOVERNOR OF OKLAHOMA, ET AL.* C. A. 10th Cir. Motion of Austin Sarat et al. for leave to file brief as *amici curiae* granted. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this motion and this petition. Reported below: 841 F. 3d 1098.

No. 16–1355. *PRATHER v. AT&T, INC., ET AL.* C. A. 9th Cir. Certiorari denied. THE CHIEF JUSTICE and JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 847 F. 3d 1097.

*Rehearing Denied*

No. 16–587. *UNARA v. MERIT SYSTEMS PROTECTION BOARD ET AL.*, 580 U. S. 1053;

No. 16–6651. *HORTON v. GARMAN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ROCKVIEW, ET AL.*, 580 U. S. 1066;

No. 16–7966. *NELSON v. MV TRANSPORTATION, INC., ET AL.*, 581 U. S. 924;

No. 16–7987. *LANDIS v. BUNCOMBE COUNTY, NORTH CAROLINA, ET AL.*, 581 U. S. 924;

No. 16–8007. *ORR v. TATUM, WARDEN*, 580 U. S. 1222;

No. 16–8110. *MONTE v. MINGO, WARDEN, ET AL.*, 581 U. S. 962; and

No. 16–8663. *IN RE MONTE*, 581 U. S. 958. Petitions for rehearing denied.

No. 16–642. *GROSSMAN v. WEHRLE*, 580 U. S. 1099 and 1212. Motion of petitioner for leave to file petition for rehearing denied.

No. 16–8625. *MAEHR v. COMMISSIONER OF INTERNAL REVENUE ET AL.*, 581 U. S. 987. Petition for rehearing denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition.

JUNE 27, 2017

*Certiorari Granted—Vacated and Remanded*

No. 15–556. *DOYLE ET VIR, INDIVIDUALLY AND AS NEXT FRIENDS OF A. D. ET AL., ET AL. v. TAXPAYERS FOR PUBLIC*

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EDUCATION ET AL. Sup. Ct. Colo. Reported below: 351 P. 3d 461;

No. 15–557. DOUGLAS COUNTY SCHOOL DISTRICT ET AL. *v.* TAXPAYERS FOR PUBLIC EDUCATION ET AL. Sup. Ct. Colo. Reported below: 351 P. 3d 461;

No. 15–558. COLORADO STATE BOARD OF EDUCATION ET AL. *v.* TAXPAYERS FOR PUBLIC EDUCATION ET AL. Sup. Ct. Colo. Reported below: 351 P. 3d 461; and

No. 15–1409. NEW MEXICO ASSOCIATION OF NONPUBLIC SCHOOLS *v.* MOSES ET AL. Sup. Ct. N. M. Reported below: 2015–NMSC–036, 367 P. 3d 838. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Trinity Lutheran Church of Columbia, Inc. v. Comer*, *ante*, p. 449.

*Miscellaneous Orders\**

No. 16–1436. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL. *v.* INTERNATIONAL REFUGEE ASSISTANCE PROJECT ET AL. C. A. 4th Cir. [Certiorari granted, *ante*, p. 571.] Motions of Immigration Reform Law Institute, Citizens United et al., State of New York et al., Constitutional Law Scholars, and Becket Fund for Religious Liberty for leave to file briefs as *amici curiae* granted.

*Certiorari Granted*

No. 15–1439. CYAN, INC., ET AL. *v.* BEAVER COUNTY EMPLOYEES RETIREMENT FUND ET AL. Ct. App. Cal., 1st App. Dist., Div. 4. Certiorari granted.

No. 16–492. PEM ENTITIES LLC *v.* LEVIN ET AL. C. A. 4th Cir. Certiorari granted. Reported below: 655 Fed. Appx. 971.

No. 16–1144. MARINELLO *v.* UNITED STATES. C. A. 2d Cir. Certiorari granted. Reported below: 839 F. 3d 209.

No. 16–476. CHRISTIE, GOVERNOR OF NEW JERSEY, ET AL. *v.* NATIONAL COLLEGIATE ATHLETIC ASSN. ET AL.; and

No. 16–477. NEW JERSEY THOROUGHBRED HORSEMEN’S ASSN., INC. *v.* NATIONAL COLLEGIATE ATHLETIC ASSN. ET AL. C. A. 3d Cir. Certiorari granted, cases consolidated, and a total

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\*For the Court’s order making allotment of Justices, see *ante*, p. IV.

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of one hour is allotted for oral argument. Reported below: 832 F. 3d 389.

No. 16–534. RUBIN ET AL. *v.* ISLAMIC REPUBLIC OF IRAN ET AL. C. A. 7th Cir. Certiorari granted limited to Question 1 presented by the petition. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 830 F. 3d 470.

*Certiorari Denied*

No. 15–1192. UNITED STATES *v.* LOST TREE VILLAGE CORP. C. A. Fed. Cir. Certiorari denied. Reported below: 787 F. 3d 1111.

No. 15–1461. MESHAL *v.* HIGGENBOTHAM ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 804 F. 3d 417.

No. 16–206. DEKALB COUNTY PENSION FUND *v.* TRANSOCEAN LTD. ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 817 F. 3d 393.

No. 16–372. SRM GLOBAL MASTER FUND L. P. *v.* BEAR STEARNS COS. LLC ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 829 F. 3d 173.

No. 16–389. DUSEK ET AL. *v.* JPMORGAN CHASE & CO. ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 832 F. 3d 1243.

No. 16–1194. KINDERACE, LLC *v.* CITY OF SAMMAMISH, WASHINGTON. Ct. App. Wash. Certiorari denied. Reported below: 194 Wash. App. 835, 379 P. 3d 135.

No. 16–6796. HOUR *v.* MASSACHUSETTS. Sup. Jud. Ct. Mass. Certiorari denied.

JULY 3, 2017

*Dismissal Under Rule 46*

No. 16–868. MYTON CITY, UTAH *v.* UTE INDIAN TRIBE OF THE UINTAH AND OURAY RESERVATION. C. A. 10th Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 835 F. 3d 1255.

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*Miscellaneous Order*

No. 16A1224. ANDERSON ET AL. *v.* LOERTSCHER. Application for stay, presented to JUSTICE KAGAN, and by her referred to the Court, granted. The injunction issued by the United States District Court for the Western District of Wisconsin, case No. 3:14-cv-00870-jdp, on April 28, 2017, is stayed pending final disposition of the appeal by the United States Court of Appeals for the Seventh Circuit. JUSTICE GINSBURG and JUSTICE SOTOMAYOR would deny the application for stay.

JULY 17, 2017

*Dismissal Under Rule 46*

No. 16-1175. MACPHERSON, EXECUTOR OF THE ESTATE OF MACPHERSON, DECEASED *v.* MANORCARE OF YEADON PA, LLC, DBA MANORCARE HEALTH SERVICES-YEADON, ET AL. Super. Ct. Pa. Certiorari dismissed under this Court's Rule 46. Reported below: 128 A. 3d 1209.

*Miscellaneous Order*

No. D-2982. IN RE HESTERBERG. Gregory Xavier Hesterberg, of Garden City, N. Y., having requested to resign as a member of the Bar of this Court, it is ordered that his name be stricken from the roll of attorneys admitted to the practice of law before this Court. The rule to show cause, issued on June 12, 2017, [*ante*, p. 902] is discharged.

*Rehearing Denied*

No. 15-1139. MERRILL *v.* MERRILL, 581 U. S. 989;  
No. 16-1069. SHIPP *v.* ESTATE OF KING ET AL., 581 U. S. 973;  
No. 16-1122. BELL ET UX. *v.* DYCK-O'NEAL, INC., 581 U. S. 974;  
No. 16-1184. ARUNACHALAM *v.* UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE, 581 U. S. 1018;  
No. 16-1226. HUBBARD *v.* MISSOURI DEPARTMENT OF MENTAL HEALTH ET AL., 581 U. S. 1007;  
No. 16-7576. ZAGORSKI *v.* TENNESSEE, 581 U. S. 941;  
No. 16-7908. AYER *v.* ZENK, WARDEN, 581 U. S. 923;  
No. 16-7929. IN RE ROGERS, 581 U. S. 917;

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- No. 16–7941. *LINDSAY v. CASTELLOE*, 581 U. S. 924;
- No. 16–7989. *BROCATTO v. FRAUENHEIM, WARDEN*, 581 U. S. 942;
- No. 16–7998. *MORGAN v. BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS*, 581 U. S. 924;
- No. 16–8036. *ABDULHADI v. SMITH, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HOUTZDALE, ET AL.*, 581 U. S. 910;
- No. 16–8080. *BYNUM v. FLORIDA GAS TRANSMISSION CO., LLC*, 581 U. S. 961;
- No. 16–8099. *BRINSON v. DOZIER, COMMISSIONER, GEORGIA DEPARTMENT OF CORRECTIONS, ET AL.*, 581 U. S. 962;
- No. 16–8103. *DAMANI v. SIMER SP, INC., ET AL.*, 581 U. S. 962;
- No. 16–8115. *TULLIS v. BARRETT, WARDEN, ET AL.*, 581 U. S. 943;
- No. 16–8131. *PENTECOST v. SOUTH DAKOTA*, 581 U. S. 962;
- No. 16–8166. *VERDI v. WILKINSON COUNTY, GEORGIA, ET AL.*, 581 U. S. 977;
- No. 16–8238. *MCCOY v. BERRYHILL, ACTING COMMISSIONER OF SOCIAL SECURITY*, 581 U. S. 963;
- No. 16–8243. *REYES v. ARTUS*, 581 U. S. 944;
- No. 16–8312. *ST. CLAIRE v. UNITED STATES*, 581 U. S. 928;
- No. 16–8330. *BALTIMORE v. NELSON ET AL.*, 581 U. S. 980;
- No. 16–8362. *HOWARD v. FLORIDA*, 581 U. S. 995;
- No. 16–8587. *IN RE THOMAS-BEY*, 581 U. S. 938;
- No. 16–8601. *VILLALTA v. EXECUTIVE OFFICE FOR IMMIGRATION REVIEW ET AL.*, 581 U. S. 1009;
- No. 16–8608. *HAMPTON v. VANNOY, WARDEN, ET AL.*, 581 U. S. 982;
- No. 16–8680. *DULAURENCE v. TELEGEN ET AL.*, 581 U. S. 983;
- No. 16–8692. *LEGG v. NATIONSTAR MORTGAGE LLC*, 581 U. S. 998;
- No. 16–8725. *RAFIDI v. UNITED STATES*, 581 U. S. 985; and
- No. 16–8809. *JONES v. UNITED STATES*, 581 U. S. 1011. Petitions for rehearing denied.
- No. 16–760. *ENGLISH v. BANK OF AMERICA, N. A., ET AL.*, 580 U. S. 1117. Motion for leave to file petition for rehearing denied.
- No. 16–7906. *LEWIS v. NISSAN NORTH AMERICA, INC., ET AL.*, 581 U. S. 931. Petition for rehearing denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

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JULY 19, 2017

*Dismissal Under Rule 46*

No. 16–538. WAYNE COUNTY, MICHIGAN, ET AL. *v.* RICHKO, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF HORVATH. C. A. 6th Cir. Certiorari dismissed under this Court’s Rule 46.1. Reported below: 819 F. 3d 907.

*Miscellaneous Order*

No. 16–1540 (16A1191). TRUMP, PRESIDENT OF THE UNITED STATES, ET AL. *v.* HAWAII ET AL. C. A. 9th Cir. [Certiorari granted, *ante*, p. 571.] The Government’s motion seeking clarification of our order of June 26, 2017, is denied. The District Court order modifying the preliminary injunction with respect to refugees covered by a formal assurance is stayed pending resolution of the Government’s appeal to the Court of Appeals for the Ninth Circuit. JUSTICE THOMAS, JUSTICE ALITO, and JUSTICE GORSUCH would have stayed the District Court order in its entirety.

JULY 25, 2017

*Certiorari Denied*

No. 16–9725 (17A83). PHILLIPS *v.* OHIO. Ct. App. Ohio, 9th App. Dist., Summit County. Application for stay of execution of sentence of death, presented to JUSTICE KAGAN, and by her referred to the Court, denied. Certiorari denied. Reported below: 2016-Ohio-1198.

No. 17–5198 (17A78). OTTE ET AL. *v.* MORGAN ET AL. C. A. 6th Cir. Application for stay of execution of sentence of death, presented to JUSTICE KAGAN, and by her referred to the Court, denied. Certiorari denied. Reported below: 860 F. 3d 881.

JUSTICE SOTOMAYOR, with whom JUSTICE GINSBURG joins, dissenting.

The question before this Court, as appropriately summarized by Judge Moore in dissent, is narrow: “Should Gary Otte, Ronald Phillips, and Raymond Tibbetts have a trial on their claim that Ohio’s execution protocol is a cruel and unusual punishment, or should Ohio execute them without such a trial?” *In re Ohio Execution Protocol*, 860 F. 3d 881, 892 (CA6 2017). The District Court, after extensive review of the evidence, held that a trial

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was warranted and granted a preliminary injunction. It did so after a 5-day evidentiary hearing, issuing a 119-page opinion finding that petitioners had presented enough evidence to demonstrate that they were likely to prevail on their claim that the Ohio execution protocol posed a substantial risk of severe pain and that an alternative method of execution was sufficiently available. Although a panel of the Sixth Circuit initially affirmed those findings, a divided en banc court later reversed over the dissent of six of its members.

In reversing, the Sixth Circuit en banc court failed to afford the District Court due deference. See *Glossip v. Gross*, 576 U. S. 863, 878–879, 881 (2015) (reviewing findings by the District Court regarding both risk of pain and available alternatives for clear error). As Judge Moore carefully detailed in her dissent, the District Court thoroughly reviewed the evidence firsthand and found that the petitioners demonstrated a likelihood of success on their claim that they will be unconstitutionally executed. The Court of Appeals and this Court should not so lightly disregard those findings.

For this reason, and others set forth in *McGehee v. Hutchinson*, 581 U. S. 933, 935 (2017) (SOTOMAYOR, J., dissenting from denial of application for stay and denial of certiorari), I dissent again from this Court's failure to step in when significant issues of life and death are present.

No. 17–5310 (17A105). PHILLIPS *v.* JENKINS, WARDEN. C. A. 6th Cir. Application for stay of execution of sentence of death, presented to JUSTICE KAGAN, and by her referred to the Court, denied. Certiorari denied.

JULY 27, 2017

*Certiorari Denied*

No. 17–5393 (17A130). PREYOR *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Certiorari denied. Reported below: 704 Fed. Appx. 331.

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*Miscellaneous Orders*

No. D-2958. IN RE DISBARMENT OF WHITE. Disbarment entered. [For earlier order herein, see 581 U. S. 914.]

No. D-2960. IN RE DISBARMENT OF SKELOS. Disbarment entered. [For earlier order herein, see 581 U. S. 914.]

No. D-2961. IN RE DISBARMENT OF CONSTANTOPES. Disbarment entered. [For earlier order herein, see 581 U. S. 914.]

No. D-2962. IN RE DISBARMENT OF WALKER. Disbarment entered. [For earlier order herein, see 581 U. S. 914.]

No. D-2963. IN RE DISBARMENT OF LOCKLAIR. Disbarment entered. [For earlier order herein, see 581 U. S. 914.]

No. D-2965. IN RE DISBARMENT OF MEI. Disbarment entered. [For earlier order herein, see 581 U. S. 915.]

No. D-2966. IN RE DISBARMENT OF HARTKE. Disbarment entered. [For earlier order herein, see 581 U. S. 915.]

*Rehearing Denied*

No. 16-1173. IKO *v.* IKO, 581 U. S. 1017;

No. 16-1177. VIRGINIA ET AL. *v.* LEBLANC, *ante*, p. 91;

No. 16-1279. SOLONICHNYY *v.* UNITED STATES, 581 U. S. 1007;

No. 16-8040. WHITNUM *v.* TOWN OF GREENWICH, CONNECTICUT, ET AL., 581 U. S. 942;

No. 16-8052. MINNIS *v.* ILLINOIS, *ante*, p. 934;

No. 16-8264. VALENTINE *v.* CITY OF AUSTIN, TEXAS, ET AL., 581 U. S. 979;

No. 16-8265. SMITH *v.* TAYLOR, WARDEN, 581 U. S. 979;

No. 16-8310. ROBINSON *v.* REGIONAL MEDICAL CENTER AT MEMPHIS ET AL., 581 U. S. 980;

No. 16-8332. AVILA *v.* CALIFORNIA, 581 U. S. 980;

No. 16-8347. MORALES *v.* CUOMO ET AL., 581 U. S. 995;

No. 16-8388. GALAN *v.* GEGENHEIMER ET AL., 581 U. S. 996;

No. 16-8430. REYNOLDS *v.* HODGES, MAGISTRATE JUDGE, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, ET AL., 581 U. S. 981;

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- No. 16–8446. *JOHNSON v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 581 U. S. 1008;
- No. 16–8458. *JOHNSON v. WOODS, WARDEN*, 581 U. S. 1008;
- No. 16–8525. *ALLEN v. ILLINOIS*, 581 U. S. 981;
- No. 16–8553. *PAYNE v. OHIO*, 581 U. S. 1009;
- No. 16–8566. *TOWNSEND v. VANNOY, WARDEN*, 581 U. S. 997;
- No. 16–8614. *HAWRELAK v. BERRYHILL, ACTING COMMISSIONER OF SOCIAL SECURITY*, 581 U. S. 1010;
- No. 16–8655. *SANCHO v. ANDERSON SCHOOL DISTRICT FOUR*, *ante*, p. 906;
- No. 16–8726. *STEWART v. PERRY*, 581 U. S. 1011;
- No. 16–8748. *IN RE SOUTHGATE*, *ante*, p. 913;
- No. 16–8767. *IN RE DAVIS*, *ante*, p. 914;
- No. 16–8785. *IN RE GADSDEN*, 581 U. S. 1005;
- No. 16–8796. *IN RE BOOKER-EL*, 581 U. S. 971;
- No. 16–8812. *CUMMINGS v. INTERNATIONAL UNION SECURITY POLICE AND FIRE PROFESSIONALS OF AMERICA (SPFPA), LOCAL 555, ET AL.*, *ante*, p. 935;
- No. 16–8969. *IN RE CABRERA*, 581 U. S. 1017;
- No. 16–8985. *DESAI v. SECURITIES AND EXCHANGE COMMISSION*, 581 U. S. 1024;
- No. 16–9026. *COLTER v. CHAPMAN CHEVROLET*, *ante*, p. 908;
- No. 16–9039. *EDWARDS v. UNITED STATES*, 581 U. S. 1025;
- No. 16–9069. *IN RE ROBINSON*, 581 U. S. 1005;
- No. 16–9127. *LASHER v. UNITED STATES*, *ante*, p. 909;
- No. 16–9150. *IN RE BRACKEN*, *ante*, p. 903;
- No. 16–9161. *BUCZEK v. UNITED STATES*, *ante*, p. 910; and
- No. 16–9226. *IN RE MANNING*, *ante*, p. 903. Petitions for rehearing denied.
- No. 16–8976. *GRIGSBY v. UNITED STATES*, 581 U. S. 1026; and
- No. 16–8977. *GRIGSBY v. UNITED STATES*, 581 U. S. 1026. Petitions for rehearing denied. JUSTICE GORSUCH took no part in the consideration or decision of these petitions.
- No. 16–8982. *RICHMOND v. UNITED STATES*, 581 U. S. 1026. Petition for rehearing denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

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AUGUST 10, 2017

*Certiorari Dismissed*

No. 16–492. PEM ENTITIES LLC *v.* LEVIN ET AL. C. A. 4th Cir. [Certiorari granted, *ante*, p. 951.] Writ of certiorari dismissed as improvidently granted. Joint motion of PEM Entities LLC and Province Grande Olde Liberty, LLC, to confirm party status is dismissed as moot.

AUGUST 16, 2017

*Dismissal Under Rule 46*

No. 16–1500. CITY OF BOWLING GREEN, KENTUCKY, ET AL. *v.* WOODCOCK, AS ADMINISTRATRIX OF THE ESTATE OF HARRISON, DECEASED. C. A. 6th Cir. Certiorari dismissed under this Court’s Rule 46.1. Reported below: 679 Fed. Appx. 419.

AUGUST 22, 2017

*Dismissal Under Rule 46*

No. 16–744. FIREEYE, INC., ET AL. *v.* SUPERIOR COURT OF CALIFORNIA, SANTA CLARA COUNTY. Ct. App. Cal., 6th App. Dist. Certiorari dismissed under this Court’s Rule 46.1.

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*Miscellaneous Order*

No. 16–1436. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL. *v.* INTERNATIONAL REFUGEE ASSISTANCE PROJECT ET AL. C. A. 4th Cir.; and

No. 16–1540. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL. *v.* HAWAII ET AL. C. A. 9th Cir. [Certiorari granted, *ante*, p. 571.] Further consideration of motion of respondent Hawaii et al. to add John Doe as a party to No. 16–1540 deferred to hearing of the case on the merits.

*Certiorari Denied*

No. 16–9033 (17A191). ASAY *v.* FLORIDA. Sup. Ct. Fla. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied. Reported below: 210 So. 3d 1.

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*Miscellaneous Orders*

No. D–2957. IN RE DISBARMENT OF McMULLEN. Disbarment entered. [For earlier order herein, see 581 U. S. 914.]

No. D–2964. IN RE DISBARMENT OF SAXON. Disbarment entered. [For earlier order herein, see 581 U. S. 915.]

No. D–2968. IN RE DISBARMENT OF VEGA. Disbarment entered. [For earlier order herein, see 581 U. S. 915.]

No. D–2969. IN RE DISBARMENT OF CORBETT. Disbarment entered. [For earlier order herein, see 581 U. S. 970.]

No. D–2974. IN RE DISBARMENT OF SAMPSON. Disbarment entered. [For earlier order herein, see 581 U. S. 970.]

No. D–2976. IN RE DISBARMENT OF REID. Disbarment entered. [For earlier order herein, see 581 U. S. 970.]

No. D–2978. IN RE DISBARMENT OF SMITH. Disbarment entered. [For earlier order herein, see *ante*, p. 902.]

No. D–2979. IN RE DISBARMENT OF BAILEY. Disbarment entered. [For earlier order herein, see *ante*, p. 902.]

No. D–2980. IN RE DISBARMENT OF FERRELL. Disbarment entered. [For earlier order herein, see *ante*, p. 902.]

No. D–2983. IN RE DISBARMENT OF WROBLEWSKI. Disbarment entered. [For earlier order herein, see *ante*, p. 902.]

No. D–2984. IN RE DISBARMENT OF THORNSBURY. Disbarment entered. [For earlier order herein, see *ante*, p. 902.]

No. D–2985. IN RE DISBARMENT OF LONGMEYER. Disbarment entered. [For earlier order herein, see *ante*, p. 903.]

No. D–2986. IN RE DISBARMENT OF KUCHINSKY. Disbarment entered. [For earlier order herein, see *ante*, p. 903.]

No. D–2987. IN RE DISBARMENT OF BELLO. Disbarment entered. [For earlier order herein, see *ante*, p. 903.]

No. D–2989. IN RE DISBARMENT OF BOISSEAU. Disbarment entered. [For earlier order herein, see *ante*, p. 903.]

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No. D-2990. IN RE DISBARMENT OF MOENNING. Disbarment entered. [For earlier order herein, see *ante*, p. 912.]

No. D-2991. IN RE DISBARMENT OF COYLE. Disbarment entered. [For earlier order herein, see *ante*, p. 913.]

No. D-2992. IN RE DISBARMENT OF PADGETT. Disbarment entered. [For earlier order herein, see *ante*, p. 913.]

No. D-2993. IN RE DISBARMENT OF CARTER. Disbarment entered. [For earlier order herein, see *ante*, p. 913.]

No. 15-1485. DISTRICT OF COLUMBIA ET AL. *v.* WESBY ET AL. C. A. D. C. Cir. [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. 16-285. EPIC SYSTEMS CORP. *v.* LEWIS. C. A. 7th Cir. [Certiorari granted, 580 U. S. 1089.] Motion of petitioner to dispense with printing joint appendix granted.

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 respondent Ohio et al. for divided argument granted.

No. 16-980. HUSTED, OHIO SECRETARY OF STATE *v.* A. PHILIP RANDOLPH INSTITUTE ET AL. C. A. 6th Cir. [Certiorari granted, 581 U. S. 1006.] Joint motion of the parties to dispense with printing joint appendix granted.

No. 16-1276. DIGITAL REALTY TRUST, INC. *v.* SOMERS. C. A. 9th Cir. [Certiorari granted, *ante*, p. 929.] Motion of petitioner to dispense with printing joint appendix granted.

*Certiorari Granted*

No. 16-1067. MURPHY *v.* SMITH ET AL. C. A. 7th Cir. Certiorari granted. Reported below: 844 F. 3d 653.

*Rehearing Denied*

No. 16-1116. JENKINS, WARDEN *v.* HUTTON, *ante*, p. 280;

No. 16-1227. ROBERTSON *v.* EMI CHRISTIAN MUSIC GROUP, INC., ET AL., *ante*, p. 915;

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No. 16–1245. MUNOZ *v.* GOLDEN EAGLE INSURANCE CORP., *ante*, p. 931;

No. 16–1250. BARTH *v.* ISLAMIC SOCIETY OF BASKING RIDGE ET AL., 581 U. S. 1007;

No. 16–1270. POPE *v.* GUNS ET AL., *ante*, p. 905;

No. 16–1289. DCV IMPORTS, LLC *v.* BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES, *ante*, p. 931;

No. 16–1319. PADMANABHAN *v.* KASSLER ET AL., *ante*, p. 932;

No. 16–1353. KORMAN ET AL. *v.* UNITED STATES, *ante*, p. 932;

No. 16–8442. MOORE *v.* UNITED STATES, 581 U. S. 964;

No. 16–8449. TIPTON *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 581 U. S. 997;

No. 16–8469. SALDANA *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 581 U. S. 1008;

No. 16–8497. OKEOWO *v.* HARLEQUIN BOOKS S. A. ET AL., 581 U. S. 981;

No. 16–8620. SMITH *v.* SOCIAL SECURITY ADMINISTRATION, 581 U. S. 1010;

No. 16–8657. ROCKEFELLER *v.* CARTER, FORMER PRESIDENT OF THE UNITED STATES, ET AL., 581 U. S. 983;

No. 16–8670. COULSTON *v.* CAMERON, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HOUTZDALE, ET AL., *ante*, p. 907;

No. 16–8683. COLEMAN *v.* STARBUCKS COFFEE Co., 581 U. S. 1010;

No. 16–8720. PARKER *v.* BERRYHILL, ACTING COMMISSIONER OF SOCIAL SECURITY, 581 U. S. 1021;

No. 16–8730. WHITE *v.* UNITED STATES, 581 U. S. 998;

No. 16–8771. YABLONSKY *v.* PARAMO, WARDEN, *ante*, p. 934;

No. 16–8937. KRAEMER *v.* ILLINOIS, 581 U. S. 1023;

No. 16–9050. THOMPSON *v.* UNITED STATES, 581 U. S. 1025;

No. 16–9129. KAHRE *v.* UNITED STATES, *ante*, p. 909; and

No. 16–9206. ANDRADE *v.* UNITED STATES, *ante*, p. 922. Petitions for rehearing denied.

No. 15–7350. BUTLER *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 578 U. S. 925 and 580 U. S. 911. Motion for leave to file petition for rehearing denied.

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No. 16–9113. *DERROW v. UNITED STATES*, *ante*, p. 911. Petition for rehearing denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

SEPTEMBER 12, 2017

*Miscellaneous Orders*

No. 17A225. *ABBOTT, GOVERNOR OF TEXAS, ET AL. v. PEREZ ET AL.* Application for stay, presented to JUSTICE ALITO, and by him referred to the Court, granted, and it is ordered that the order of the United States District Court for the Western District of Texas, case No. SA–11–CV–360, entered August 15, 2017, is stayed pending the timely filing and disposition of an appeal to this Court. JUSTICE GINSBURG, JUSTICE BREYER, JUSTICE SOTOMAYOR, and JUSTICE KAGAN would deny the application.

No. 17A245. *ABBOTT, GOVERNOR OF TEXAS, ET AL. v. PEREZ ET AL.* Application for stay, presented to JUSTICE ALITO, and by him referred to the Court, granted, and it is ordered that the order of the United States District Court for the Western District of Texas, case No. SA–11–CV–360, entered August 24, 2017, is stayed pending the timely filing and disposition of an appeal to this Court. JUSTICE GINSBURG, JUSTICE BREYER, JUSTICE SOTOMAYOR, and JUSTICE KAGAN would deny the application.

No. 17A275 (16–1540). *TRUMP, PRESIDENT OF THE UNITED STATES, ET AL. v. HAWAII ET AL.* Application for stay of mandate, presented to JUSTICE KENNEDY, and by him referred to the Court, granted, and the issuance of the mandate of the United States Court of Appeals for the Ninth Circuit in case No. 17–16426 is stayed with respect to refugees covered by a formal assurance, pending further order of this Court.

*Certiorari Denied*

No. 16–9317 (17A136). *OTTE v. OHIO*. Sup. Ct. Ohio. Application for stay of execution of sentence of death, presented to JUSTICE KAGAN, and by her referred to the Court, denied. Certiorari denied. Reported below: 148 Ohio St. 3d 1407, 2017-Ohio-573, 69 N. E. 3d 748.

SEPTEMBER 13, 2017

*Miscellaneous Order*

No. 17–333. *BENISEK ET AL. v. LAMONE, ADMINISTRATOR, MARYLAND STATE BOARD OF ELECTIONS, ET AL.* Appeal from

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D. C. Md. Motion of appellants to expedite consideration of jurisdictional statement denied.

SEPTEMBER 14, 2017

*Dismissal Under Rule 46*

No. 17–115. UNION PACIFIC RAILROAD CO. *v.* BARKER. Ct. App. Iowa. Certiorari dismissed under this Court’s Rule 46.1. Reported below: 889 N. W. 2d 243.

SEPTEMBER 20, 2017

*Dismissal Under Rule 46*

No. 16–8987. ROBINSON *v.* LEWIS, WARDEN, ET AL. Sup. Ct. S. C. Certiorari dismissed under this Court’s Rule 46.

SEPTEMBER 25, 2017

*Miscellaneous Orders*

No. 17A225. ABBOTT, GOVERNOR OF TEXAS, ET AL. *v.* PEREZ ET AL. Respondents’ letter to the Clerk, dated September 15, 2017, is construed as a motion and denied.

No. 17A245. ABBOTT, GOVERNOR OF TEXAS, ET AL. *v.* PEREZ ET AL. Respondents’ letter to the Clerk, dated September 15, 2017, is construed as a motion and denied.

No. 15–1509. U. S. BANK N. A., TRUSTEE, BY AND THROUGH CWCAPITAL ASSET MANAGEMENT LLC *v.* VILLAGE AT LAKE-RIDGE, LLC. C. A. 9th Cir. [Certiorari granted, 580 U. S. 1216.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 16–285. EPIC SYSTEMS CORP. *v.* LEWIS. C. A. 7th Cir.;

No. 16–300. ERNST & YOUNG LLP ET AL. *v.* MORRIS ET AL. C. A. 9th Cir.; and

No. 16–307. NATIONAL LABOR RELATIONS BOARD *v.* MURPHY OIL USA, INC., ET AL. C. A. 5th Cir. [Certiorari granted, 580 U. S. 1089.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted. Motion of National Labor Relations Board for divided argument granted.

No. 16–460. ARTIS *v.* DISTRICT OF COLUMBIA. Ct. App. D. C. [Certiorari granted, 580 U. S. 1159.] Motion of Wisconsin et al.

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for leave to participate in oral argument as *amici curiae* and for divided argument denied.

No. 16–499. *JESNER ET AL. v. ARAB BANK, PLC.* C. A. 2d Cir. [Certiorari granted, 581 U. S. 904.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 16–534. *RUBIN ET AL. v. ISLAMIC REPUBLIC OF IRAN ET AL.* C. A. 7th Cir. [Certiorari granted, *ante*, p. 952.] Motion of petitioners to dispense with printing joint appendix granted. JUSTICE KAGAN took no part in the consideration or decision of this motion.

No. 16–1144. *MARINELLO v. UNITED STATES.* C. A. 2d Cir. [Certiorari granted, *ante*, p. 951.] Motion of petitioner to dispense with printing joint appendix granted.

No. 16–1161. *GILL ET AL. v. WHITFORD ET AL.* [Probable jurisdiction postponed, *ante*, p. 914.] D. C. W. D. Wis. Motion of Wisconsin State Senate et al. for leave to participate in oral argument as *amici curiae* and for divided argument granted.

No. 16–1436. *TRUMP, PRESIDENT OF THE UNITED STATES, ET AL. v. INTERNATIONAL REFUGEE ASSISTANCE PROJECT ET AL.* C. A. 4th Cir.; and

No. 16–1540. *TRUMP, PRESIDENT OF THE UNITED STATES, ET AL. v. HAWAII ET AL.* C. A. 9th Cir. [Certiorari granted, *ante*, p. 571.] The parties are directed to file letter briefs addressing whether, or to what extent, the Proclamation issued on September 24, 2017, may render cases No. 16–1436 and No. 16–1540 moot. The parties should also address whether, or to what extent, scheduled expiration of §§6(a) and 6(b) of Executive Order No. 13780 may render those aspects of case No. 16–1540 moot. Briefs, limited to 10 pages, are to be filed simultaneously with the Clerk and served upon opposing counsel on or before noon, Thursday, October 5, 2017. The cases are removed from oral argument calendar, pending further order of the Court.

SEPTEMBER 26, 2017

*Miscellaneous Order*

No. 17A330 (17–6075). *THARPE v. SELLERS, WARDEN.* C. A. 11th Cir. Application for stay of execution of sentence of death,

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presented to JUSTICE THOMAS, and by him referred to the Court, granted pending disposition of the petition for writ of certiorari. Should the petition for writ of certiorari be denied, this stay shall terminate automatically. In the event the petition for writ of certiorari is granted, the stay shall terminate upon the sending down of the judgment of this Court. JUSTICE THOMAS, JUSTICE ALITO, and JUSTICE GORSUCH would deny the application.

SEPTEMBER 27, 2017

*Dismissal Under Rule 46*

No. 16–1283. PEYTON ET AL. *v.* BURWELL. C. A. 2d Cir. Certiorari dismissed under this Court’s Rule 46.1. Reported below: 670 Fed. Appx. 734.

*Miscellaneous Order.* (For the Court’s order approving revisions to the Rules of this Court, see *post*, p. 970.)

SEPTEMBER 28, 2017

*Certiorari Granted*

No. 16–1027. COLLINS *v.* VIRGINIA. Sup. Ct. Va. Certiorari granted. Reported below: 292 Va. 486, 790 S. E. 2d 611.

No. 16–1150. HALL, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF HALL AND AS SUCCESSOR TRUSTEE OF THE ETHLYN LOUISE HALL FAMILY TRUST *v.* HALL ET AL. C. A. 3d Cir. Certiorari granted. Reported below: 679 Fed. Appx. 142.

No. 16–1362. ENCINO MOTORCARS, LLC *v.* NAVARRO ET AL. C. A. 9th Cir. Certiorari granted. Reported below: 845 F. 3d 925.

No. 16–1371. BYRD *v.* UNITED STATES. C. A. 3d Cir. Certiorari granted. Reported below: 679 Fed. Appx. 146.

No. 16–1466. JANUS *v.* AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, COUNCIL 31, ET AL. C. A. 7th Cir. Certiorari granted. Reported below: 851 F. 3d 746.

No. 16–961. DALMAZZI *v.* UNITED STATES. Reported below: 76 M. J. 1;

No. 16–1017. COX *v.* UNITED STATES (Reported below: 76 M. J. 64); CRAIG *v.* UNITED STATES (76 M. J. 64); LEWIS *v.* UNITED STATES (76 M. J. 54); MILLER *v.* UNITED STATES (76 M. J. 64);

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MORCHINEK *v.* UNITED STATES (76 M. J. 54); O'SHAUGHNESSY *v.* UNITED STATES (76 M. J. 54); and

No. 16-1423. ORTIZ *v.* UNITED STATES. Reported below: 76 M. J. 125 and 189. C. A. Armed Forces. Certiorari granted, cases consolidated, and a total of one hour is allotted for oral argument. In addition to the questions presented by the petitions, the parties are directed to brief and argue the following question: "Whether this Court has jurisdiction to review the cases in Nos. 16-961 and 16-1017 under 28 U. S. C. § 1259(3)."

No. 16-1495. CITY OF HAYS, KANSAS *v.* VOGT. C. A. 10th Cir. Certiorari granted. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 844 F. 3d 1235.

No. 16-8255. MCCOY *v.* LOUISIANA. Sup. Ct. La. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted limited to Question 1 presented by the petition. Reported below: 2014-1449 (La. 10/19/16), 218 So. 3d 535.

No. 16-9493. ROSALES-MIRELES *v.* UNITED STATES. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 850 F. 3d 246.

SEPTEMBER 29, 2017

*Dismissal Under Rule 46*

No. 17-6130. THARPE *v.* SELLERS, WARDEN. Sup. Ct. Ga. Certiorari dismissed under this Court's Rule 46.1.