

(ORDER LIST: 565 U.S.)

MONDAY, JANUARY 9, 2012

APPEAL -- SUMMARY DISPOSITION

11-275 BLUMAN, BENJAMIN, ET AL. V. FEC

The judgment is affirmed.

CERTIORARI -- SUMMARY DISPOSITIONS

10-11217 IKHARO, MUSA A. V. HOLDER, ATTY GEN.

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Sixth Circuit for further consideration in light of *Judulang v. Holder*, 565 U.S. ____ (2011).

11-135 FREDERICK, MICHAEL V. HOLDER, ATT'Y GEN.

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Seventh Circuit for further consideration in light of *Judulang v. Holder*, 565 U.S. ____ (2011).

11-144 UMER, KHALID V. HOLDER, ATT'Y GEN.

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *Judulang v. Holder*, 565 U.S. ____ (2011).

11-5411 BOHANNAN, MICHAEL W. V. THALER, DIR., TX DCJ

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *Wall v. Kholi*, 562 U.S. ____ (2011).

ORDERS IN PENDING CASES

11M52 TAYLOR, KENNETH L. V. AYERS, WARDEN

The motion to direct the Clerk to file a petition for a writ of certiorari out of time is denied.

11M53 ROBINSON, WILLIAM D. V. UNITED STATES

The motion for leave to file a petition for a writ of certiorari under seal with redacted copies for the public record is granted.

11M54 WILSON, EUGENE V. FLORIDA

The motion to direct the Clerk to file a petition for a writ of certiorari out of time is denied.

11M55 JARRETT, ROBERT L. V. USDC CD CA, ET AL.

The motion to direct the Clerk to file a petition for a writ of certiorari out of time under Rule 14.5 is denied.

11M56 SEALED PETITIONER V. SEALED RESPONDENT, ET AL.

The motion for leave to file a petition for a writ of certiorari under seal with redacted copies for the public record is granted.

11M57 ARAGON-HERNANDEZ, ENRIQUE V. UNITED STATES

The motion to direct the Clerk to file a petition for a writ of certiorari out of time is denied.

11M58 GOLDBLATT, LAWRENCE V. USDC WD MO

The motion for leave to proceed *in forma pauperis* with the declaration of indigency under seal is denied.

108, ORIG. NEBRASKA V. WYOMING AND COLORADO

The joint motion to Amend Modified Decree is granted.

11-398 DEPT. OF H&HS, ET AL. V. FLORIDA, ET AL.

The motion of Association of American Physicians & Surgeons, Inc., et al. for leave to intervene is denied.

11-5942 MUHAMMAD, AKEEM V. SAPP, GEORGE, ET AL.

11-5972 THOMAS, ALLEN G. V. TX DCJ, ET AL.

11-6227 HAMPTON, CHARLES W. V. J.W. SQUIRE CO., INC.

The motions of petitioners for reconsideration of orders denying leave to proceed *in forma pauperis* are denied.

11-6863 REID, HATTIE M. V. WYATT, DAVID, ET AL.

11-6897 ZORTMAN, SUE V. PENNSYLVANIA

11-7081 COOK, RAYNEE D. V. HUBIN, KENNETH, ET AL.

11-7148 OTTO, MARTIN W., ET UX. V. HILLSBOROUGH COUNTY, FL

11-7159 GRAVES, ZACHARY V. INDUSTRIAL POWER CORP.

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until January 30, 2012, within which to pay the docketing fees required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

11-7171 HEWLETT, PATRICIA I. V. ELDER, JANINA M.

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until January 30, 2012, within which to pay the docketing fee required by Rule

38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court. Justice Breyer took no part in the consideration or decision of this motion.

11-7305 RICHARDSON, MIKE A. V. GRAY, JIM, ET AL.

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until January 30, 2012, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

CERTIORARI DENIED

10-730 JOHNSON, LIVINGSTON R. V. HOLDER, ATT'Y GEN.

10-886 COMPTON UNIFIED SCHOOL DISTRICT V. ADDISON, STARVENIA, ET AL.

10-8356 CARO, CARLOS D. V. UNITED STATES

10-10629 VAUGHAN, AMOS V. ASTRUE, COMM'R, SOCIAL SEC.

10-10839 McDUGALD, JAMES F. V. UNITED STATES

10-11078 REYES, SERAFIN V. RYAN, DIR., AZ DOC, ET AL.

10-11094 KENNEDY, SHAMONE V. UNITED STATES

10-11287 STANFORD, ROBERT A. V. UNITED STATES

11-27 BAUD, RICHARD L., ET UX. V. CARROLL, KRISPEN S.

11-35 U.S. VISION, INC., ET AL. V. JOHNSON, DEBRA

11-67 INZUNZA, RALPH V. UNITED STATES

11-120) WINTERS, SHERIFF V. WILLIS, CYNTHIA T.

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11-234) GORDON, SHERIFF V. SANSONE, PAUL, ET AL.

11-157 BEASON, SCOTT, ET AL. V. BENTLEY, GOV. OF AL, ET AL.

11-206 SALEM, JAD G. V. HOLDER, ATT'Y GEN.

11-249 PROST, KEITH V. ANDERSON, WARDEN

11-265 HART, WILLIAM V. UNITED STATES

11-316 U.S. STEEL CORP., ET AL. V. MILWARD, BRIAN K., ET UX.

11-329 DEAN, PAUL M. V. UNITED STATES
11-348 LOCKE, EVA, ET AL. V. SHORE, JOYCE, ET AL.
11-357 EQUITY IN ATHLETICS, INC. V. DEPT. OF EDUCATION, ET AL.
11-378 JOHNSON, DAVID V. WHITEHEAD, WARDEN, ET AL.
11-414 BROWN, WAKILII V. ALABAMA
11-418 KHABURZANIA, KHAKA V. NEW YORK
11-442 KHAZAELI, HAMIDREZAZ V. CONCORD, CA, ET AL.
11-449 KHAZAELI, HAMIDREZAZ V. JOHNSON, PETER J., ET AL.
11-452 NEWMAN, LAWRENCE T., ET UX. V. GUARDIANSHIP OF AL KATZ
11-454 POLSKY, MICHAEL S. V. VIRNICH, DANIEL E., ET AL.
11-456 VILLAFANA, REBEKAH V. SMITH, EARL
11-466 GARMON, DAVID A., ET AL. V. REYNOLDS, DONSERO
11-470 HARDEN, WILLIAM V. WICOMICO COUNTY, MD, ET AL.
11-473 DUPREE, ROBERT C. V. GENERAL MILLS OPERATIONS, INC.
11-474 FEDELEY, EDWARD N. V. CITIBANK OF SOUTH DAKOTA
11-476 WILLIAMS, STEPHEN J. V. DC COURT OF APPEALS
11-480 DRONEY, FREDERICK R. V. FITCH, TIM, ET AL.
11-498 MURPHY, LESTER G. V. SANDERS, JUDGE, ETC., ET AL.
11-501 FARMERS INSURANCE EXCHANGE V. AGUILAR, ED, ET AL.
11-505 HAMED, TARA K. V. WAYNE COUNTY, MI, ET AL.
11-506 DOCK, JEFFREY A., ET AL. V. RUSH, RUTH, ET AL.
11-507 HASSAN, ABDUL K. V. UNITED STATES
11-508 OMAHA TRIBE OF NEBRASKA V. STOREVISIONS, INC.
11-509 BUSHNELL, ROBERT L. V. BEDFORD COUNTY, TN
11-510 RGH LIQUIDATING TRUST, ET AL. V. DELOITTE & TOUCHE, ET AL.
11-512 TEAVER, ROBERT V. SEATRAX OF LOUISIANA, ET AL.
11-513 TSUJI, STANLEY R. V. ISHIMOTO, UMEYO
11-515 AL-JURF, ADEL V. SCOTT-CONNER, CAROL, ET AL.

11-516 MBAKPUO, CHUKWUJINDU V. V. HOLDER, ATT'Y GEN.
11-518 WORRELL, SARAH V. HOUSTON CAN! ACADEMY
11-522 GOUDA, LAMIAA, ET VIR V. HSBC BANK USA, NA
11-523 KORNFELD, WILLIAM V. FLOOD, PATRICK S., ET AL.
11-530 HATCHIGIAN, DAVID V. CITIZENS PUBLIC ADJUSTERS, INC.
11-533 CARRICK, PAUL M. V. SANTA CRUZ COUNTY, CA
11-534 BURKE, BRIAN V. MTA, ET AL.
11-542 PARKER, OLIVER A. V. MOTORS LIQUIDATION CO. ET AL.
11-544 MCKINLEY, VERN V. BD. OF GOVS. OF FEDERAL RESERVE
11-550 GILLEY, WENDELL F. V. MONSANTO COMPANY, INC., ET AL.
11-552 KANSAS CITY PREMIER APTS., INC. V. MO REAL ESTATE COMM'N
11-553 YSLETA DEL SUR PUEBLO V. TEXAS
11-554 STEWART, MEL V. OREGON
11-559 KAUFFMAN, KIMBERLY V. UPMC PRESBYTERIAN SHADYSIDE
11-565 HOLLOWAY, MARK R. V. RED LION BOROUGH
11-567 NORIEGA, MARCY V. TORRES, MARIA, ET AL.
11-571 SOLIS, DOMINGO V. HOLDER, ATT'Y GEN.
11-580 SPELLISSY, THOMAS F. V. UNITED STATES
11-586 ANDERSON, LENNON V. VANGUARD CAR RENTAL USA
11-589 FISHER, JAMES R., ET AL. V. USDC ND TX
11-594 ROOTERS, MARY E. V. STATE FARM LLOYDS
11-601 WOODS, ISAAC, ET AL. V. UNITED STATES
11-602 SANCHEZ OSORIO, MIGUEL A. V. DOW CHEM. CO., ET AL.
11-612 JACKSON, JEANETTE V. UPS
11-623 FISHMAN, STEVEN V. UNITED STATES
11-629 RANSOM, HERMAN S. V. UNITED STATES
11-632 DICKOW, D. CHARLES V. UNITED STATES, ET AL.
11-641 ROSALES, SALVADOR V. UNITED STATES

11-644 LITMAN, KEITH, ET AL. V. CELLCO PARTNERSHIP
11-645 KASHAMU, BURUJI V. UNITED STATES
11-660 UTTERBACK, CLAYTON, ET AL. V. GEITHNER, SEC. OF TREASURY
11-673 ABBE, MARCUS R., ET AL. V. SAN DIEGO, CA
11-686 DELGADO, JUAN V. UNITED STATES
11-5006 MANNING, ARTHUR R. V. ILLINOIS
11-5038 TURNER, EDWIN H. V. EPPS, COMM'R, MS DOC
11-5128 WORMINGTON, DAVID C. V. THALER, DIR., TX DCJ
11-5305 THOMAS, ROY E. V. UNITED STATES
11-5406 KAY, LISA R. V. THALER, DIR., TX DCJ
11-5472 ALMOND, WILLIAM J. V. UNITED STATES
11-5767 WOODARD, ROBERT L. V. THALER, DIR., TX DCJ
11-5792 MORGAN, ALBERT V. SHINSEKI, SEC OF VA
11-5819 TAYLOR, WARREN V. UNITED STATES
11-5847 FLORER, DENNIS V. CONGREGATION PIDYON SHEVUYM
11-5939 RHINE, CURTIS O. V. UNITED STATES
11-6039 CARVAHLO, KEVIN V. UNITED STATES
11-6053 GILBERT, EZELL V. UNITED STATES
11-6153 SWICKKOW, LEON V. UNITED STATES
11-6257 DOUGLAS, GORDON A. V. JACQUEZ, WARDEN
11-6291 BOYCE, JAMES E. V. UNITED STATES
11-6335 DANIEL B. V. SUNAPEE SCH. DIST.
11-6365 GREENE, GEORGE N. V. UNITED STATES
11-6378 VERA-GONZALEZ, ROBERTO V. UNITED STATES
11-6380 VAN PELT, KIM V. ALABAMA
11-6420 TORRES-TORRES, JUAN V. UNITED STATES
11-6428 ST. MARTIN, BRIAN T. V. WISCONSIN
11-6455 McCLARIN, DEMARCUS V. GEORGIA

11-6456 NASLUND, JIMMY L. V. UNITED STATES
11-6467 GUY, CURTIS V. NEVADA
11-6795 RAMOS, ALFREDO V. TEXAS
11-6798 SCHLEE, LARRY M. V. WILLIAMS, WARDEN
11-6799 COWIE, DANIEL A. V. CALIFORNIA
11-6805 SUAREZ, MAHER V. CALIFORNIA
11-6808 GRIFFIN, WILLIE A. V. THALER, DIR., TX DCJ
11-6825 NORWOOD, MARILYN M. V. LITTLE ROCK POLICE DEPT.
11-6828 SCOTT, ANDRE D. V. CALIFORNIA
11-6829 ALLEN, PAUL C. V. BIGELOW, WARDEN, ET AL.
11-6830 BURE, MOISES E. V. BONDI, ATT'Y GEN. OF FL, ET AL.
11-6832 STEVENS, THEODORE V. NEVADA
11-6833 DIAZ-BEY, JAVIER V. HILL, W., ET AL.
11-6839 PETERSON, MICHAEL E. V. McKENNA, ATT'Y GEN. OF WA
11-6840 NGUYEN, TRI D. V. FELKER, WARDEN
11-6841 MCGREW, CARLOS A. V. VANNOY, CINDY, ET AL.
11-6845 PARKER, FRANK V. PERRY, WARDEN
11-6851 ANDERSON, LARRY W. V. THALER, DIR., TX DCJ
11-6854 VANN, TONY L. V. WIENEKE, DENNIS L., ET AL.
11-6858 THORNE-EL, TERRY V. NORTH CAROLINA
11-6862 SELDEN, GLENN L. V. FLORIDA, ET AL.
11-6867 CRAWFORD, DONALD W. V. DAVIS, JESSE L., ET AL.
11-6884 DAVIS, ALLEN L. V. GRAY, DETECTIVE LT., ET AL.
11-6885 ELLIS, BOBBY M. V. PARKER, WARDEN
11-6886 DESHAY, MONTELL V. CALIFORNIA
11-6887 CHARLEY, TIMOTHY V. ORANGEBURG CTY. SHERIFF'S DEPT.
11-6895 VALENZUELA, MELINDA G. V. MARICOPA COUNTY SHERIFF'S DEPT.
11-6896 WILSON, BOBBY E. V. EPPS, COMM'R, MS DOC, ET AL.

11-6899 ESMAEL, ELI V. U.K. SECRET INTELLIGENCE SERVICE
11-6901 HUBBARD, ANTHONY V. RIVARD, WARDEN
11-6903 DOHNAL, MAXIMILIAN J. V. TEXAS
11-6904 CABRERA, REYES V. McCALL, WARDEN
11-6905 EVANS, ANTHONY V. KIRKPATRICK, SUPT., WENDE
11-6918 VALDEZ, NICHOLAS V. MILYARD, WARDEN, ET AL.
11-6919 WALKER, CHARLES E. V. CLARK, WARDEN
11-6923 BARTEE, ANDRE T. V. TUCKER, SEC., FL DOC
11-6934 PHILLIPS, JEROME V. DORMIRE, SUPT., JEFFERSON CITY
11-6935 MATTHEWS, BUSTER J. V. THALER, DIR., TX DCJ
11-6937 MARTINEZ, PAUL L. V. DECESARO, ANTHONY A., ET AL.
11-6944 MORRIS, JAMES A. V. MISSISSIPPI
11-6948 ALLEN, EDWARD V. ZAVARAS, ARISTEDES W., ET AL.
11-6954 THOMPSON, ANTHONY R. V. ALABAMA
11-6955 WANG, YAN JU V. APPELLATE DIVISION, SUP. CT. CA
11-6960 SALAHUDDIN, ISHMAEL V. THALER, DIR., TX DCJ
11-6964 SCHUMANN, KATHERINE V. PATRICK, WARDEN
11-6967 ABSTON, NANCY V. EICHENBERGER, WARDEN
11-6973 CONNER, LEONARD V. GRAHAM, SUPT., AUBURN
11-6976 BARBOUR, REDALE V. BROCK & SCOTT, PLLC, ET AL.
11-6977 BARBOUR, REDALE V. WELLS FARGO BANK, N.A., ET AL.
11-6982 GOTTSCHALK, RONALD V. STATE BAR OF CALIFORNIA
11-6986 HENDRICKS, GARY W. V. VIRGINIA
11-6999 PICKARD, CEDRIC B. V. GEORGIA
11-7004 DELGADO, JESSE V. McEWEN, WARDEN
11-7007 CHAVEZ, JUAN C. V. TUCKER, SEC., FL DOC, ET AL.
11-7008 MAGEE, DEEMARIO B. V. CALIFORNIA
11-7010 UNDERWOOD, KEVIN R. V. OKLAHOMA

11-7011 RODRIGUEZ, RAUL V. SCRIBNER, WARDEN
11-7016 THORNTON, WILLIAM C. V. CALIFORNIA
11-7018 SMITH, WILLIE J. V. NEVEN, WARDEN, ET AL.
11-7021 CROMER, JEFFREY V. BODISON, WARDEN, ET AL.
11-7023 CANTY, MOSHE C. V. ESGROW, JAMES, ET AL.
11-7024 MARTINEZ, RICKIE A. V. HEDGPETH, WARDEN
11-7027 MARTINEZ, PATRICIA V. USDC NM
11-7033 MUNTASER, NASIR V. BRADSHAW, WARDEN
11-7037 MARSHALL, ANDRE L. V. MORTON, DEBBIE, ET AL.
11-7041 KELLEY, MICHAEL V. RITTER, HENRY C., ET AL.
11-7042 KERCHEE, MELVIN R. V. JONES, DIR., OK DOC
11-7046 CAVANESS, KYLE V. HEIMGARTNER, WARDEN, ET AL.
11-7047 LEE, GARY V. TX DEPT. OF FAMILY
11-7048 KEITH, LINCOLN V. THALER, DIR., TX DCJ
11-7050 AVERY, BRIAN C. V. FLORIDA
11-7051 PATEL, VINOD V. MARTUSCELLO, SUPT., COXSACKIE
11-7055 FLORES, ERIC V. EL PASO POLICE DEPT., ET AL.
11-7059 STEVENSON, GENGHIS K. V. CALIFORNIA
11-7061 SMITH, JAMES R. V. RICCI, ADM'R, NJ, ET AL.
11-7063 RUTH, GEORGE H. V. UNITED STATES
11-7064 DARBY, MICHAEL D. V. GEIGER, RICHARD J., ET AL.
11-7066 CUNNINGHAM, EDWARD V. TUCKER, SEC., FL DOC, ET AL.
11-7067 REAVES, HARRY E. V. EXECUTIVE NEW YORK STATE OFFICE
11-7070 WILLIAMS, DARRELL V. PADULA, WARDEN
11-7071 VAUGHN, ALLEN E. V. JAMES, BOBBIE, ET AL.
11-7072 PUGH, DONALD W. V. TEXAS
11-7074 TRAVALINE, SCOTT J. V. SUPREME COURT OF U.S., ET AL.
11-7075 WILLIAMS, PERCY A. V. MULLEN, GRAHAM C., ET AL.

11-7077 WILLIAMS, ANTHONY V. HARLOW, M. W., ET AL.
11-7079 WINTERS, ROBERT A. V. HUBBARD, SUSAN, ET AL.
11-7080 WASHINGTON, ROBERT V. LOCKETT, SUPT., PITTSBURGH
11-7083 O'CONNOR, NYKA V. GRACE, OFFICER, ET AL.
11-7085 BUSH, DEBORAH V. DIV. OF HUMAN RIGHTS, ET AL.
11-7087 CASTANEDA, GABRIEL V. CALIFORNIA
11-7088 RHODES, ZACHARY C. V. MEDINA, WARDEN, ET AL.
11-7092 O'GEARY, SEAN P. V. FAYRAM, WARDEN
11-7095 ROBERTS, NICHOLAS A. V. SOBINA, SUPT., ALBION, ET AL.
11-7097 ST. CYR, ANTOINE V. HOLDER, ATT'Y GEN.
11-7106 CURTIS-JOSEPH, FUNMI M. V. RICHARDSON, JOHN W., ET AL.
11-7107 CONNOLLY, CHARLES V. IL PRISONER REVIEW BOARD, ET AL.
11-7109 JONES, GIL V. MD DOC
11-7110 JIMENEZ, DIEGO J. V. TUCKER, SEC., FL DOC
11-7111 CARTER, MARY V. COOPER, MR.
11-7114 VAN BRUMWELL, JASON V. OREGON
11-7116 BROOME, ROOSEVELT V. HUNTER, MICHAEL S., ET AL.
11-7119 EDWARDS, WARREN L. V. YU, ALBERT
11-7121 DUKES, DEMEL V. BERGHUIS, WARDEN
11-7123 VARNUM, STEVEN L. V. LEWIS, ACTING WARDEN
11-7128 JONES, CHARLES E. V. STEWARD, WARDEN
11-7143 STEMPLE, TIMOTHY S. V. WORKMAN, WARDEN
11-7144 LESLIE, NEVILLE S. V. UNITED STATES, ET AL.
11-7151 BEALE, ROBERT B. V. UNITED STATES
11-7155 POMPOSELLO, JASON V. TUCKER, SEC., FL DOC, ET AL.
11-7158 GRAY, WILLIAM V. VALDEZ, WARDEN, ET AL.
11-7160 GUTIERREZ, FLOYD R. V. KING, ATT'Y GEN. OF NM
11-7161 FRAME, RICHARD V. MENALLEN TOWNSHIP, PA

11-7164 HEFFERNAN, ROBERT V. ARKANSAS
11-7165 WOODS, EARNEST C. V. MARSHALL, WARDEN, ET AL.
11-7166 WARREN, LOUIS V. MILYARD, WARDEN, ET AL.
11-7172 GOMEZ, JOSE A. V. CALIFORNIA
11-7173 HOFMAN, LESLIE J. V. THALER, DIR., TX DCJ
11-7174 IVERSON, JULIANE M. V. VENUWORKS/COMPASS FACILITIES
11-7176 GATHER, RAYMOND V. OKARNG, ET AL.
11-7177 NASH, EDWARD V. NEW YORK
11-7179 MANCUSO, PAUL V. UNITED STATES
11-7182 POPP, JEFFREY T. V. THALER, DIR., TX DCJ
11-7183 FLORES, ERIC V. PUBLIC HEALTH SERVICE, ET AL.
11-7187 GRAHAM, JACK W. V. AMERICAN GOLF CORP., ET AL.
11-7188 GUMBS, WADE V. VIRGIN ISLANDS
11-7189 WALKER, EDWIN V. WALSH, SUPT., DALLAS, ET AL.
11-7190 ONTIVEROS-PEREZ, JULIO C. V. COLORADO
11-7191 McNEIL, SAMUEL V. HOME BUDGET LOANS, ET AL.
11-7194 CONTANT, ISAN V. HOLDER, ATT'Y GEN.
11-7196 SEAWRIGHT, WILLIAM A. V. McCALL, WARDEN
11-7197 SULLIVAN, JOHNETTA V. STOVALL, WARDEN
11-7199 OWEN, LANCE G. V. WEBER, WARDEN
11-7203 WALKER, JEFFERY L. V. TUCKER, SEC., FL DOC, ET AL.
11-7204 WITHERSPOON, GILES W. V. DE COUNTY COURT OF COMMON PLEAS
11-7207 ESCOBEDO, MANUEL V. SMALL, WARDEN
11-7208 NOBLE, STEVE J. V. ADAMS, D., ET AL.
11-7209 NELSON, CALVIN B. V. WILLIAMS, TYRONE, ET AL.
11-7210 CROOK, LYLE A. V. CATE, SEC., CA DOC
11-7211 STEVENS, DAVID P. V. MEDINA, WARDEN, ET AL.
11-7216 DICKSON, DAVID V. KERESTES, SUPT., MAHANAY, ET AL.

11-7225 GARDNER, RONALD J. V. UNITED STATES
11-7231 GOODELL, CHARLES L. V. WILLIAMS, WARDEN
11-7232 BELL, ALLIE J. V. SMALL, WARDEN
11-7233 HAGLER, WILLIAM J. V. BUDSBERG, BRIAN L., ET AL.
11-7237 STANLEY, PRENTICE V. FLORIDA
11-7243 MURPHY, RODERICOL V. SHERRY, WARDEN
11-7245 WILLIAMS, KENNETH L. V. BAENEN, WARDEN
11-7271 CRUMBLIN, ROGER R. V. UNITED STATES
11-7275 PURPURA, NICHOLAS E., ET AL. V. SEBELIUS, SEC. OF H&HS, ET AL.
11-7280 TODD, PHILLIP A. V. HILL, ACTING WARDEN
11-7286 MYERS, JEROME V. KNOWLIN, WARDEN
11-7299 RAMSEY, ROBERT V. BERGHUIS, WARDEN
11-7312 DURDLEY, OCTAVIUS L. V. UNITED STATES
11-7313 PARKER, JOEL K. V. UNITED STATES
11-7314 PEARSON, LINDSEY V. LAFLER, WARDEN
11-7320 JENKINS, WILLIAM V. SCUTT, WARDEN
11-7327 DALLY, TRAVIS L. V. UNITED STATES
11-7330 WASHINGTON, DEANDRE L. V. UNITED STATES
11-7331 SILVER, HILTON V. MARYLAND
11-7332 PENA, JERRY V. MARTEL, WARDEN, ET AL.
11-7334 MORRISON, JOHN S. V. UNITED STATES
11-7335 STEPHENS, JAMAL V. UNITED STATES
11-7336 SIMMONS, JOHN V. UNITED STATES
11-7339 PAGE, ANTHONY V. UNITED STATES
11-7340 PAPENFUS, TERRY L. V. NOOTH, SUPT., SNAKE RIVER
11-7341 McREYNOLDS, ANTONIO V. UNITED STATES
11-7349 HARRIS, RALPH V. ILLINOIS
11-7352 GOMEZ-ORTIZ, ARMANDO V. UNITED STATES

11-7354 MARRERO, JUAN V. UNITED STATES
11-7355 KITCHEN, TERRY D. V. FELKER, WARDEN
11-7356 KIZZEE, ANTHONY V. UNITED STATES
11-7359 GHENT, JAMAR Y. V. FLORIDA
11-7360 HOLLY, MELVIN E. V. GOTCHER, WARREN, ET AL.
11-7361 GARDNER, SANDRA J. V. UNITED STATES
11-7362 FULLMAN, ANDREW V. DONAHOE, POSTMASTER GEN., ET AL.
11-7364 MORTON, REGINALD D. V. UNITED STATES
11-7367 SLAUGHTER, LEO V. UNITED STATES
11-7368 ROWE, BRIAN L. V. UNITED STATES
11-7369 SANCHEZ, JAVIER V. UNITED STATES
11-7371 MATNEY, MAT A. V. UNITED STATES
11-7372 LUA-GUIZAR, JUAN P. V. UNITED STATES
11-7375 PINDER, RICARDO G. V. UNITED STATES
11-7380 X. D. V. UNITED STATES
11-7381 COLEMAN, KEAHMBI V. UNITED STATES
11-7382 DE JESUS-VIERA, RAMON V. UNITED STATES
11-7383 DOYLE, JAMES V. UNITED STATES
11-7385 WALKER, KEVIN L. V. UNITED STATES
11-7386 GARCIA-TOBIAS, FELIX V. UNITED STATES
11-7387 SARABIA, OSBALDO V. UNITED STATES
11-7389 FIGUEROA, LUIS R. V. UNITED STATES
11-7396 GREEN, SHAWN V. FISCHER, COMM'R, NY DOC
11-7399 ALONSO-PRIETO, RAUL E. V. UNITED STATES
11-7401 ANDERSON, JOHN D. V. UNITED STATES
11-7411 SPERLING, HERBERT V. EBBERT, WARDEN
11-7412 STATES, CHARLES V. UNITED STATES
11-7413 MITCHELL, CLAUDETTE V. UNIV. MED. CENTER, INC.

11-7414 FRANCIS, ROBERT V. UNITED STATES
11-7415 GISI, MICHAEL V. FLORIDA
11-7418 TAYLOR, KENNETH V. UNITED STATES
11-7420 TCHIBASSA, ARTHUR V. UNITED STATES
11-7422 McCRAY, SIDNEY V. REDNOUR, WARDEN
11-7423 MORADEL-RUIZ, ENYIL R. V. UNITED STATES
11-7425 OWENS, KELVIN V. UNITED STATES
11-7426 PETTY, JOHN V. PA BD. OF PROBATION & PAROLE
11-7427 MOORE, CARLOS V. FLORIDA
11-7428 NGUYEN, TAM C. V. FOLINO, SUPT., GREENE, ET AL.
11-7430 JIMENEZ, DANIEL V. UNITED STATES
11-7432 JONES, JOUSIAWU J. V. UNITED STATES
11-7433 MATHIS, JERMAINE V. UNITED STATES
11-7437 CRUZ, JOSHUA V. UNITED STATES
11-7441 JOHNSON, VINCENT S. V. UNITED STATES
11-7443 PALMER, GREGORY L. V. UNITED STATES
11-7454 CALAIS, DWAYNE V. UNITED STATES
11-7458 SALAZAR, JULIAN V. UNITED STATES
11-7461 BROWN, BRIAN L. V. UNITED STATES
11-7462 CARRERO-HERNANDEZ, ORLANDO V. UNITED STATES
11-7465 MILLER, AARON R. V. UNITED STATES
11-7471 KNIGHT, MARCUS V. UNITED STATES
11-7472 EDWARDS, DEVIN V. TUCKER, SEC., FL DOC
11-7473 EASON, ALVIN V. UNITED STATES
11-7474 MIENTES, JORGE V. UNITED STATES
11-7476 LAUREYS, BRANDON V. UNITED STATES
11-7477 BAPTIST, LYNDON M. V. UNITED STATES
11-7478 SHUB, JONATHAN V. UNITED STATES

11-7479 REAVES, OLLIE O. V. UNITED STATES
11-7482 SCHIPKE, MARY E. V. UNITED STATES
11-7485 CABACCANG, ROY T. V. UNITED STATES
11-7487 MIMMS, REGINALD V. UNITED STATES
11-7491 KHARABADZE, IOSEB V. UNITED STATES
11-7492 KOKOSKI, MICHAEL V. UNITED STATES
11-7493 JUAREZ, JUAN V. UNITED STATES
11-7494 FINK, KENNETH E. V. PHELPS, WARDEN, ET AL.
11-7496 DICKEY, EDWARD V. UNITED STATES
11-7498 POTTS, RICHARD V. UNITED STATES
11-7502 BLINKINSOP, PAUL V. UNITED STATES
11-7507 GRAVES, TERRENCE V. UNITED STATES
11-7511 GREEN, STEVEN D. V. UNITED STATES
11-7516 ALLEN, FRANK V. UNITED STATES
11-7518 GONZALEZ-GARCIA, DANIEL V. UNITED STATES
11-7519 GARCIA, HUMBERTO V. UNITED STATES
11-7520 GRAY, WYNELL V. UNITED STATES
11-7522 TOUSSAINT, AHMAD V. UNITED STATES
11-7524 LOPEZ-MARTINEZ, JESUS J. V. UNITED STATES
11-7526 SAVAGE, CLIFTON V. UNITED STATES
11-7527 OLMOS-OLVERA, GUADALUPE V. UNITED STATES
11-7528 ALCANTARA-RAMIREZ, EDDY V. UNITED STATES
11-7533 MURRAY, DESMOND J. V. FLORIDA
11-7537 PEREZ-MONTERO, DAVID V. UNITED STATES
11-7538 MILLS, LARONE V. UNITED STATES
11-7539 ROBINS, EDWARD G. V. UNITED STATES
11-7544 PEREZ, SERGIO V. UNITED STATES
11-7545 BURROWS, PERCELL V. UNITED STATES

11-7546 WILLIAMS, SHAWN E. V. UNITED STATES
11-7548 TRAN, HUNG NAM V. WISCONSIN
11-7550 CABACCANG, RICHARD T. V. UNITED STATES
11-7551 D'ANDREA, LANCE A. V. UNITED STATES
11-7552 EARLY, KENNETH V. UNITED STATES
11-7554 CHAVEZ-PULIDO, MIGUEL A. V. UNITED STATES
11-7557 WILLIS, VANESSA D. V. UNITED STATES
11-7559 MORROW, NANCY V. DONAHOE, POSTMASTER GEN.
11-7561 MARTINEZ-VASQUEZ, CARLOS V. UNITED STATES
11-7563 PIERRE, FRANK V. UNITED STATES
11-7569 KNOPE, RANDALL J. V. UNITED STATES
11-7570 JOHNSON, JEROME W. V. UNITED STATES
11-7571 MCKINNEY, JOHN T. V. UNITED STATES
11-7572 RODRIGUEZ-CASTRO, JUAN F. V. UNITED STATES
11-7573 CRAWFORD, GRETA V. UNITED STATES, ET AL.
11-7575 TIBBS, NEAL J. V. ADAMS, WARDEN, ET AL.
11-7576 CARR, WAYNE V. UNITED STATES
11-7577 WILSON, WAYLAND T. V. ROY, WARDEN
11-7582 SANTIAGO, ADALBERTO V. UNITED STATES
11-7592 AMBO, ISIAH V. UNITED STATES
11-7593 MORALES, JESSE V. UNITED STATES
11-7594 PRICE, HAROLD D. V. UNITED STATES
11-7595 HENRY, DAVID V. NEW JERSEY
11-7598 VAZQUEZ, PEDRO V. UNITED STATES
11-7600 WILLIAMS, KENNETH V. UNITED STATES
11-7601 SANCHEZ, JOSE V. UNITED STATES
11-7604 McCLELLAN, ADAM C. V. UNITED STATES
11-7606 JENKINS, ADRIAN V. UNITED STATES

11-7611 BURKE, TERRANCE T. V. UNITED STATES
11-7613 ARMSTRONG, CHARLES E. V. UNITED STATES
11-7615 ROBINSON, RISHEEN D. V. UNITED STATES
11-7617 RIESELNAN, PAUL V. UNITED STATES
11-7623 MURRAY, TED R. V. UNITED STATES
11-7624 ORTIZ-MIRANDA, RAUL V. UNITED STATES
11-7631 SODERMAN, CHARLES V. UNITED STATES
11-7634 PRANDY-BINETT, PEDRO J. V. UNITED STATES
11-7635 BARRINGTON, MARCUS V. UNITED STATES
11-7639 AUTREY, VERNON J. V. UNITED STATES
11-7640 BARRIOS, FRANCISCO V. UNITED STATES
11-7642 SHEPPARD, BRADLEY S. V. RIVERA, WARDEN
11-7644 RUSSELL, ROBERT P. V. UNITED STATES
11-7649 CASTRO-CABRERA, JUAN B. V. UNITED STATES
11-7652 REESE, PERRY V. UNITED STATES
11-7653 SUSCHANKE, ALAN V. UNITED STATES
11-7655 DIAZ-MALDONADO, ALEJANDRO V. UNITED STATES
11-7656 COLLADO, HENDY V. UNITED STATES
11-7663 BLOOD, GEORGE W. V. BLEDSOE, WARDEN
11-7670 VAUGHN, STANLEY E. V. UNITED STATES
11-7671 VALDEZ, SAGRARIO V. UNITED STATES
11-7673 THOMAS, ERVIN V. UNITED STATES
11-7676 JEFFERSON, JOHN E. V. UNITED STATES
11-7680 MASON, FREDDIE V. UNITED STATES
11-7681 COOPER, JACK D. V. UNITED STATES
11-7684 PARISI, JAMES J. V. UNITED STATES
11-7686 TORRES, PONCIANO V. UNITED STATES
11-7693 SMITH, MARIO V. UNITED STATES

11-7697 DANIELS, ROBERT C. V. UNITED STATES
11-7699 AL JABER, ALAA M. V. UNITED STATES
11-7705 WATSON, JAMES W. V. UNITED STATES
11-7707 ROGERS, CHRISTOPHER R. V. UNITED STATES
11-7708 CEJA, SERGIO M. V. UNITED STATES
11-7709 DAVIS, TRAVIS C. V. UNITED STATES
11-7712 ARSEO-FRANCO, JESUS U. V. UNITED STATES
11-7716 DEAS, VIDA V. UNITED STATES
11-7720 SOWDEN, PAUL C. V. UNITED STATES
11-7727 MUJICA, SERGIO V. UNITED STATES

The petitions for writs of certiorari are denied.

11-122 INNOVAIR AVIATION LIMITED V. UNITED STATES

The petition for a writ of certiorari is denied. The Chief Justice and Justice Kagan took no part in the consideration or decision of this petition.

11-350 NATSO, INC., ET AL. V. 3 GIRLS ENTERPRISES, ET AL.

The motion of Rutherford Institute for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

11-408 TULLIS, DAVID H., ET AL. V. UMB BANK, N.A., ET AL.

The petition for a writ of certiorari is denied. Justice Kagan took no part in the consideration or decision of this petition.

11-526 DRAKE, RICHARD W. V. LABORATORY CORP. OF AMERICA

The petition for a writ of certiorari is denied. Justice Sotomayor took no part in the consideration or decision of this petition.

11-568 PIERCE, SAMUEL V. WOLDENBERG, RONA

The petition for a writ of certiorari before judgment is denied.

11-6385 BROWN, JAMES R. V. UNITED STATES

The petition for a writ of certiorari is denied. Justice Kagan took no part in the consideration or decision of this petition.

11-6927 PERRY, TAFT J. V. JORDAN, MARY, ET AL.

11-7005 COOK, DAMON B. V. GALAZA, WARDEN

11-7009 JARVIS, DEREK N. V. FEDEX OFFICE & PRINT SERVICES

The motions of petitioners for leave to proceed *in forma pauperis* are denied, and the petitions for writs of certiorari are dismissed. See Rule 39.8.

11-7035 AYSISAYH, WAADEW V. FLORIDA

11-7127 MAISANO, DALE V. CANTEEN CORR'L FOOD SERVICES

The motions of petitioners for leave to proceed *in forma pauperis* are denied, and the petitions for writs of certiorari are dismissed. See Rule 39.8. As the petitioners have repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioners unless the docketing fees required by Rule 38(a) are paid and the petitions are submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U.S. 1 (1992) (*per curiam*).

11-7141 POWELL, FLOYD J. V. KELLER, TONY A., ET AL.

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8. As the petitioner has repeatedly

abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U.S. 1 (1992) (*per curiam*). Justice Kagan took no part in the consideration or decision of this motion and this petition.

11-7192 COX, JON M. V. DAVIS, WARDEN

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8.

11-7270 CASTEL, REGINALD M. V. HOLDER, ATT'Y GEN.

11-7294 ARTEAGA, FRANCISCO D. V. UNITED STATES

The petitions for writs of certiorari are denied. Justice Kagan took no part in the consideration or decision of these petitions.

11-7337 SACCO, DEAN V. UNITED STATES

The petition for a writ of certiorari is denied. Justice Sotomayor took no part in the consideration or decision of this petition.

11-7338 DALLUM, CHRISTOPHER V. UNITED STATES

11-7345 HAIRSTON, ARTHUR L. V. UNITED STATES

The petitions for writs of certiorari are denied. Justice Kagan took no part in the consideration or decision of these petitions.

11-7346 HAIRSTON, ARTHUR L. V. SCISM, WARDEN

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari

is dismissed. See Rule 39.8.

11-7374 STRONG, JEFF V. SUTER, CLERK, USSC

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8. As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U.S. 1 (1992) (*per curiam*).

11-7405 HENDRICKS, LARRY E. V. GALLOWAY, BARRY, ET AL.

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8.

11-7457 SMITH, ROBERT V. UNITED STATES

11-7459 SANTOS, RAMON A. V. SHARTLE, WARDEN

11-7508 HERNANDEZ-HERNANDEZ, MANUEL V. UNITED STATES

11-7530 MEZA, ALFREDO D. V. ZICKEFOOSE, WARDEN

The petitions for writs of certiorari are denied. Justice Kagan took no part in the consideration or decision of these petitions.

11-7534 NOLAN, DEMAURIAE V. UNITED STATES

The petition for a writ of certiorari is denied. Justice Breyer took no part in the consideration or decision of this petition.

11-7535 PENNANT, PAUL V. UNITED STATES

11-7581 ROBINSON, RUSSELL E. V. UNITED STATES

11-7588 VAZQUEZ, JUAN A. V. UNITED STATES

The petitions for writs of certiorari are denied. Justice Kagan took no part in the consideration or decision of these petitions.

11-7596 McCREARY, MARK V. UNITED STATES

The petition for a writ of certiorari is denied. Justice Sotomayor took no part in the consideration or decision of this petition.

11-7614 FLORES, ERIC V. HOLDER, ATT'Y GEN.

The petition for a writ of certiorari before judgment is denied.

11-7721 REED, WILLIE B. V. UNITED STATES

The petition for a writ of certiorari is denied. Justice Kagan took no part in the consideration or decision of this petition.

HABEAS CORPUS DENIED

11-7590 IN RE RONALD N. TOTARO

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of habeas corpus is dismissed. See Rule 39.8.

MANDAMUS DENIED

11-446 IN RE BERNARD GERSTNER, JR., ET AL.

11-578 IN RE GEORGE L. KELLY

11-7022 IN RE CHARLIE EASTLAND

11-7229 IN RE SAEED BAKHOUCHE, AKA ABDUL RAZAK ALI

11-7483 IN RE YVETTE SQUARE

The petitions for writs of mandamus are denied.

11-6882 IN RE GEORGE R. BROWN, SR.
11-6994 IN RE HECTOR BARAJAS
11-7076 IN RE JOHN T. VANCE

The petitions for writs of mandamus and/or prohibition are denied.

11-7091 IN RE EDWARD MIERZWA

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of mandamus is dismissed. See Rule 39.8.

REHEARINGS DENIED

10-1115 CAVAZOS, ACTING WARDEN V. SMITH, SHIRLEY R.
10-1441 FANOR, EVANS J. V. ALVARADO, CARLOS, ET AL.
10-10267 JONES, DONALD G. V. CANIZARO, JOSEPH, ET AL.
10-10494 JONES, DONALD G. V. TRAVELERS, ET AL.
10-10704 DAVIS, TYRONE V. STEELE, WARDEN
10-10709 WASHINGTON, EDWARD V. CAIN, WARDEN
10-10713 SANCHEZ, CHARLES V. ALDRICH, LUPE, ET AL.
10-10949 C. F. V. SUPERIOR COURT OF CA, ET AL.
10-11019 JONES, ERIC V. TUCKER, SEC., FL DOC
10-11189 MOSS, DWIGHT E. V. UNITED STATES
10-11191 HAMILTON, RICHARD V. TUCKER, SEC., FL DOC, ET AL.
10-11214 GRIFFIN, BRIAN E. V. PENNSYLVANIA
10-11265 FOURSTAR, VICTOR C. V. MURLAK, STEVEN, ET AL.
11-62 CAZARES, ROSALIND E., ET AL. V. COSBY, PAMELA
11-125 HOLMES, CYNTHIA V. EAST COOPER COMMUNITY HOSPITAL
11-150 MOORE, MARTEEN V. USC UNIV. HOSP., INC., ET AL.
11-165 RIFFIN, JAMES V. MD DEPT. OF ENVIRONMENT
11-171 OSMOLSKI, JACQUELINE, ET AL. V. NEW JERSEY

11-255 TINSLEY, EDWARD V. BARKSDALE, ANGELA Q.
11-298 CLAMPITT, ROSEMARIE V. GEURIN, JAMES P., ET UX.
11-304 CRAWFORD, PETER A. V. WOLVERINE, PROCTOR & SCHWARTZ
11-308 THOMAS, RICHARD E., ET AL. V. ALCOSER, EDWARD, ET AL.
11-331 MARCELLO, DOUGLAS P. V. IRS
11-359 MIRACLE STAR WOMEN'S V. JETT, KATHERINE, ET AL.
11-5020 MARTINEZ, FELIX C. V. SCRIBNER, WARDEN
11-5032 POPE, JOSEPH V. BERNARD, MARK, ET AL.
11-5079 MCGREW, CARLOS V. GILCREASE, CAROL, ET AL.
11-5098 TAYLOR, RHONDA V. LIVINGSTON, BRAD, ET AL.
11-5118 OLIVIER, MAURICE P. V. LOS ANGELES COUNTY, CA
11-5135 SLATER, ALTON L. V. UNITED STATES
11-5139 NELSON, DARRELL V. UNITED STATES
11-5143 WRAY, FREEMAN V. REYNOLDS, WARDEN
11-5258 GEE, EDWARD V. KERESTES, SUPT., MAHANAY, ET AL.
11-5417 BAFFORD, FRANK M. V. MIDFIRST BANK, ET AL.
11-5427 JEANETTA, JEFFREY M. V. UNITED STATES
11-5438 FINCHER, HOLLIS W. V. UNITED STATES
11-5478 LEULUAIALII, KENNETH J. V. SINCLAIR, SUPT., WA
11-5493 McCLUER, ROGER L. V. TEXAS
11-5515 PALMER, ROGER V. BUGE, RITA, ET AL.
11-5616 WILLIAMS, LARRY V. THOMPSON, WARDEN, ET AL.
11-5620 TAYLOR, JOSEPH V. VISINSKY, JOSEPH, ET AL.
11-5642 SHOVE, THEODORE, ET AL. V. DISTRICT COURT JUDGES, ET AL.
11-5664 OCHOA, MICHAEL R. V. RUBIN, ERIN
11-5699 JOHNSON, STEVIE W. V. UNITED STATES
11-5814 PURCHASE, ROBERT M. V. FLORIDA
11-5877 HAWK, TONY V. ASTRUE, COMM'R, SOCIAL SEC.

11-5927 BADEN, MARY K. V. WHEATON, IL, ET AL.
11-5928 BAKER, WILLIAM M. V. GERDENICH REALTY CO.
11-5936 DERRINGER, DAVID V. ARIZONA, ET AL.
11-5962 JELANI, DONALD J. V. PROVINCE, WARDEN
11-5963 JONES, WALLACE C. V. FLORIDA
11-6011 CLANTON, CYNTHIA V. SCHLEGEL SYSTEMS, INC., ET AL.
11-6027 MANZELLA, MARK V. DORMIRE, SUPT., JEFFERSON CITY
11-6054 SPRINGS, BARBARA V. NYC BOARD OF ED., ET AL.
11-6063 DAVIS, MICHAEL L. V. THALER, DIR., TX DCJ
11-6107 TOMPSON, JUDITH V. MA DEPT. OF MENTAL HEALTH
11-6119 WASHINGTON, GILBERT V. SCHOOL BD. OF HILLSBOROUGH CTY.
11-6200 F. J. V. FL DEPT. OF CHILDREN & FAMILIES
11-6238 BARKER, STEPHEN R. V. UNITED STATES
11-6262 NASH, ANNETTE V. PTASHNINK, NEIL B., ET AL.
11-6279 RANDOLPH, LINART V. BODISON, WARDEN
11-6313 IN RE THEODORE SHOVE, ET AL.
11-6373 HUDSON, DAMON V. LAFLER, WARDEN
11-6391 BUCK, DUANE E. V. THALER, DIR., TX DCJ
11-6415 PETROS, MICHAEL V. BOOS, PAUL, ET AL.
11-6838 PINDER, STEVEN L. V. HOBBS, DIR., AR DOC
11-6926 McDONALD, KEVIN V. UNITED STATES

The petitions for rehearing are denied.

11-6338 PERTIL, ORATIN V. UNITED STATES

The petition for rehearing is denied. Justice Kagan took no part in the consideration or decision of this petition.

11-5891 MILLER, SIDNEY R. V. COUNTY TREASURER

The motion for leave to file a petition for rehearing is denied.

ATTORNEY DISCIPLINE

D-2617 IN THE MATTER OF DISCIPLINE OF JOSEPH JOHN HANNA, JR.

Joseph John Hanna, Jr., of Portland, Oregon, 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.

D-2618 IN THE MATTER OF DISCIPLINE OF JOHN JOSEPH ZODROW

John Joseph Zodrow, of Denver, Colorado, 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.

D-2619 IN THE MATTER OF DISCIPLINE OF DAVID E. FOX

David E. Fox, of Washington, District of Columbia, 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.

D-2620 IN THE MATTER OF DISCIPLINE OF WALTER C. ELLIOTT, JR.

Walter C. Elliott, Jr., of Owings Mills, Maryland, 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.

D-2621 IN THE MATTER OF DISCIPLINE OF GLENN E. CULPEPPER

Glenn E. Culpepper, of Silver Spring, Maryland, 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.

D-2622

IN THE MATTER OF DISCIPLINE OF DAVID S. MOYNIHAN

David S. Moynihan, of San Diego, California, 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.

D-2623

IN THE MATTER OF DISCIPLINE OF MICHAEL JOSEPH MELTON

Michael Joseph Melton, of Rolling Hills, California, 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.

Statement of SOTOMAYOR, J.

SUPREME COURT OF THE UNITED STATES

BRENDA CASH, ACTING WARDEN *v.* BOBBY JOE
MAXWELL

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 10–1548. Decided January 9, 2012

The motion of respondent for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is denied.

Statement of JUSTICE SOTOMAYOR respecting the denial of certiorari.

The Antiterrorism and Effective Death Penalty Act of 1996 requires that federal habeas courts extend deference to the factual findings of state courts. But “deference does not imply abandonment or abdication of judicial review.” *Miller-El v. Cockrell*, 537 U. S. 322, 340 (2003). Congress stated in no uncertain terms that federal habeas relief remains available when a state court’s holding is “based on an unreasonable determination of the facts.” 28 U. S. C. §2254(d)(2). In this case, the state court’s denial of relief to respondent Bobby Joe Maxwell was premised on its factual finding that there was “no credible or persuasive evidence Sidney Storch lied at [Maxwell’s] trial in 1984.” App. to Pet. for Cert. 137. Because the Ninth Circuit meticulously set forth an avalanche of evidence demonstrating that the state court’s factual finding was unreasonable, see *Maxwell v. Roe*, 628 F. 3d 486, 498–506 (2010), I agree with the Court’s decision to deny certiorari.

Sidney Storch was one of the most notorious jailhouse informants in the history of Los Angeles County. During a 4 year period in the mid-1980’s, he testified in at least a half-dozen trials, each time claiming that the defendant had confessed to him in prison. See Rohrlich & Stewart, Jailhouse Snitches: Trading Lies for Freedom, L. A. Times,

Statement of SOTOMAYOR, J.

Apr. 16, 1989, p. 30 (“Said inmate Daniel Roach: ‘It seems that half the world just confesses to Sidney Storch’”).

Throughout this period, however, evidence mounted that Storch repeatedly was fabricating inmates’ confessions for personal gain. As even the State acknowledges, Storch’s signature method was to fashion inmates’ supposed confessions from publicly available information in newspaper articles. 2 Record 262. At Maxwell’s postconviction hearing, one former county prosecutor explained that he declined to use Storch in a high-profile 1986 murder case after determining “Storch was not telling the truth about [the defendant’s] alleged statements,” and had lied about having heard a confession at a time when he was not in the defendant’s cell. 9 *id.*, at 1824. Another prosecutor later refused to use Storch in a different case after discovering that his “testimony was similar to the newspaper accounts of the case.” 9 *id.*, at 1825. In 1987, sheriff’s deputies even confiscated a *manual* written by Storch instructing other jailhouse snitches how to fabricate confessions. None of this was out of character for Storch, who was discharged from the Army in 1964 because he was a “habitual liar,” and was arrested repeatedly for crimes of dishonesty, including forgery, fraud, and false impersonation—including falsely impersonating a Central Intelligence Agency officer. 628 F. 3d, at 498.

As the Ninth Circuit explained at length, both before and after Maxwell’s trial, various police officers and prosecutors believed Storch to be unreliable, dishonest, and willing to set up defendants for his own ends. At Maxwell’s postconviction hearing, one police officer described how Storch sought to “set . . . up” someone during a forgery investigation, 6 Record 1118; another detective testified that he would have put Storch on a Los Angeles Police Department list of unreliable informants prior to Maxwell’s trial. Not long after Maxwell’s trial, prosecutors refused to put Storch on the stand, believing him to have

Statement of SOTOMAYOR, J.

fabricated defendants’ confessions. And even the State conceded that Storch lied about a variety of material facts at Maxwell’s own trial, including his own criminal record and his motivation for testifying. This powerful evidence supported Maxwell’s claim that Storch falsely testified about Maxwell’s supposed confession—using precisely the same *modus operandi* that Storch used time and again to falsely implicate other defendants. See 628 F. 3d, at 504–505.

The dissent labels all of this evidence “circumstantial.” *Post*, at 3 (opinion of SCALIA, J.). It insists that it is possible that Storch repeatedly falsely implicated other defendants, and fabricated other material facts at Maxwell’s trial, but uncharacteristically told the truth about Maxwell’s supposed confession. Of course, that is possible. But it is not reasonable, given the voluminous evidence that Storch was a habitual liar who even the State concedes told other material lies at Maxwell’s trial.¹

Here, the Ninth Circuit recognized that 28 U. S. C. §2254(d)(2) imposes a “daunting standard—one that will be satisfied in relatively few cases.” 628 F. 3d, at 500 (internal quotation marks omitted). The court below found that standard met only after describing, in scrupulous detail, the overwhelming evidence supporting the conclusion that Storch falsely testified at Maxwell’s trial²—

¹The dissent suggests two police officers testified that Storch provided them “accurate and reliable information” when working with Storch several years before Maxwell’s trial. See *post*, at 4. In fact, when asked if Storch provided “accurate information,” one officer stated: “As far as I know, yes. I don’t remember any of this being either good or bad” 6 Record 1091. The second officer, when asked if Storch was a “reliable individual,” responded that “it would depend on what time,” *id.*, at 1117, and noted that he had ceased all contact with Storch well before Maxwell’s trial, after Storch’s attempt to “set . . . up” a prospective defendant, *id.*, at 1118.

²The dissent implies that there was strong evidence suggesting that Storch was truthful. But the testimony by two other jailhouse inform-

Statement of SOTOMAYOR, J.

attempting to manipulate the integrity of the judicial system as he did in numerous other cases. I agree with the Ninth Circuit's determination. But even to the extent that the dissent sees error in that determination, the Ninth Circuit conducted precisely the inquiry required by §2254(d)(2) and our precedents. "The principal purpose of this Court's exercise of its certiorari jurisdiction is to clarify the law." *Caperton v. A.T. Massey Coal Co.*, 556 U. S. 868, 902 (2009) (SCALIA, J., dissenting). Mere disagreement with the Ninth Circuit's highly factbound conclusion is, in my opinion, an insufficient basis for granting certiorari. See this Court's Rule 10.

ants who contended that Maxwell confessed to them, see *post*, at 4, was properly deemed "ludicrous" by the state appellate court. App. to Pet. for Cert. 174. One informant was committed to a mental hospital, and informed the district attorney before trial that his story implicating Maxwell had been "nothing more than a story of untruths founded by an 'imaginary delusion.'" Tr. 6532. The other informant claimed that Maxwell confessed to 10 murders while raping him during the middle of the day in his cell. That story was refuted by another inmate, and when the informant attempted to obtain bail on the basis of his testimony regarding Maxwell, another court denied relief. See, *e.g., id.*, at 6744–6754.

The dissent also ignores that the physical evidence against Maxwell was largely circumstantial, and that the State's prosecutor acknowledged that he had regarded the case against Maxwell as "weak from an evidential standpoint." 9 Record 1844. Three men who briefly saw the killer provided a description of a man taller and heavier than Maxwell. And when Maxwell was placed in a lineup, and made to say a remark all three men had heard the killer say, none of the three identified Maxwell. One of the eyewitnesses even stated "you got everybody up there that doesn't look anything like him." Tr. 8641A.

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SUPREME COURT OF THE UNITED STATES

BRENDA CASH, ACTING WARDEN *v.* BOBBY JOE
MAXWELL

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 10–1548. Decided January 9, 2012

JUSTICE SCALIA, with whom JUSTICE ALITO joins, dissenting from denial of certiorari.

The Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) put an end to federal-district-court readjudication of issues already decided, with full due process of law, in state criminal cases. It provides that a writ of habeas corpus challenging a state criminal conviction shall not be granted with respect to any claim “adjudicated on the merits in State court proceedings,” unless that state adjudication

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

“(2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.” 28 U. S. C. §2254(d).

We have called this a “difficult to meet . . . and highly deferential standard” which “demands that state-court decisions be given the benefit of the doubt,” *Cullen v. Pinholster*, 563 U. S. ___, ___ (2011) (slip op., at 9) (internal quotation marks omitted). It forbids federal courts “to second-guess the reasonable decisions of state courts,” *Renico v. Lett*, 559 U. S. ___, ___ (2010) (slip op., at 12).

I believe that in this case the United States Court of Appeals for the Ninth Circuit unquestionably ignored

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these commands—thereby invalidating two 26-year-old murder convictions which the intervening loss of witnesses and evidence will likely make it impossible to retry. I dissent from the Court’s decision not to grant certiorari and summarily reverse the Ninth Circuit’s judgment.

I

In the late 1970’s, 10 homeless men were murdered in downtown Los Angeles—a series of murders that came to be known as the “Skid Row Stabber” killings. Respondent Bobby Joe Maxwell was charged with all 10 murders, and in 1984 a California jury convicted him of two counts of first-degree murder and one related count of robbery. Maxwell was sentenced to life imprisonment without the possibility of parole, and his convictions were affirmed on direct appeal.

In 1995, Maxwell filed a habeas corpus petition in the California Supreme Court, alleging that a prosecution witness, Sydney Storch, had given false testimony at trial. Storch, a former cellmate of Maxwell’s, had testified that, after reading the newspaper account of a palm print’s being found at the scene of one of the murders, Maxwell stated he was not prone to that type of mistake because he “wore gloves with the fingers cut off so as to keep his hands warm and leave his fingers free.” 3 Record 537. The California Supreme Court issued an order to show cause whether Maxwell was entitled to relief based on his allegation of false testimony, returnable to the Superior Court. After conducting an evidentiary hearing that extended over the course of two years and included the testimony of more than 30 witnesses and the introduction of over 50 exhibits, the Superior Court issued a 34-page opinion concluding that Storch had not lied and denying the habeas petition. App. to Pet. for Cert. 137. In 2001, Maxwell again filed a habeas petition in the California Supreme Court, alleging, *inter alia*, that the State had

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violated his right to due process by failing to disclose certain evidence relating to Storch. See *Brady v. Maryland*, 373 U. S. 83, 87 (1963). The court summarily denied the petition. App. to Pet. for Cert. 105.

Maxwell then filed a petition for writ of habeas corpus under §2254 in the United States District Court for the Central District of California, renewing his claims that his conviction violated his right to due process because (1) it was based on the false testimony of Storch; and (2) the State failed to disclose favorable and material evidence regarding Storch. The District Court dismissed the petition, *id.*, at 47, but the Ninth Circuit reversed. *Maxwell v. Roe*, 628 F. 3d 486 (2010).

II

A

First, the Ninth Circuit set aside the state habeas court's determination that Storch had not fabricated his testimony. It based that action on nothing more than circumstantial evidence indicating that Storch was generally an untruthful person. For example, the court pointed to various mistruths Storch purportedly told at trial (regarding, for example, his criminal history and his motivation for coming forward). But as the Ninth Circuit itself recognized, those lies "d[o] not alone establish that Storch lied about the confession." *Id.*, at 501. The Ninth Circuit also concluded that Storch "misrepresented his sophistication and experience as a jailhouse informant." *Ibid.* This finds no support in the record. App. to Pet. for Cert. 119–120. Storch's only testimony as to his informant history was that he had never before testified for the district attorney, 3 Record 551; no evidence in the habeas record contradicts that. The Ninth Circuit went on to conclude that Storch had a history of falsely implicating individuals. But any evidence of this, as the state court noted, was highly speculative, see, *e.g.*, App. to Pet. for Cert. 136—

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and two officers testified at the state evidentiary hearing that in various cases Storch had provided them with accurate and reliable information. *Id.*, at 125–126. Finally, the Ninth Circuit accorded significance to trials subsequent to Maxwell’s in which Storch allegedly testified falsely. The state court had concluded that these post-trial events did not establish the falsity of Storch’s testimony, *id.*, at 136–137, and the Ninth Circuit apparently agreed, see 628 F. 3d, at 503 (“The evidence of Storch’s later lies under oath does not establish the nature of his testimony at Maxwell’s trial”).*

In sum, the evidence relied on by the Ninth Circuit might permit, but by no means compels, the conclusion that Storch fabricated Maxwell’s admission. And that leaves out of account (just as the Ninth Circuit inexplicably did) the other evidence suggesting that Storch was not lying—including testimony that Maxwell confessed the crime, indeed confessed the crime much more explicitly, to two cellmates other than Storch. The statement of JUSTICE SOTOMAYOR makes its task far too easy by setting out to show the unreasonableness of the California court’s statement that there was “no credible or persuasive evidence Sidney Storch lied,” *ante*, at 1 (internal quotation marks omitted). It is not the court’s statements that are at issue here. To establish even a wild exaggeration is not to establish what §2254(d)(2) requires: that the state court’s “*decision . . . was based on an unreasonable deter-*

*The evidence identified by JUSTICE SOTOMAYOR is similarly inconclusive, and the state habeas court reasonably discounted it. For instance, the so-called “manual,” *ante*, at 2, is all but illegible, 2 Record 461; as the state court recognized, the portions that can be read do not reveal whether Storch was instructing another inmate to “provid[e] substance or style.” App. to Pet. for Cert. 133. And the opinion of the prosecutor who declined to use Storch in a trial that postdated Maxwell’s by nearly three years, *ante*, at 2, was deemed “unconvincing” by the state court, since it was based on jail records of questionable accuracy. App. to Pet. for Cert. 134.

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mination of the facts.” The only factual determination necessary to support the California court’s decision was that Maxwell *had not established* that Storch lied. And it is of course *that* point to which the California court directed its attention. (“[Certain evidence] does little to establish whether [Storch] lied about [Maxwell’s] admissions in 1984.” App. to Pet. for Cert. 136.) What JUSTICE SOTOMAYOR calls “the overwhelming evidence supporting the conclusion that Storch falsely testified at Maxwell’s trial,” *ante*, at 3, consists of nothing more than evidence which establishes, at most, that Storch was an habitual liar. That may well provide reason to suspect that Storch testified falsely at Maxwell’s trial; or even to think it likely that Storch testified falsely; but it does not remotely support the conclusion that it was *unreasonable* to determine that Maxwell *had not established* that Storch testified falsely. In finding the state court’s determination not merely wrong but unreasonable, the Ninth Circuit plainly did what we have said §2254(d) forbids: It “use[d] a set of debatable inferences to set aside the conclusion reached by the state court.” *Rice v. Collins*, 546 U. S. 333, 342 (2006).

To make matters worse, having stretched the facts, the Ninth Circuit also stretched the Constitution, holding that the use of Storch’s false testimony violated the Fourteenth Amendment’s Due Process Clause, whether or not the prosecution knew of its falsity. See 628 F. 3d, at 506–507. We have never held that, and are unlikely ever to do so. All we have held is that “a conviction obtained through use of false evidence, *known to be such by representatives of the State*, must fall under the Fourteenth Amendment.” *Napue v. Illinois*, 360 U. S. 264, 269 (1959) (emphasis added). This extension of due process by the Ninth Circuit should not be left standing.

B

The Ninth Circuit also concluded that the California

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Supreme Court unreasonably applied *Brady*. In its view, the prosecution committed a *Brady* violation by failing to disclose two pieces of impeachment evidence: (1) the difference between Storch's original plea deal and the plea deal Storch negotiated independently from his public defender after he offered to testify; and (2) Storch's cooperation with law enforcement officials in the years preceding Maxwell's trial. The Ninth Circuit said that this evidence was material to Maxwell's guilt, (which is what a violation of *Brady* requires, see *Strickler v. Greene*, 527 U. S. 263, 280 (1999)), because "Storch's testimony was crucial to the prosecution's case" and the evidence "could have been used to undermine" Storch's credibility. 628 F. 3d, at 512.

Neither of these contentions is remotely true. As for the "crucial" nature of Storch's testimony: Storch was just one of four cellmates who recounted Maxwell's incriminating statements, and there was ample other evidence of Maxwell's guilt, including an eyewitness identification and evidence of Maxwell's palm print near one of the murder scenes. And as for the potential utility of the undisclosed evidence in *refuting* Storch's less-than-crucial testimony: According to the Ninth Circuit, evidence that Storch originally had a plea deal of 36 months, which improved to 16 months after he offered to testify, would have "provided Maxwell with impeaching evidence relevant to Storch's motivation for testifying." *Id.*, at 510. But the jury already *knew* that Storch would not have testified without a deal. Storch said on the stand that he faced the possibility of six years' imprisonment on pending charges and received a 16-month deal in exchange for his testimony; and responded in the negative when asked whether he "would be willing to bring forth this story and tell the D. A. to forget the kindness that he is showing towards" him. 3 Record 562–563. The additional knowledge that he secured a deal that improved his sentence from 36 months

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to 16 months (rather than from six years to 16 months) would have done nothing to reduce the jurors' belief in his testimony.

The Ninth Circuit also erred in concluding that evidence of Storch's prior activity *as a police informant* would have helped to contradict his testimony that he had never before *testified for the district attorney*. See 628 F. 3d, at 511. The recitation of this non sequitur is its own refutation.

Finally, the Ninth Circuit's conclusion that both pieces of evidence could have been used to establish Storch's sophistication as an informant does not hold water. To begin with, the court erred in its belief that Storch "independently negotiated" the new deal, *id.*, at 498. While it was true enough that Storch "worked a deal . . . without his public defender," *id.*, at 510, that does not establish that he negotiated a deal *on his own*. As Maxwell acknowledges, Storch "obtained a private lawyer to work out" the deal. Brief in Opposition 14. Moreover, the jury was aware of this fact because Storch himself testified to it. 3 Record 596. And it is incomprehensible how the substitution of a 16-month-instead-of-36-month deal for a previous 16-month-instead-of-6-year deal demonstrates Storch's sophistication. Of similarly questionable value is evidence of Storch's prior activity as a police informant. Contrary to the Ninth Circuit's intimations, this would not have portrayed Storch as a wheeler-dealer who trumped up stories to receive decreased sentences. Indeed, there was no evidence that Storch received anything in exchange from the police, App. to Pet. for Cert. 125–126, and as I have described, *supra*, at 3–4, two officers testified at the evidentiary hearing that information he provided them was reliable.

In view of the evidence, it is not possible to say that the California Supreme Court's denial of the claim "was so lacking in justification that there was an error well under-

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stood and comprehended in existing law beyond any possibility for fairminded disagreement.” *Harrington v. Richter*, 562 U. S. ___, ___ (2011) (slip op., at 13). In fact, it seems clear that Maxwell was not entitled to relief.

* * *

It is a regrettable reality that some federal judges *like* to second-guess state courts. The only way this Court can ensure observance of Congress’s abridgement of their habeas power is to perform the unaccustomed task of reviewing utterly fact-bound decisions that present no disputed issues of law. We have often not shrunk from that task, which we have found particularly needful with regard to decisions of the Ninth Circuit. See, *e.g.*, *Cavazos v. Smith*, 565 U. S. 1 (2011) (*per curiam*) (reinstating California conviction for assault on a child resulting in death); *Felkner v. Jackson*, 562 U. S. ___ (2011) (*per curiam*) (reinstating California conviction for sexual attack on a 72-year-old woman); *Premo v. Moore*, 562 U. S. ___ (2011) (reinstating Oregon conviction for murder of a kidnaped victim); *Knowles v. Mirzayance*, 556 U. S. 111 (2009) (reinstating California first-degree murder conviction); *Rice v. Collins*, 546 U. S. 333 (2006) (reinstating California conviction for cocaine possession); *Kane v. Garcia Espitia*, 546 U. S. 9 (2005) (*per curiam*) (reinstating California conviction for carjacking and other offenses); *Yarborough v. Gentry*, 540 U. S. 1 (2003) (*per curiam*) (reinstating California conviction for assault with a deadly weapon); *Woodford v. Visciotti*, 537 U. S. 19 (2002) (*per curiam*) (reinstating capital sentence for California prisoner convicted of first-degree murder, attempted murder, and armed robbery). Today we have shrunk, letting stand a judgment that once again deprives California courts of that control over the State’s administration of criminal justice which federal law assures. We should grant the petition for certiorari and summarily reverse the Ninth Circuit’s latest unsupportable §2254 judgment.