

(ORDER LIST: 601 U.S.)

MONDAY, OCTOBER 30, 2023

ORDERS IN PENDING CASES

23A76 HARRIS, DAVID V. AMERICAN ACCOUNTING ASSOC.

The application to file a petition for a writ of certiorari in excess of word limits addressed to Justice Alito and referred to the Court is denied.

23A161 LEWIS, DOROTHY E. V. WELLS FARGO BANK, N.A., ET AL.

The application for injunctive relief addressed to Justice Kavanaugh and referred to the Court is denied.

23A185 ANDREWS, ANTHONY V. UNITED STATES

The application for stay addressed to Justice Jackson and referred to the Court is denied.

23A242 PARIETTI, MICHAEL V. DAY, ED, ET AL.

The application for stay addressed to the Chief Justice and referred to the Court is denied.

23M28 TRIMBLE, AISHA V. DEPT. OF VA

The motion for leave to proceed as a veteran is granted.

23M29 JOHNSON, DOMINICK L. V. UNITED STATES

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

23M30 M. C., ET VIR V. IN DEPT. OF CHILD SERV.

The motion for leave to file a petition for a writ of certiorari with the supplemental appendix under seal is granted.

23M31 STAND FOR SOMETHING, ET AL. V. ABBOTT, GOV. OF TX, ET AL.

The motion to direct the Clerk to file a petition for a writ

of certiorari out of time is denied.

23M32 WOODWARD, GEOFFREY H. V. WOODWARD, SARAH E.

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

22-193 MULDROW, JATONYA C. V. ST. LOUIS, MO, ET AL.

The motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument is granted.

22-859 SEC V. JARKESY, GEORGE R., ET AL.

The motion of Administrative Law Scholars for leave to participate in oral argument as *amici curiae* and for divided argument is denied.

22-1178 FBI, ET AL. V. FIKRE, YONAS

The motion of petitioners to dispense with printing the joint appendix is granted.

23-5464 OKEYO, PATRICK V. USCIS, ET AL.

23-5476 ZIMMERMAN, SUSAN V. V. KIJAKAZI, COMM'R, SOCIAL SEC.

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until November 20, 2023, within which to pay the docketing fees required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

CERTIORARI DENIED

22-1116 KLAMATH IRRIGATION DISTRICT V. BUREAU OF RECLAMATION, ET AL.

22-1151) ARLINGTON, TX V. CRANE, DE'ON, ET AL.

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22-1157) ROPER, CRAIG V. CRANE, DE'ON, ET AL.

22-1209 PDVSA U.S. LITIGATION, ET AL. V. LUKOIL PAN AMERICAS LLC, ET AL.

22-1241 MURPHY, JOCELYN M., ET AL. V. SEC
22-7309 ROANE, JAMES H., ET AL. V. UNITED STATES
22-7471 ALEGRE, RENZO V. UNITED STATES
22-7851 POULO, GEORGE V. UNITED STATES
22-7855 DAWSON, EDGAR V. UNITED STATES
23-31 PYE, WILLIE J. V. EMMONS, WARDEN
23-69 PRIMESOURCE BUILDING PRODUCTS V. UNITED STATES, ET AL.
23-142 ADAMS, JOE L. V. ROYAL PARK NURSING AND REHAB.
23-152 LOWE, ALICIA, ET AL. V. MILLS, GOV. OF ME, ET AL.
23-155 ASHTON, ISAAC L. V. WHITTEN, WARDEN
23-157 JACOBS, SAMUEL O. V. JACOBS, KENT, ET AL.
23-158 ADKINS, DORA L. V. FITNESS INTERNATIONAL, LLC
23-161 SULLIVAN, MEGAN K. V. SEATON, AMANDA M.
23-169 CRANEVEYOR CORP. V. RANCHO CUCAMONGA, CA
23-174 RYNN, RICHARD V. FIRST TRANSIT, INC., ET AL.
23-177 FITCH, TERRENCE V. McADAMS, THOMAS, ET AL.
23-184 SUBER, KAREN M. V. VVP SERV., LLC, ET AL.
23-187 OCHOA, MICHAEL R. V. LEVINE, ARTHUR, ET AL.
23-200 CHAE, BYUNGMIN V. YELLEN, SEC. OF TREASURY, ET AL.
23-205 MATADI, ARMANDO V. GARLAND, ATT'Y GEN.
23-211 WORTLEY, JOSEPH G. V. JURANITCH, JAMES, ET AL.
23-221 ZOELLICK, ANDREW H. V. WISCONSIN
23-229 McCLELLAND, BRONSON V. KATY INDEP. SCH. DIST., ET AL.
23-240 SMITH, DAVID L. V. SEC
23-247 S. C. V. PHILADELPHIA DEPT. OF HS, ET AL.
23-266 WATKINS, JAVAAR Y. K. V. UNITED STATES
23-280 GAEBEL, DARRELL V. UNITED STATES POLO ASSOCIATION
23-286 WINDSOR OAKRIDGE, ET AL. V. TURNER, VALERIE, ET AL.

23-288 NOVATO HEALTHCARE CENTER, ET AL. V. MARTINEZ, ANGELINA
23-292 RIVERSIDE HEALTHCARE LLC, ET AL. V. KHAN, LATIFA
23-293 POMONA HEALTHCARE V. THOMAS, BRENDA
23-294 SAN PABLO HEALTHCARE & WELLNESS V. WESTBROOK, LYNETTA
23-295 SAN MARINO GARDENS WELLNESS, LP V. OLMES, SUSAN
23-297 NEWMAN, LAWRENCE T. V. YORK, ROBERT
23-301 WORKMAN, JAMES E. V. UNITED STATES
23-302 WATKINS, BRYCE V. WUNDERLICH, BRIAN, ET AL.
23-304 NEILSEN, THOMAS V. KELLNER, JOHN, ET AL.
23-306 TRIZETTO GROUP, INC., ET AL. V. SYNTEL STERLING, ET AL.
23-312 STEPHENS, LEE E. V. SCRUGGS, SEC., MD DOC, ET AL.
23-321 DAVIS, JERRY J. V. UNITED STATES
23-336 KIEFER, KEITH A. V. ISANTI COUNTY, MN
23-350 D'OLIVIO, BRIGETTA V. HUTSON, HILARY T.
23-353 JONES, JOHN V. PYANKOVSKA, LYUDMYLA
23-366 UETRICHT, MICAH, ET AL. V. CHICAGO PARKING METERS, LLC
23-5236 AURELIEN, MARVAS V. UNITED STATES
23-5404 WOODHAM, GRACE V. NEW HAMPSHIRE
23-5408 BALLARD, JAMES L. V. FLORIDA
23-5411 DeMARTINO, THOMAS V. ALDERIN, ROGER, ET AL.
23-5413 LIPSKA, CHRISTOPHER R. V. OREGON
23-5414 GILBERTI, JOSEPH D. V. PENTAGON, ET AL.
23-5415 JACKSON-STITH, DERRICK V. OKLAHOMA
23-5421 BREWER, BRENT R. V. LUMPKIN, DIR., TX DCJ
23-5422 ROBINSON, HERMAN V. McINTOSH, SUPT., CLINTON
23-5431 BROWN, BRYAN K. V. NEAL, WARDEN, ET AL.
23-5436 BARNETT, CHRISTOPHER J. V. GUTEN, JUDGE
23-5441 SHAKUR, MIKA 'YA A. V. THOMPSON, SERGEANT

23-5443 HUSS, SCOTT V. DIXON, SEC., FL DOC
23-5446 RICHERT, ELIZABETH V. MURPHY, KATHLEEN W., ET AL.
23-5448 BELSSNER, CHARLES V. WESTGATE LAS VEGAS HOTEL, ET AL.
23-5459 TURNER, MAURICE V. ADM'R, NJ, ET AL.
23-5460 JOHNSON, CLINTON D. V. JOHNSON, SGT., ET AL.
23-5463 JOHNSON, DEXTER L. V. OKLAHOMA
23-5465 VILLALONA, STEVEN J. V. WARDEN, OAKDALE FCI, 1, ET AL.
23-5468 COLEMAN, BRITTNEY V. ISLAND EXPRESS HELICOPTERS, INC.
23-5470 ADAMS, CEDRIC V. DIAMOND, NICK, ET AL.
23-5471 SHREFFLER, SCOTT A. V. PENNSYLVANIA
23-5472 RICO, JORGE A. V. ROBERTSON, WARDEN, ET AL.
23-5474 SALIM, ABDER V. KENNEDY, SUPT., OLD COLONY
23-5479 PEYTON, LEE E. V. CISNEROS, THERESA
23-5481 OHAN, FESTUS O. V. FONTOURA, SHERIFF, ET AL.
23-5482 DUNLAP, TIMOTHY A. V. IMSI, ET AL.
23-5489 BROWN, LONNIE D. V. OKLAHOMA
23-5491 BROOKE, SAUNDRA S. V. VANDERBILT MORTGAGE AND FINANCE
23-5492 CHRISTENSEN, DENNIS V. REDDISH, WARDEN, ET AL.
23-5493 JOHNSON, BRENDA M. V. CATHOLIC COM. SERV., ET AL.
23-5494 ASQUITH, DOMINIC V. USDC ND WV
23-5495 DYESS, SIRMICHAEL V. CALIFORNIA
23-5496 ALEXANDER, JENSEN K. V. ELY, JOSEPH, ET AL.
23-5500 MERRITT, LE'TROY D. V. LUMPKIN, DIR., TX DCJ
23-5501 CHEN, MAY V. METROPOLITAN POLICE, ET AL.
23-5542 HOOD, STEPHEN J. V. VIRGINIA
23-5543 ALJINDI, AHMAD J. V. UNITED STATES
23-5545 DECKER, ROBERT K. V. BUREAU OF PRISONS
23-5546 SANSBURY, RICHARD V. UNITED STATES

23-5548 AGUIRRE-HODGE, CHRISTIAN R. V. LARSON, CHARLES E.
23-5585 CREECH, SCOTT D. V. SHOOP, WARDEN
23-5598 MERCHAN, ESTEBAN V. FLORIDA
23-5623 MEDEARIS, PATRICK V. UNITED STATES
23-5627 DELEON, RONALD R. V. UNITED STATES
23-5628 DUERSON, RICHARD C. V. UNITED STATES
23-5631 MORIARTY, JASON M. V. UNITED STATES
23-5632 CADENAS, MARIO R. V. UNITED STATES
23-5636 KING, JAVON M. V. UNITED STATES
23-5639 RIVERA-FONSECA, DAMASO V. UNITED STATES
23-5640 TAYLOR, BLAKE V. UNITED STATES
23-5641 RANDALL, MARVIN J. V. OREGON
23-5642 JONES, TRACY V. UNITED STATES
23-5644 BLAKE, ROBERT T. V. UNITED STATES
23-5645 STALLINGS, ROBERT E. V. UNITED STATES
23-5647 SAVAGE, EDDIE V. HARRIS, WARDEN
23-5648 NUCERA, FRANK V. UNITED STATES
23-5649 MONSON, JONATHAN V. UNITED STATES
23-5655 MALLETT, CHRISTOPHER T. V. UNITED STATES
23-5656 COOKE, STEPHEN M. V. GANG, WARDEN, ET AL.
23-5658 BALL, JAMES K. V. UNITED STATES
23-5662 WAMPLER, CHARLES K. V. HANDWERK, ALICIA, ET AL.
23-5666 ASWEGAN, JEREMY V. UNITED STATES
23-5668 BELLAMY, MAURICE V. UNITED STATES
23-5669 GRIMM, STEVEN V. UNITED STATES
23-5671 MALDONADO, OSCAR H. V. UNITED STATES
23-5672 MAC CLEARY, MICHAEL L. V. UNITED STATES
23-5675 HOUSE, BRANDON A. V. UNITED STATES

23-5677 WOODS, RODTRAVION V. CATES, WARDEN
23-5678 WAGNER, JASPER M. V. UNITED STATES
23-5686 CALHOUN, DAVID V. UNITED STATES
23-5688 JORDAN, ANGEL M. V. UNITED STATES
23-5689 JONES, PHILIP V. SCHUYLER, ACTING WARDEN
23-5692 ANDINO-MORALES, JOSE R. V. UNITED STATES
23-5696 SYLVESTRE, ELVINS V. UNITED STATES
23-5699 GALIANY-CRUZ, JOSE J. V. UNITED STATES
23-5706 SMITH, DARRELL V. UNITED STATES
23-5718 SANTANA, ADAM N. V. UNITED STATES
23-5719 WEST, JERRELL V. UNITED STATES
23-5724 MEECE, TAYLOR S. V. WYOMING

The petitions for writs of certiorari are denied.

23-22 SAVE JOBS USA V. DEPT. OF HOMELAND SEC., ET AL.

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

23-5438 SALERNO, FOX J. V. THORNELL, DIR., AZ DOC, 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*).

23-5444 STREGE, ADAM P. V. VOS, ERIC A., ET AL.

23-5498 ADAMS, ALEX V. LUMPKIN, DIR., TX DCJ

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.

HABEAS CORPUS DENIED

23-5708 IN RE MICHAEL STANSELL

23-5720 IN RE TERRANCE A. McCAULEY

23-5721 IN RE TERRANCE A. McCAULEY

23-5736 IN RE TRAVIS J. GUTTU

23-5744 IN RE JIMMY WHEELER

The petitions for writs of habeas corpus are denied.

MANDAMUS DENIED

23-5402 IN RE TONYA KNOWLES

23-5508 IN RE KINLEY MACDONALD

23-5685 IN RE BOBBY RICHARDSON

The petitions for writs of mandamus are denied.

PROHIBITION DENIED

23-5452 IN RE REINARD SMITH

The petition for a writ of prohibition is denied.

REHEARING DENIED

22-990 HARRY, BRIGHT, ET AL. V. KCG AMERICAS LLC, ET AL.

The petition for rehearing is denied.

Statement of SOTOMAYOR, J.

SUPREME COURT OF THE UNITED STATES

JAMES KING *v.* DOUGLAS BROWNBACK, ET AL.

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

No. 22–912. Decided October 30, 2023

The petition for a writ of certiorari is denied.

Statement of JUSTICE SOTOMAYOR respecting the denial of certiorari.

This case squarely presents an issue this Court previously left undecided: Whether, under the Federal Tort Claims Act’s judgment bar, “an order resolving the merits of an FTCA claim precludes other claims arising out of the same subject matter in the same suit.” *Brownback v. King*, 592 U. S. ___, ___ (2021) (SOTOMAYOR, J., concurring) (slip op., at 1). When this case was first before us, we remanded for the Sixth Circuit to consider this issue in the first instance. On remand, a divided panel of the Sixth Circuit determined that it could not consider this issue anew because it was bound by Circuit precedent.

When this Court remanded, I observed that “while many lower courts have uncritically held that the FTCA’s judgment bar applies to claims brought in the same action, there are reasons to question that conclusion,” and the issue “merits far closer consideration than it has thus far received.” *Ibid.* The text, purpose, and effect of the FTCA, as well as principles of common-law claim preclusion, all indicate that the judgment bar might not apply to claims brought in the same lawsuit. Indeed, applying the judgment bar in such circumstances produces unfair and inefficient results. James King now cannot litigate his claims that officers unconstitutionally stopped, searched, assaulted, and hospitalized him, even though the Sixth Circuit previously concluded that these claims could proceed to

Statement of SOTOMAYOR, J.

a jury trial. See *King v. United States*, 917 F. 3d 409, 421–432 (2019), rev’d on other grounds, *Brownback v. King*, 592 U. S. ___ (2021). He cannot advance these compelling claims solely because he brought them together with his FTCA claim, which was dismissed for unrelated reasons. This broad application of the judgment bar incentivizes piecemeal litigation.

The Court now denies certiorari and declines to review the Sixth Circuit’s decision. This denial does not necessarily forestall further consideration of this issue in the lower courts. Some Circuits have not yet decided this issue or have addressed it only in dicta. Others have decided it, but may conclude that prior Circuit precedent is distinguishable. Still others may conclude that the Circuit should revisit the question en banc. See Fed. Rule App. Proc. 35(a). This may be especially appropriate because few lower courts have analyzed or explained how the judgment bar’s text or purpose compels the conclusion that claims arising out of the same subject matter in the same suit are barred. See *Brownback*, 592 U. S., at ___ (SOTOMAYOR, J., concurring) (slip op., at 4).

This case presents a consequential statutory interpretation question that has divided the courts of appeals. That question still “deserves much closer analysis and, where appropriate, reconsideration.” *Ibid.* In an appropriate future case, this Court should decide this issue.