

(ORDER LIST: 564 U.S.)

TUESDAY, JUNE 28, 2011

CERTIORARI -- SUMMARY DISPOSITIONS

09-10246 GOINS, ANTONIO V. UNITED STATES

The Court reversed the judgment below in *Freeman v. United States*, 564 U.S. \_\_\_\_ (2011). Therefore, the petition for a writ of certiorari is granted, and the case is remanded to the United States Court of Appeals for the Sixth Circuit for further proceedings.

10-113 RIVERA-MARTINEZ, ROBIN E. V. UNITED STATES

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 First Circuit for further consideration in light of *Freeman v. United States*, 564 U.S. \_\_\_\_ (2011).

10-250 DOW CHEMICAL CANADA ULC V. FANDINO, CARLOS O., ET AL.

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the Court of Appeal of California, Second Appellate District for further consideration in light of *J. McIntyre Machinery, Ltd. v. Nicastro*, 564 U.S. \_\_\_\_ (2011).

10-984 IMS HEALTH, INC., ET AL. V. SCHNEIDER, ATT'Y GEN. OF ME

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 First Circuit for further consideration in light of *Sorrell v. IMS Health Inc.*, 564

U.S. \_\_\_\_ (2011).

10-5479 BARBA, ANTONIO V. CALIFORNIA

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 Court of Appeal of California, Second Appellate District for further consideration in light of *Bullcoming v. New Mexico*, 564 U.S. \_\_\_\_ (2011).

10-6258 CARRIGAN, ROBERT V. UNITED STATES

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 Third Circuit for further consideration in light of *Freeman v. United States*, 564 U.S. \_\_\_\_ (2011).

10-6278 DILBOY, ANTHONY V. NEW HAMPSHIRE

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 Supreme Court of New Hampshire for further consideration in light of *Bullcoming v. New Mexico*, 564 U.S. \_\_\_\_ (2011).

10-7139 CEPEDA, DOMINGO V. UNITED STATES

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 First Circuit for further consideration in light of *Freeman v. United States*, 564 U.S. \_\_\_\_ (2011).

10-7565 SYLVESTER, SHAWN V. UNITED STATES

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 Third Circuit for further consideration in light of *Freeman v. United States*, 564 U.S. \_\_\_ (2011).

**CERTIORARI GRANTED**

10-1062 SACKETT, CHANTELL, ET VIR V. EPA, ET AL.

The petition for a writ of certiorari is granted limited to the following questions: 1. May petitioners seek pre-enforcement judicial review of the administrative compliance order pursuant to the Administrative Procedure Act, 5 U. S. C. §704? 2. If not, does petitioners' inability to seek pre-enforcement judicial review of the administrative compliance order violate their rights under the Due Process Clause?

10-8505 WILLIAMS, SANDY V. ILLINOIS

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted.

**CERTIORARI DENIED**

09-10755 SMITH, JOSEPH V. FLORIDA

10-56 REINAUER TRANSPORTATION V. BROWN, GEORGE

10-75 CONSOLIDATED RAIL CORP. V. BATTAGLIA, FRANCIS

10-795 GREEN PARTY OF CT, ET AL. V. LENGE, ALBERT P., ET AL.

10-966 CLEMENS, WILLIAM R. V. McNAMEE, BRIAN

10-1004 PIRELLI PNEUS LTDA V. GUNN, GARY

10-1012 DUCASSE, HEATHER V. MAINE

10-1019 ABBYY PRODUCTION V. NUANCE COMM.

10-6865 AGUILAR, MIGUEL A. V. VIRGINIA

10-8337 WILLIAMS, ANDRE V. UNITED STATES

The petitions for writs of certiorari are denied.

10-617 ROBERTS, SCOTT V. KAUFFMAN RACING EQUIPMENT

The motion of Center for Democracy & Technology for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

10-925 GRAND TRUNK RAILROAD V. SHEPARD, WILLIAM E.

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

SCALIA, J., dissenting

**SUPREME COURT OF THE UNITED STATES**

PETER H. BEER ET AL. *v.* UNITED STATES

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

No. 09–1395. Decided June 28, 2011

The petition for writ of certiorari is granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Federal Circuit for consideration of the question of preclusion raised by the Acting Solicitor General in his brief for the United States filed July 26, 2010. The Court considers it important that there be a decision on the question, rather than that an answer be deemed unnecessary in light of prior precedent on the merits. Further proceedings after decision of the preclusion question are for the Court of Appeals to determine in the first instance. JUSTICE BREYER would grant the petition for writ of certiorari and set the case for argument.

JUSTICE SCALIA, dissenting.

It has been my consistent view, not always shared by the Court, that “we have no power to set aside the duly recorded judgments of lower courts unless we find them to be in error, or unless they are cast in doubt by a factor arising after they were rendered.” *Webster v. Cooper*, 558 U. S. \_\_\_, \_\_\_ (2009) (SCALIA, J., dissenting) (slip op., at 3). Today’s vacatur resembles that in *Youngblood v. West Virginia*, 547 U. S. 867 (2006) (*per curiam*), from which I dissented, *id.*, at 870. I would grant the petition and set the case for argument.