580
1 of 2

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OFFICIAL REPORTS

OF

THE SUPREME COURT

BEGINNING OF TERM

OCTOBER 3, 2016, THROUGH FEBRUARY 28, 2017

CHRISTINE LUCHOK FALLON
REPORTER OF DECISIONS

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JUSTICES

OF THE

SUPREME COURT

DURING THE TIME OF THESE REPORTS*

JOHN G. ROBERTS, JR., CHIEF JUSTICE.
ANTHONY M. KENNEDY, ASSOCIATE JUSTICE.
CLARENCE THOMAS, ASSOCIATE JUSTICE.
RUTH BADER GINSBURG, ASSOCIATE JUSTICE.
STEPHEN BREYER, ASSOCIATE JUSTICE.
SAMUEL A. ALITO, JR., ASSOCIATE JUSTICE.
SONIA SOTOMAYOR, ASSOCIATE JUSTICE.
ELENA KAGAN, ASSOCIATE JUSTICE.

RETIRED

JOHN PAUL STEVENS, ASSOCIATE JUSTICE.
SANDRA DAY O'CONNOR, ASSOCIATE JUSTICE.
DAVID H. SOUTER, ASSOCIATE JUSTICE.

OFFICERS OF THE COURT

LORETTA E. LYNCH, ATTORNEY GENERAL.[1]
JEFFERSON B. SESSIONS, III, ATTORNEY GENERAL.[2]
IAN GERSHENGORN, ACTING SOLICITOR GENERAL.[3]
NOEL J. FRANCISCO, ACTING SOLICITOR GENERAL.[4]
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PAMELA TALKIN, MARSHAL.
LINDA S. MASLOW, LIBRARIAN.

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*For notes, see p. II.

NOTES

[1] Attorney General Lynch resigned effective January 20, 2017, on which date Sally Q. Yates became Acting Attorney General, serving until January 30, 2017. Dana J. Boente served as Acting Attorney General from January 30 to February 9, 2017.

[2] The Honorable Jeff Sessions, of Alabama, was nominated by President Trump on January 20, 2017, to be Attorney General; the nomination was confirmed by the Senate on February 8, 2017; he was commissioned and took the oath of office on February 9, 2017. He was presented to the Court on February 21, 2017. See *post*, p. xxxix.

[3] Acting Solicitor General Gershengorn resigned effective January 20, 2017.

[4] Mr. Francisco became Acting Solicitor General effective January 20, 2017.

SUPREME COURT OF THE UNITED STATES

Allotment of Justices

It is ordered that the following allotment be made of the Chief Justice and Associate Justices of this Court among the circuits, pursuant to Title 28, United States Code, Section 42, and that such allotment be entered of record, effective February 25, 2016, viz.:

For the District of Columbia Circuit, John G. Roberts, Jr., Chief Justice.

For the First Circuit, Stephen Breyer, Associate Justice.

For the Second Circuit, Ruth Bader Ginsburg, Associate Justice.

For the Third Circuit, Samuel A. Alito, Jr., Associate Justice.

For the Fourth Circuit, John G. Roberts, Jr., Chief Justice.

For the Fifth Circuit, Clarence Thomas, Associate Justice.

For the Sixth Circuit, Elena Kagan, Associate Justice.

For the Seventh Circuit, Elena Kagan, Associate Justice.

For the Eighth Circuit, Samuel A. Alito, Jr., Associate Justice.

For the Ninth Circuit, Anthony M. Kennedy, Associate Justice.

For the Tenth Circuit, Sonia Sotomayor, Associate Justice.

For the Eleventh Circuit, Clarence Thomas, Associate Justice.

For the Federal Circuit, John G. Roberts, Jr., Chief Justice.

February 25, 2016.

(For next previous allotment, see 577 U. S., Pt. 2, p. II.)

PROCEEDINGS IN THE SUPREME COURT OF THE UNITED STATES IN MEMORY OF JUSTICE SCALIA*

FRIDAY, NOVEMBER 4, 2016

Present: CHIEF JUSTICE ROBERTS, JUSTICE KENNEDY, JUSTICE THOMAS, JUSTICE GINSBURG, JUSTICE BREYER, JUSTICE ALITO, JUSTICE SOTOMAYOR, and JUSTICE KAGAN.

THE CHIEF JUSTICE said:

The Court is in Special Session this afternoon to receive the Resolutions of the Bar of the Supreme Court in tribute to Associate Justice Antonin Scalia.

The Court recognizes the Acting Solicitor General of the United States.

Acting Solicitor General Gershengorn addressed the Court as follows:

MR. CHIEF JUSTICE, and may it please the Court:

At a meeting of the Bar of this Court, Resolutions memorializing our deep respect and affection for Justice Scalia were adopted unanimously.

RESOLUTIONS

Today the bar of this Court convenes to pay respect to a towering figure in American law—a Justice of conviction, character, and courage; a treasured colleague; an irreplace-

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*Justice Scalia died in Shafter, Texas, on February 13, 2016 (577 U. S., p. v).

able mentor; and a man devoted to his country, its Constitution, and this Court. In his nearly 30-year tenure on this Court, Antonin Scalia displayed a forceful intellect, a remarkable wit, and an inimitable writing style. His ideas helped to shape the way we think about law. And for those blessed to know him, his compassion, humanity, and commitment to his family, friends, and faith will remain an inspiration.

On March 11, 1936, five months after this Court heard its first case in this building, Antonin Scalia was born in Trenton, New Jersey. His mother, Catherine Panaro, was the oldest of seven and born to parents who immigrated to the United States from Italy in 1904. His father, Salvatore Eugene Scalia, came to this country from Sicily in 1920 at age 17. Both became teachers—S. Eugene a professor of Romance Languages at Brooklyn College and Catherine an elementary school teacher.

Antonin—Nino to family and friends—was his parents' only child and the only child of his generation on either side of the large family. He grew up in Trenton and later in the diverse Elmhurst neighborhood of Queens in New York City, where his parents made "an education project" out of him. Antonin's curiosity and love of argument surfaced early. One aunt recalled that, "[w]hen [Antonin] wanted to do something" an adult had put off-limits, "you had to give him a very, very good argument about why he could not do it."[1] Through their example and, one suspects, occasional direction, Scalia's parents fostered his religious faith and character. He also inherited from them a lifelong love of music—especially opera—and the ability to play the piano, which he learned from his father.

After an uncharacteristically subpar showing on an entrance examination for his preferred high school—missing a grammar question of all things—Scalia attended Xavier High School in Manhattan. "One door closes, another door

[1] Joan Biskupic, American Original: The Life and Constitution of Supreme Court Justice Antonin Scalia 18, 20 (2009).

opens," as he would say. Faith was foremost at the Jesuit school at that point and military discipline a close second. Scalia graduated first in his class, collecting an array of awards along the way. He was a stand-out debater—even appearing on local television—and played the French horn for the marching band and starred in several school plays, including the title role in *Macbeth*. From a teacher at Xavier, Scalia learned what he often referred to as the "Shakespeare Principle": "When you read Shakespeare, Shakespeare's not on trial. You are."

Scalia continued the pursuit of a Jesuit education by attending Georgetown University, where he studied history and government and once again graduated first in his class. He and a teammate rose to national prominence in competitive debate, and he continued to perform on stage. Georgetown also made a mark on the Justice's faith. The "last lesson" he learned in college, imparted by a professor during his oral examinations, was "not to separate your religious life from your intellectual life." Scalia took that lesson to heart. In his commencement speech, he challenged his classmates to be courageous and to "carry and advance into all sections of our society this distinctively human life, of reason learned and faith believed." "If we will not lead," Scalia asked, "who will?"[2]

After Georgetown, Scalia attended Harvard Law School, where he relished debating cases with professors in the classroom and with classmates through his work as an editor of the Law Review. But however rich the academic environment, the signal event of his Harvard years occurred outside the classroom, when he met Maureen McCarthy, an undergraduate student from Radcliffe College, on a blind date. The two had much in common—sharp intellects and quick wits. Perhaps most importantly, Maureen recalled, they had shared convictions on "all the important things," includ-

[2] *Id.*, at 25; Jacob Gershman, 'If We Really Love the Truth'—Excerpts from Scalia's 1957 Graduation Speech, Wall St. J. (Feb. 16, 2016), http://on.wsj.com/1mFO4mb.

ing their Catholic faith. In Antonin's telling, Maureen was drawn by the Sheldon Fellowship he had won at Harvard to travel around Europe after graduation. Whatever the proximate cause, the marriage took place in September 1960 and was a blessing and a source of strength to both. Their 55-year union produced nine children and dozens of grandchildren. Antonin joked that the "secret" to their marriage's longevity was that "Maureen made it very clear early on that if we split up, [he] would get the children."[3] For her part, Maureen explained that she "would have been bored" with someone "wishy washy."[4]

Upon returning from their European travels, the Scalias moved to Cleveland, Ohio, where Antonin joined Jones, Day, Cockley & Reavis. During his six years there, his work covered a range of fields, from antitrust and real estate to labor law, contracts, and tax. Although Scalia enjoyed the practice of law and was well regarded at the firm, he had long aimed to follow his parents' path by becoming a teacher.

In 1967, Scalia accepted a post at the University of Virginia School of Law, where he taught contracts and comparative law. The focus of his scholarship, if not always his teaching, would become administrative law.[5] In the classroom he was energetic and engaging, posing inventive and often entertaining hypotheticals. He enjoyed encouraging students to consider legal problems from the standpoint of a layperson, asking classes, "What would Joe Sixpack say

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[3] CNN Transcripts, Piers Morgan Tonight: Interview with Antonin Scalia, CNN.com (transcript of July 18, 2012 cable-television broadcast), http://www.cnn.com/TRANSCRIPTS/1207/18/pmt.01.html.

[4] Lesley Stahl, 60 Minutes: Interview with Antonin Scalia, Part 2, at 5:38-5:48, CBS News (recording of April 27, 2008 interview), http://www.cbsnews.com/videos/justice-scalia-on-60-minutes-part-2.

[5] See, *e. g.*, Antonin Scalia, Sovereign Immunity and Nonstatutory Review of Federal Administrative Action: Some Conclusions from the Public-Lands Cases, 68 Mich. L. Rev. 867 (1970); Antonin Scalia & Frank Goodman, Procedural Aspects of the Consumer Product Safety Act, 20 UCLA L. Rev. 899 (1973); Antonin Scalia, Vermont Yankee: The APA, the D. C. Circuit, and the Supreme Court, 1978 Sup. Ct. Rev. 345 (1978); Antonin Scalia, The ALJ Fiasco—A Reprise, 47 U. Chi. L. Rev. 57 (1979).

about this?" He often concluded the semester by quoting a line from Robert Bolt's *A Man for All Seasons*, which to Scalia was a "beautiful expression of the importance of the law." In the passage, Sir Thomas More boldly declares: "Whoever hunts for me, Roper, God or Devil, will find me hiding in the thickets of the law! And I'll hide my daughter with me! Not hoist her up to the mainmast of your seagoing principles! They put about too nimbly!"[6]

Several years into teaching, Scalia was appointed to the first of several Executive Branch positions. In 1971, he became the general counsel of the newly created Office of Telecommunications Policy, where he addressed legal and policy issues arising in the still-nascent cable industry. The following year, Scalia was asked to chair the Administrative Conference of the United States, a body composed of officials from various agencies, academics, and other experts in the field to study problems of administrative law and procedure and to recommend solutions to Congress or agencies. Scalia enjoyed the Conference's work, and was gratified when the Conference was revived in 2010 after a multi-year hiatus.

In 1974, Scalia became the Assistant Attorney General for the Office of Legal Counsel in the Department of Justice. Then-Deputy Attorney General Laurence Silberman explained that, in choosing a new head of OLC in the aftermath of Watergate, the Ford Administration "wanted a brilliant lawyer with steel nerves."[7] Scalia fit the bill. Confirmed just weeks after President Ford took office, Scalia confronted a litany of difficult constitutional and other issues, starting with the legal ownership of President Nixon's papers. The work entailed long hours. As Maureen recounted, Scalia "slept in the White House, and I don't mean the Lincoln bedroom."[8] But even through those trying and exhilarating professional days, family and faith remained priorities.

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[6] Biskupic, *supra*, n. 1, at 66–67, 76.

[7] Justice Scalia Memorial Service, at 15:45-15:49, C-SPAN (Mar. 1, 2016), https://www.c-span.org/video/?405460-1/memorial-service-supreme-court-justice-antonin-scaila&start=939.

[8] Biskupic, *supra*, n. 1, at 53.

In 1977, Scalia returned to academia, joining the University of Chicago faculty, where he remained, aside from a visit to Stanford, until 1982. In Chicago, Scalia continued to focus on administrative law and became head of the American Bar Association's Section of Administrative Law in 1981. He was particularly pleased with the amicus brief he wrote for the ABA in *INS* v. *Chadha*,[9] the landmark separation-of-powers case striking down a one-house legislative veto.

When President Reagan took office in 1981, he looked for a new Solicitor General, and before long Scalia and Rex Lee emerged as finalists. Scalia was crestfallen when he did not receive the appointment. The President had other ideas, however, nominating him to the U. S. Court of Appeals for the D. C. Circuit in 1982. In his four years on that court, Scalia encountered a range of constitutional and statutory questions. While there, he wrote what he considered one of the best openings in all of his opinions: "This case, involving legal requirements for the content and labeling of meat products such as frankfurters, affords a rare opportunity to explore simultaneously both parts of Bismarck's aphorism that 'No man should see how laws or sausages are made.'"[10]

When Chief Justice Burger announced his retirement in 1986, President Reagan nominated Justice Rehnquist to fill Burger's seat and tapped Scalia to fill Rehnquist's seat. At his confirmation hearing, Scalia was asked to explain the "success of the Constitution." While the Bill of Rights is "very important," he responded, its provisions standing alone "do not do anything." Other countries, even those with authoritarian regimes, have "at least as good guarantees of personal freedom." Instead, Scalia explained, "[w]hat makes it work, what assures that those words are not just hollow promises, is the structure of government that the original Constitution established, the checks and bal-

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[9] 462 U. S. 919 (1983).

[10] *Community Nutrition Inst.* v. *Block*, 749 F. 2d 50, 51 (D. C. Cir. 1984).

ances among the three branches."[11] When Senator Metzenbaum in jest criticized Scalia's "bad judgment in whipping" the Senator on the tennis court, Scalia confessed that "[i]t was a case of [his] integrity overcoming [his] judgment."[12] Scalia was confirmed 98–0 on September 17, 1986, the 199th anniversary of the Constitution's signing in Philadelphia.

Over the next three decades, Justice Scalia left his mark on the law in numerous ways, too many to recount in full here. His steadfast commitment to the idea that external legal principles rather than internal policy preferences should govern judicial decisionmaking made him deeply respectful of the Constitution's allocation of powers and vigilant in respecting legal texts. That commitment showed up first, and most often, in his views on statutory interpretation. Justice Scalia pressed the elementary proposition that, when interpreting a statutory text, judges must try to discern and enforce the meaning of words enacted by Congress to express its policies. In his view, courts should never rewrite a discernible statutory text to conform to a law's unenacted legislative purposes. This position challenged the practice of first divining and then enforcing the "spirit" rather than the "letter" of a law, an approach embodied by the *Holy Trinity* decision.[13] With characteristic energy, Justice Scalia contested that practice. The legislative process is opaque, path-dependent, and prone to "backroom deals" that do not make their way into the public eye. An awkwardly worded statute that falls short of its apparent policy aspirations thus might not be the product of legislative misstatement, but might instead be "the result of compromise among various interest groups, resulting in a decision to go so far and no farther."[14] Hence, when judges rewrote

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[11] Nomination of Judge Antonin Scalia, to be Associate Justice of the Supreme Court of the United States: Hearings Before the S. Comm. on the Judiciary, 99th Cong. 32 (1986) (statement of Antonin Scalia).

[12] *Id.*, at 13.

[13] *Church of Holy Trinity* v. *United States*, 143 U. S. 457, 459 (1892).

[14] *Eastern Associated Coal Corp.* v. *Mine Workers*, 531 U. S. 57, 68–69 (2000) (Scalia, J., concurring in judgment).

a clear statute to conform its terms to what they perceived to be the law's underlying purposes, they risked upsetting whatever "legislative compromise [may have] enabled the law to be enacted" in the first place.[15] *Holy Trinity* was never the same after Justice Scalia joined the Court.

During his career, the Court moved a good way (though not as far as he would have liked) toward his rigorous emphasis on the enacted text.[16] The Court's citation of dictionaries has risen to levels previously unseen in the U. S. Reports.[17] After a post-New Deal judicial trend away from the use of semantic canons, they now play a visible, sometimes pivotal, role in the Court's determinations of statutory meaning.[18] And the Court became skeptical of *implied* statutory rights of action.[19] This new textualism[20] had an undeniable impact on the way the Court does business.

Perhaps most pronounced has been the Court's embrace of the idea, championed by Justice Scalia, that extrinsic indicia of statutory intention, such as legislative reports or floor statements, may not override a clear statutory text. In an opinion for the Court early in his tenure, Justice Scalia wrote that "[t]he best evidence of [a statute's] purpose is the statutory text adopted by both Houses of Congress and submitted to the President."[21] He added that where such a text is "unambiguous," the Court "do[es] not permit it to be expanded or contracted by the statements of individual legisla-

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[15] *Artuz* v. *Bennett*, 531 U. S. 4, 10 (2000).

[16] See Philip P. Frickey, Revisiting the Revival of Theory in Statutory Interpretation: A Lecture in Honor of Irving Younger, 84 Minn. L. Rev. 199, 205 (1999).

[17] See, *e. g.*, Jeffrey L. Kirchmeier & Samuel A. Thumma, Scaling the Lexicon Fortress: The United States Supreme Court's Use of Dictionaries in the Twenty-First Century, 94 Marq. L. Rev. 77, 86 (2010).

[18] See, *e. g.*, *McDonnell* v. *United States*, 579 U. S. 550, 567–569 (2016) (*noscitur a sociis*); *Bruesewitz* v. *Wyeth LLC*, 562 U. S. 223, 233 (2011) (*expressio unius*).

[19] See, *e. g.*, *Alexander* v. *Sandoval*, 532 U. S. 275 (2001).

[20] See William N. Eskridge, Jr., The New Textualism, 37 UCLA L. Rev. 621 (1990).

[21] *West Virginia Univ. Hospitals, Inc.* v. *Casey*, 499 U. S. 83, 98 (1991).

tors or committees during the course of the enactment process."[22]

Before 1986, the Court frequently used legislative history in an effort to discern legislative intent. Often, the Court would treat the views of a statute's sponsor or a drafting committee as if they represented the intentions of Congress as a whole.[23] So strong was the acceptance of legislative history that a Burger Court opinion, in an unguarded moment, declared that because "[t]he legislative history . . . is ambiguous[,] . . . we must look primarily to the statutes themselves to find the legislative intent."[24]

Justice Scalia criticized the use of legislative history as a tool of construction every chance he got, all but affixing a badge of shame on it. In vivid prose informed by practical experience in government, he questioned whether rank-and-file legislators necessarily read, much less agreed with, floor statements or even the committee reports that had become a staple of interpretive practice. When the Court interpreted the Civil Rights Attorney's Fees Award Act by parsing lower court cases that the committee reports had cited, Justice Scalia wrote: "As anyone familiar with modern-day drafting of congressional committee reports is well aware, the references to the cases were inserted, at best by a committee staff member on his or her own initiative, and at worst by a committee staff member at the suggestion of a lawyer-lobbyist; and the purpose of those references was not primarily to inform the Members of Congress what the bill meant . . . , but rather to influence judicial construction."[25]

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[22] *Id.*, at 98–99.

[23] See, *e. g.*, *North Haven Bd. of Ed.* v. *Bell*, 456 U. S. 512, 526–527 (1982); *Steadman* v. *SEC*, 450 U. S. 91, 101 (1981); *J. W. Bateson Co.* v. *United States ex rel. Bd. of Trustees of Nat. Automatic Sprinkler Industry Pension Fund*, 434 U. S. 586, 591 (1978).

[24] *Citizens to Preserve Overton Park, Inc.* v. *Volpe*, 401 U. S. 402, 412, n. 29 (1971).

[25] *Blanchard* v. *Bergeron*, 489 U. S. 87, 98–99 (1989) (Scalia, J., concurring in part and concurring in judgment).

Ultimately, Justice Scalia's principal concern was less the accuracy of legislative reports than their legitimacy. The Constitution conditions Congress's power to legislate on a bill's passage by two Houses and either the assent of the President or the override of a presidential veto by two-thirds of each house.[26] According to Justice Scalia, even if most Members of Congress would want and expect the courts to treat legislative history as an authoritative indication of a statute's intended meaning, "the very first provision of the Constitution" precludes that arrangement by vesting "'[a]ll legislative Powers'" in *Congress* itself.[27] If legislative committees or bill sponsors could make pronouncements that specified the entire body's intended policies, then Members of Congress could make an end-run around the bicameralism and presentment requirements themselves. In Justice Scalia's words: "We are governed by laws, not by the intentions of legislators. . . . 'The law as it passed is the will of the majority of both houses, and the only mode in which that will is spoken is in the act itself.'"[28]

It is fair to say that the connection between statutory text and judicial interpretations of it has tightened substantially since Justice Scalia joined the Court. The Court has restored the primacy of statutory text and routinely declines to "resort to legislative history to cloud a statutory text that is clear," as Justice Ginsburg wrote for the Court.[29] Today, the Court instead "presume[s] that a legislature says in a statute what it means and means in a statute what it says there."[30] That is no small legacy.

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[26] U. S. Const., Art. I, § 7.

[27] *Bank One Chicago, N. A.* v. *Midwest Bank & Trust Co.*, 516 U. S. 264, 280 (1996) (Scalia, J., concurring in part and concurring in judgment) (quoting U. S. Const., Art. I, § 1).

[28] *Conroy* v. *Aniskoff*, 507 U. S. 511, 519 (1993) (Scalia, J., concurring in judgment) (emphasis omitted) (quoting *Aldridge* v. *Williams*, 3 How. 9, 24 (1844)).

[29] *Ratzlaf* v. *United States*, 510 U. S. 135, 147–148 (1994).

[30] *Connecticut Nat. Bank* v. *Germain*, 503 U. S. 249, 253–254 (1992). See also *Alabama* v. *North Carolina*, 560 U. S. 330, 351–352 (2010).

Just as Justice Scalia believed that courts should do their best to honor a statute's text, he thought the same should be true for the Constitution. And if it was essential to respect the language of the Constitution, it followed that its meaning should be fixed unless and until the People followed the process for ratifying amendments to the charter. As he saw it, the words of the Constitution, like all legal texts and documents, bear the same meaning today as they did when adopted, neither diminished nor augmented—though of course capable of application to new technologies and other features of modern society.[31]

He grounded this principle of interpretation in part in respect for democracy. To recognize constitutional rights that he could not locate in the Constitution, he believed, "prohibit[s] . . . acts of self-governance that 'We the people' never, ever, voted to outlaw."[32] "This practice of constitutional revision by an unelected committee of nine," he argued, "robs the People of the most important liberty they asserted in the Declaration of Independence and won in the Revolution of 1776: the freedom to govern themselves."[33] He thus voted against recognition of new rights that he believed lacked a foundation in the Constitution's original meaning—in areas ranging from abortion[34] and same-sex marriage[35] to punitive-damage caps[36] and retroactive taxation.[37]

Any other approach, he worried, placed at risk the guarantees of liberty actually enshrined in the Constitution. Just as he resisted imposing new restrictions on democratic self-

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[31] *Kyllo* v. *United States*, 533 U. S. 27 (2001).

[32] Antonin Scalia & Bryan A. Garner, Reading Law: The Interpretation of Legal Texts 88 (2012).

[33] *Obergefell* v. *Hodges*, 576 U. S. 644, 714 (2015) (Scalia, J., dissenting).

[34] *Planned Parenthood of Southeastern Pa.* v. *Casey*, 505 U. S. 833, 979 (1992) (Scalia, J., dissenting).

[35] *Obergefell*, 576 U. S., at 713 (Scalia, J., dissenting).

[36] *BMW of North America, Inc.* v. *Gore*, 517 U. S. 559, 598 (1996) (Scalia, J., dissenting).

[37] *United States* v. *Carlton*, 512 U. S. 26, 39 (1994) (Scalia, J., concurring in judgment).

government that the People did not vote to impose, he insisted on unyielding enforcement of those restrictions that the People *did* vote to impose.[38] An essential responsibility of the Court, he thought, was "to *preserve* our society's values" and "to prevent backsliding" from the limits prescribed by the Constitution.[39] That approach prompted him to dissent from decisions that he believed cut back on the original meaning of constitutional guarantees such as the Elections Clause,[40] the Ex Post Facto Clause,[41] the Fourth Amendment,[42] the Jury Clause,[43] and the Seventh Amendment.[44] His judicial philosophy also led him to recognize constitutional limitations upon the government's use of new technology where necessary to "assure[ ] preservation" of the same "degree" of liberty "that existed when the [Bill of Rights] was adopted."[45] That imperative prompted his opinions for the Court holding that the Fourth Amendment restricts the government's power to use thermal scanners to inspect houses,[46] and that the Confrontation Clause protects a criminal defendant's right to confront forensic analysts.[47]

Where the constitutional text did not answer the question at hand, history came to the fore, not for its own sake, but to shed light on the original public meaning of the text. It is doubtful that any Justice has done more for the cause of legal history or placed more light on once-obscure legal texts.

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[38] See *Texas* v. *Johnson*, 491 U. S. 397 (1989).

[39] *United States* v. *Virginia*, 518 U. S. 515, 568 (1996) (Scalia, J., dissenting).

[40] *Arizona State Legislature* v. *Arizona Independent Redistricting Comm'n*, 576 U. S. 787, 854 (2015) (Scalia, J., dissenting).

[41] *Rogers* v. *Tennessee*, 532 U. S. 451, 467 (2001) (Scalia, J., dissenting).

[42] *County of Riverside* v. *McLaughlin*, 500 U. S. 44, 59 (1991) (Scalia, J., dissenting).

[43] *Almendarez-Torres* v. *United States*, 523 U. S. 224, 248 (1998) (Scalia, J., dissenting).

[44] *Gasperini* v. *Center for Humanities, Inc.*, 518 U. S. 415, 448 (1996) (Scalia, J., dissenting).

[45] *Kyllo*, 533 U. S., at 34.

[46] *Ibid.*

[47] *Melendez-Diaz* v. *Massachusetts*, 557 U. S. 305 (2009).

His opinions are replete with references to Coke's Institutes and Blackstone's Commentaries, to Johnson's Dictionary and Publius' Federalist, and to statutes enacted by early Congresses and constitutions adopted by the original States. His lead opinion in *Harmelin* v. *Michigan*[48] canvassed everything from Lord Chief Justice Jeffreys' remarks during the Bloody Assizes to Patrick Henry's remarks during the Virginia ratification convention before concluding that disproportionality alone does not render a punishment cruel and unusual under the Eighth Amendment. And in *Hamdi* v. *Rumsfeld*,[49] he concluded in dissent that, in the absence of a suspension of the privilege of the writ of habeas corpus, the President lacked power to detain American citizens without charge as enemy combatants—though only after a reconnaissance of the Habeas Corpus Act of 1679, English treason prosecutions, and previous English and American statutes suspending the privilege.

He summed up his approach to text and tradition this way:

> "[A] venerable and accepted tradition is not to be laid on the examining table and scrutinized for its conformity to some abstract principle . . . devised by this Court. To the contrary, such traditions are themselves the stuff out of which the Court's principles are to be formed. They are, in these uncertain areas, the very points of reference by which the legitimacy or illegitimacy of other practices are to be figured out. When it appears that the latest 'rule,' or 'three-part test,' or 'balancing test' devised by the Court has placed us on a collision course with such a landmark practice, it is the former that must be recalculated by us, and not the latter that must be abandoned by our citizens."[50]

That meant that in Establishment Clause cases, to use one example, he voted to uphold prayer at public-school gradua-

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[48] 501 U. S. 957 (1991).

[49] 542 U. S. 507, 554 (2004) (Scalia, J., dissenting).

[50] *Rutan* v. *Republican Party of Ill.*, 497 U. S. 62, 95–96 (1990) (Scalia, J., dissenting).

tions,[51] accommodation of religious beliefs,[52] and public displays of religious monuments[53] because they enjoyed the validation of tradition—regardless of whether they comported with judge-devised metrics such as the *Lemon* test.

By the end of Justice Scalia's tenure, a focus on the original public meaning of the Constitution's text had become, if not orthodoxy, a thoroughly respectable and commonplace approach to constitutional interpretation. Two decisions—*District of Columbia* v. *Heller*[54] and *Crawford* v. *Washington*[55]—illustrate the point. In *Heller*, the Court held that the Second Amendment protects an individual right to keep and bear arms for self-defense. Justice Scalia's opinion for the Court showcases his meticulous approach to uncovering how the Constitution was understood by "ordinary citizens in the founding generation"[56]—starting with an analysis of the words of the Second Amendment, continuing with an examination of analogous provisions in early state constitutions, and turning to an analysis of how the Second Amendment was interpreted through the 18th and 19th centuries. This focus on text and history was hardly limited to the Justice's opinion for the Court. Justice Stevens' dissent emphasized the debates surrounding the ratification of the Constitution and the drafting history of the Second Amendment, while Justice Breyer's dissent stressed the prevalence of gun laws in colonial towns.

Crawford is of a piece. His 7–2 decision for the Court interpreted the Sixth Amendment's Confrontation Clause and turned on the public understanding of the guarantee at the time of ratification rather than on the Framers' broader interest in promoting the reliability of evidence in a criminal

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[51] *Lee* v. *Weisman*, 505 U. S. 577, 631 (1992) (Scalia, J., dissenting).

[52] *Board of Ed. of Kiryas Joel Village School Dist.* v. *Grumet*, 512 U. S. 687, 732 (1994).

[53] *McCreary County* v. *American Civil Liberties Union of Ky.*, 545 U. S. 844, 885 (2005) (Scalia, J., dissenting).

[54] 554 U. S. 570 (2008).

[55] 541 U. S. 36 (2004).

[56] *Id.*, at 576–577.

case. In a series of cases exemplified by *Ohio* v. *Roberts*,[57] the Court had employed a balancing test designed to identify reliable evidence. *Crawford* memorably dispatched the *Roberts* balancing test and the elevation of the Framers' broader interest in reliable evidence over the textual guarantee of confrontation. "By replacing categorical constitutional guarantees with open-ended balancing tests," Justice Scalia reasoned, "we do violence to [the Framers'] design."[58] And while Justice Scalia happily conceded that "the Clause's ultimate goal is reliable evidence," he was quick to remind that the Framers embraced a particular means to that end. The Clause "commands not that evidence be reliable, but that reliability be assessed in a particular manner: by testing in the crucible of cross-examination."[59] "Dispensing with confrontation because the evidence is obviously reliable," he trenchantly concluded, "is akin to dispensing with jury trial because the defendant is obviously guilty. That is not what the Sixth Amendment prescribes."[60] He was proud of both decisions.

Justice Scalia may be best known for his views about the proper methodology for statutory and constitutional interpretation. But his first love was an area of substantive law—constitutional structure—which shaped his answers to the underlying questions that appear in every case: Who decides? And how? Even his methods of statutory and constitutional interpretation were informed by these considerations. He eschewed the use of legislative history, for example, because it empowered the Judiciary at the expense of Congress and because committee reports did not comply with the constitutional requirements of bicameralism and presentment. And he criticized judicial amendments of a living Constitution because they aggrandized the power of judges and disregarded the Constitution's explicit means of

[57] 448 U. S. 56 (1980).
[58] *Crawford*, 541 U. S., at 67–68.
[59] *Id.*, at 61.
[60] *Id.*, at 62.

amendment, all at the expense of the People and their representatives.

Throughout his tenure, Justice Scalia sought to honor the Constitution's structure—its distinct horizontal and vertical lines of power—realizing that they were as essential to the preservation of individual liberty as the provisions of the Bill of Rights. He appreciated that men and women were not "angels,"[61] and that electing (or appointing) them to government posts did not make it otherwise. By assigning three distinct kinds of government power (legislative, executive, and judicial) to three distinct branches of government, he believed, the Constitution prevented the concentration of government power in the same hands—considered by the Founders to be the epitome of tyranny.[62]

In his iconic dissent in *Morrison* v. *Olson*,[63] written early in his tenure, Justice Scalia put these principles to work. He objected that Congress's attempt to restrict the President's ability to remove an independent counsel—an officer who exercised executive power—violated Article II, which vests the executive power in the President and obligates him to take care that the laws be faithfully executed. As he saw it, the Constitution vested all—not some—of the executive power in the President. For Justice Scalia, this made *Morrison* an easy case: "Frequently an issue of this sort will come before the Court clad, so to speak, in sheep's clothing: the potential of the asserted principle to effect important change in the equilibrium of power is not immediately evident, and must be discerned by a careful and perceptive analysis. But this wolf comes as a wolf."[64]

Justice Scalia was no less vigilant in preventing legislative incursions on the judicial power, exemplified by his opinion for the Court in *Plaut* v. *Spendthrift Farm, Inc.*,[65] rejecting

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[61] The Federalist No. 51 (James Madison).
[62] See The Federalist No. 47 (James Madison).
[63] 487 U. S. 654 (1988).
[64] *Id.*, at 699 (Scalia, J., dissenting).
[65] 514 U. S. 211 (1995).

an attempt by Congress to reopen final judgments of Article III courts. As Scalia explained, the Article III judicial power gave federal courts the power to decide cases with finality, and the statute in question trespassed on that assignment. "The Framers of the Constitution," he reasoned, built separation of powers into the structure because they had "lived among the ruins of a system of intermingled legislative and judicial powers," and they established "high walls and clear distinctions because low walls and vague distinctions will not be judicially defensible in the heat of interbranch conflict."[66]

At the same time Justice Scalia thought it essential that the Court stand sentinel over efforts by one branch to assume power allocated to another branch, he was insistent that the Judiciary not use its final say over the meaning of federal law to aggrandize power the Constitution never gave it. Throughout his career, he rejected attempts to expand the judicial power beyond the limits embedded in Article III. Witness *Lujan* v. *Defenders of Wildlife*,[67] where Justice Scalia wrote that "the Constitution's central mechanism of separation of powers depends largely upon common understanding of what activities are appropriate to legislatures, to executives, and to courts." The requirement of standing, he explained, helped to identify those disputes properly—and improperly—resolved through the judicial process. Absent a claim that alleged a particularized, imminent injury of the kind redressable by courts, Justice Scalia concluded that the federal courts had no warrant to referee the dispute.

Justice Scalia likewise regarded the Constitution's vertical separation of powers—federalism—as a core feature of the Constitution's structure that needed to be preserved. He honored the States' "residuary and inviolable sovereignty"[68] under the Constitution by joining the Court's decisions rec-

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[66] *Id.*, at 219, 239.

[67] 504 U. S. 555, 559–560 (1992).

[68] *Printz* v. *United States*, 521 U. S. 898, 918–919 (quoting The Federalist No. 39 (James Madison)).

ognizing limits on Congress's power to regulate interstate commerce[69] and upholding the States' sovereign immunity from suit.[70] Perhaps his most notable federalism opinion came in *Printz* v. *United States*,[71] in which the Court held that the Constitution prohibited Congress from commandeering state executive officials to enforce federal law. Permitting Congress to impress state executive officers into federal service, he reasoned, would threaten the States' separate sphere of constitutional authority by "immeasurably" augmenting the power of the federal government at the expense of the States and eventually individual liberty.[72] "Just as the separation and independence of the coordinate branches of the Federal Government serve to prevent the accumulation of excessive power in any one branch," he explained, "a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front."[73]

In view of Justice Scalia's appreciation of separation-of-powers principles and his scholarship as a professor, it should come as no surprise that the Court's administrative-law docket engaged him. His opinions touched many areas of administrative law, including the scope and limitations of *Chevron* deference.[74] He was a tireless defender of the proposition that judicial deference to agency interpretations should not depend on a case-by-case determination of whether Congress would want the Court to defer based on multiple unranked and unweighted factors.[75] At the same time, he made clear that *Chevron* does not permit courts

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[69] See *United States* v. *Morrison*, 529 U. S. 598 (2000); *United States* v. *Lopez*, 514 U. S. 549 (1995).

[70] See *Seminole Tribe of Fla.* v. *Florida*, 517 U. S. 44 (1996).

[71] 521 U. S. 898 (1997).

[72] *Printz*, 521 U. S., at 922.

[73] *Id.*, at 921 (quoting *Gregory* v. *Ashcroft*, 501 U. S. 452, 458 (1991)).

[74] *Chevron U. S. A. Inc.* v. *Natural Resources Defense Council, Inc.*, 467 U. S. 837 (1984).

[75] *United States* v. *Mead Corp.*, 533 U. S. 218, 241 (2001) (Scalia, J., dissenting).

reflexively to credit whatever reading of a statute an agency tenders and thus does not permit courts to abdicate their *Marbury* function to interpret the law.[76] His decisions underscore that, if an agency's interpretation is inconsistent with Congress's clear direction, courts need not—indeed cannot—disregard Congress's commands.[77] As he acknowledged early in his tenure, his commitment to giving primacy to the statutory text necessarily meant that *Chevron* deference will matter less often, and will affect fewer case outcomes, than if he "permit[ted] the apparent meaning of the statute to be impeached by legislative history" or other sources outside the text Congress enacted.[78] *Chevron*, he explained, does not compel courts to defer merely because a statute contains some ambiguity; the mere "presence of some uncertainty does not expand *Chevron* deference to cover virtually any interpretation" the agency advances.[79] "It does not matter," Justice Scalia memorably observed, "whether the word 'yellow' is ambiguous when the agency has interpreted it to mean 'purple.'"[80]

One other area of substantive law deserves mention. When people think of transformative criminal law opinions, *Mapp* v. *Ohio*,[81] *Miranda* v. *Arizona*,[82] and decisions restricting capital punishment come to mind. But to Justice Scalia, many of those Warren Court landmarks transformed the preexisting law precisely because they had no basis in the Consti-

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[76] *Marbury* v. *Madison*, 1 Cranch 137, 177 (1803).

[77] See, *e. g.*, *Michigan* v. *EPA*, 576 U. S. 743, 747–760 (2015); *Utility Air Regulatory Group* v. *EPA*, 573 U. S. 302, 307–334 (2014); *Cuomo* v. *Clearing House Assn., L. L. C.*, 557 U. S. 519, 525 (2009); *Whitman* v. *American Trucking Assns., Inc.*, 531 U. S. 457, 481–486 (2001).

[78] Antonin Scalia, Judicial Deference to Administrative Interpretations of Law, 38 Duke L. J. 511, 521 (1989).

[79] *Clearing House*, 557 U. S., at 525.

[80] *United States* v. *Home Concrete & Supply, LLC*, 566 U. S. 478, 493, n. 1 (2012) (Scalia, J., concurring in part and concurring in judgment).

[81] 367 U. S. 643 (1961).

[82] 384 U. S. 436 (1966).

tution. He thus led the charge to limit the reach of *Mapp*[83] and critiqued *Miranda*[84] and many death-penalty decisions.[85]

That is not to say he resisted the rights of criminal defendants. He just preferred to enforce a different set of rights—those protections that, in his view, were properly grounded in the Constitution's text and history. He became an uncompromising defender of those rights. Take the breathtaking impact of his commitment to the Sixth Amendment's trial by jury. When Justice Scalia dissented in *Almendarez-Torres* v. *United States*[86] to point out that laws that create new statutory maximum sentences on the basis of judicial factual findings violate the jury guarantee, he launched a wholesale shift in the Court's view of sentencing laws. A majority of the Court ultimately came around to his viewpoint through three system-changing decisions, one of which (*Blakely*) he wrote, all of which he joined.[87] Sentencing laws in the state and federal courts have shifted markedly ever since.

Justice Scalia led a similar transformation of the Sixth Amendment's Confrontation Clause.[88] That shift also began with a vigorous dissent (joined by Justices Brennan, Marshall, and Stevens), in which he maintained that the Court had "subordinat[ed]" the Constitution's textual demand that the defendant had a right "to be confronted with the witnesses

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[83] See, *e. g.*, *Hudson* v. *Michigan*, 547 U. S. 586 (2006) (limiting the reach of the exclusionary rule).

[84] See, *e. g.*, *Dickerson* v. *United States*, 530 U. S. 428, 448 (2000) (Scalia, J., dissenting) (arguing that "*Miranda* was objectionable for innumerable reasons").

[85] See, *e. g.*, *Atkins* v. *Virginia*, 536 U. S. 304, 337–338 (2002) (Scalia, J., dissenting) (criticizing "death-is-different jurisprudence" that "find[s] no support in the text or history of the Eighth Amendment"); *Glossip* v. *Gross*, 576 U. S. 863, 894 (2015) (Scalia, J., concurring) (responding to the suggestion that the Eighth Amendment might preclude the death penalty, and arguing that "[i]t is impossible to hold unconstitutional that which the Constitution explicitly *contemplates*").

[86] 523 U. S. 224, 248 (1998) (Scalia, J., dissenting).

[87] See *Apprendi* v. *New Jersey*, 530 U. S. 466 (2000); *Blakely* v. *Washington*, 542 U. S. 296 (2004); *United States* v. *Booker*, 543 U. S. 220 (2005).

[88] U. S. Const., Amdt. 6.

against him" to "currently favored public policy" when it allowed a child witness to testify by one-way closed circuit television.[89] In *Crawford*, the Justice persuaded six colleagues to join his opinion for the Court insisting that out-of-court testimonial statements by witnesses are barred unless the defendant had a prior opportunity to examine the witness and the witness is currently unavailable.[90] This, too, led to a sea change in the handling of criminal cases.

Justice Scalia also was a stalwart defender of the Constitution's prohibition against vague criminal laws.[91] Consider his treatment of the residual clause of the Armed Career Criminal Act, which triggers higher penalties for those who commit violent felonies. The clause raised vexing questions about what crimes were included in its scope, prompting Justice Scalia to urge the Court to invalidate the clause as vague: "We face a Congress that puts forth an ever-increasing volume of laws in general, and of criminal laws in particular. It should be no surprise that as the volume increases, so do the number of imprecise laws. And no surprise that our indulgence of imprecisions that violate the Constitution encourages imprecisions that violate the Constitution."[92] While he initially raised these concerns in dissent, here too he persuaded a majority to see his point of view. In *Johnson* v. *United States*,[93] he wrote the opinion striking down the clause as unconstitutionally vague. The rule of law is indeed a law of rules,[94] as thousands of criminal defendants have come to appreciate.[95]

Justice Scalia not only took seriously the Constitution's many criminal procedure protections. He also respected

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[89] *Maryland* v. *Craig*, 497 U. S., 836, 860–861 (1990) (Scalia, J., dissenting).

[90] *Crawford*, 541 U. S., at 53–54.

[91] See, *e. g.*, *Skilling* v. *United States*, 561 U. S. 358, 415 (2010) (Scalia, J., concurring in part and concurring in judgment).

[92] *Sykes* v. *United States*, 564 U. S. 1, 35 (2011) (Scalia, J., dissenting).

[93] 576 U. S. 591 (2015).

[94] Antonin Scalia, The Rule of Law as a Law of Rules, 56 U. Chi. L. Rev. 1175 (1989).

[95] *Welch* v. *United States*, 578 U. S. 120 (2016) (making *Johnson* retroactive).

venerable canons of statutory construction that protected liberty. Exhibit A is the rule of lenity, which had no greater advocate on the Court than Justice Scalia.[96] That Justice Scalia, whose first stint in public service came in a Republican administration promising law-and-order judges, ended up where he did on so many matters of criminal law shows that he worked to follow his principles where they led him.

No account of Justice Scalia's contribution to this Court would be complete without mentioning his remarkably clear and vivid writing—qualities praised in the last three Justices to occupy his seat: Justices Jackson, Harlan, and Rehnquist. Scalia's writing stands out for its lucidity, poignant wit, and succinctness—and the inventive, memorable images sprinkled throughout.

The images were memorable precisely because they captured the substance of the legal point the Justice was making. Surely there was a separation-of-powers problem with the creation of "a sort of junior-varsity Congress,"[97] or a deep flaw in a dormant Commerce Clause test that asked judges to divine "whether a particular line is longer than a particular rock is heavy."[98] By the same token, who could argue with his observation that Congress "does not . . . hide elephants in mouseholes,"[99] or his injunction that no government has the "authority to license one side of a debate to fight freestyle, while requiring the other to follow Marquis of Queensbury Rules"?[100] The Justice could cut to the heart of a matter and

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[96] See, *e. g.*, *Burrage* v. *United States*, 571 U. S. 204 (2014); *United States* v. *Santos*, 553 U. S. 507 (2008); *Holloway* v. *United States*, 526 U. S. 1, 20 (1999) (Scalia, J., dissenting); *United States* v. *O'Hagan*, 521 U. S. 642, 679 (1997) (Scalia, J., concurring in part and dissenting in part); *Smith* v. *United States*, 508 U. S. 223, 246–247 (1993) (Scalia, J., dissenting); *United States* v. *R. L. C.*, 503 U. S. 291, 307 (1992) (Scalia, J., concurring in part and concurring in judgment).

[97] *Mistretta* v. *United States*, 488 U. S. 361, 427 (1989) (Scalia, J., dissenting).

[98] *Bendix Autolite Corp.* v. *Midwesco Enterprises, Inc.*, 486 U. S. 888, 897 (1988) (Scalia, J., concurring in judgment).

[99] *Whitman*, 531 U. S., at 468.

[100] *R. A. V.* v. *St. Paul*, 505 U. S. 377, 391 (1992).

signal that a colorful opinion was coming just by reframing the question presented: "It ha[s] been rendered the solemn duty of the Supreme Court of the United States . . . to decide What Is Golf."[101] Other opinions would send the reader scurrying to the dictionary, though not to Webster's Third.[102] Think of his criticism of large-scale state-run DNA databases: "Perhaps the construction of such a genetic panopticon is wise"—he wanted you to look it up—but he "doubt[ed] that the proud men who wrote the charter of our liberties would have been so eager to open their mouths for royal inspection."[103]

In other cases, his sometimes playful language was aimed at the serious business of moving the Court's jurisprudence in his preferred direction. Has the *Lemon* test every fully recovered from Justice Scalia's critique in *Lamb's Chapel* v. *Center Moriches Union Free School Dist.*?

> Like some ghoul in a late-night horror movie that repeatedly sits up in its grave and shuffles abroad, after being repeatedly killed and buried, *Lemon* stalks our Establishment Clause jurisprudence once again, frightening the little children and school attorneys of Center Moriches Union Free School District. Its most recent burial, only last Term, was, to be sure, not fully six feet under . . . . Over the years, however, no fewer than five of the currently sitting Justices have, in their own opinions, personally driven pencils through the creature's heart . . . , and a sixth has joined an opinion doing so.
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> The secret of the *Lemon* test's survival, I think, is that it is so easy to kill. It is there to scare us (and our audience) when we wish it to do so, but we can command it to return to the tomb at will. When we wish to strike down a practice it forbids, we invoke it; when we wish to uphold a practice it forbids, we ignore it entirely. Sometimes,

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[101] *PGA TOUR, Inc.* v. *Martin*, 532 U. S. 661, 700 (2001) (Scalia, J., dissenting).

[102] *MCI Telecommunications Corp.* v. *American Telephone & Telegraph Co.*, 512 U. S. 218, 225–228 (1994).

[103] *Maryland* v. *King*, 569 U. S. 435, 482 (2013) (Scalia, J., dissenting).

> we take a middle course, calling its three prongs "no more than helpful signposts." Such a docile and useful monster is worth keeping around, at least in a somnolent state; one never knows when one might need him.[104]

The lively wit, off-the-beaten-path imagery, and rigorous analysis that mark his opinions are all the more impressive given their quantity. By any measure, including the *Harvard Law Review's* opinion count, his output was prodigious. Over 30 years, Justice Scalia authored 870 opinions, including 281 majority (or plurality) opinions. Many of Justice Scalia's most memorable contributions appear in separate writings. While a number of his 274 dissents are well and widely known, concurring opinions occupied an even larger share of his work. Over three decades, Justice Scalia authored 315 concurrences—the second most of any Justice who joined the Court since the *Harvard Law Review* began tabulating opinions by author in 1949.

Justice Scalia appreciated that vibrant debate today can lay the foundation for persuading readers tomorrow—himself included. More than once he acknowledged that new and better arguments had persuaded him to alter views he had expressed in prior cases.[105] And when an oversight in an earlier case was called to his attention, he confessed error, borrowing a page from Justice Jackson to explain: "'I see no reason why I should be consciously wrong today because I was unconsciously wrong yesterday.'"[106] The North Star to Justice

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[104] 508 U. S. 384, 398–399 (1993) (Scalia, J., dissenting) (citations omitted).

[105] See *Ring* v. *Arizona*, 536 U. S. 584, 611 (2002) (Scalia, J., concurring) (explaining that, since *Walton* v. *Arizona*, 497 U. S. 639 (1990), he had "acquired new wisdom . . . or, to put it more critically, ha[d] discarded old ignorance"); *Talk America, Inc.* v. *Michigan Bell Telephone Co.*, 564 U. S. 50, 67–68 (2011) (Scalia, J., concurring) (acknowledging his prior acceptance of *Bowles* v. *Seminole Rock & Sand Co.*, 325 U. S. 410 (1945), including in his opinion for the Court in *Auer* v. *Robbins*, 519 U. S. 452 (1997), but expressing serious doubts about its validity).

[106] See *Dart Cherokee Basin Operating Co.* v. *Owens*, 574 U. S. 81, 102 (2014) (Scalia, J., dissenting) (quoting *Massachusetts* v. *United States*, 333 U. S. 611, 639–640 (1948) (Jackson, J., dissenting)).

Scalia was getting the reasoning right—an admonition he never ceased to urge on others and never desisted to accept for himself.

While Justice Scalia's writing frequently leapt off the page, advocates before the Court often confronted his tenacity and wit long before he unsheathed his pen. Before 1986, oral argument in the Court was more disquisition than dialogue. Counsel could lead the Court on a leisurely stroll through the facts, the procedural history, and the argument—interrupted by questions only a handful of times. During then-Assistant Attorney General Scalia's only argument before the Supreme Court, in *Alfred Dunhill of London, Inc.* v. *Republic of Cuba*,[107] he faced a total of 12 questions from two Justices; the other seven Justices said not a word. Scalia won the case. But he took a different approach to the Court's argument sessions once he arrived on the other side of the bench. He peppered lawyers with questions, sometimes posing 30 or 40 in a single argument. If he found an answer unsatisfactory, he pursued the point through short, often flinty-minded, follow-up inquiries. While his approach to oral argument was unique when he joined the Court, that is no longer so. Most Members of the Court have embraced an engaged style of questioning, and the advocates appreciate it (most of the time).

Even after Justice Scalia left the academy to start his judicial career, he maintained his connection with the law schools—nearly all of them—by accepting scores of invitations over the years to speak with students and professors. In one sense, he never left teaching; his classroom just got bigger. He often thought of the audience of his opinions as today's and tomorrow's law students, and relished opportunities to talk to students about his theories of judging and about the many useful ways to use a law degree.

Justice Scalia's productivity and many contributions to the law could leave the misimpression that he left little time for anything else—that he was all work and no play. Only someone who did not know him could make that mistake. This son

[107] 425 U. S. 682 (1976).

of Trenton and Queens became an avid hunter and fisherman, both of which allowed him to see and experience the Nation's breadth and diversity. He and Maureen looked forward to their annual visits to the Fifth Circuit, where he was the Circuit Justice, each year giving the "duck call award" to district court judges reversed by the Fifth Circuit only to be vindicated by the Supreme Court. He relished meals with friends, colleagues, and law clerks, often at the late but much-beloved A.V. Ristorante, replete with anchovy pizza and an occasional glass of red wine. He was an ever-present mentor to his many law clerks, often traveling to their cities to speak at local events, always taking time to give career advice. He found a way despite his many other commitments to write several books.[108] He took time to indulge his love of music, even appearing with one of his "best buddies," Justice Ginsburg, in a local opera production.[109] And of course he was deeply devoted to his large and remarkably close family. Stories about family trips were a staple of chambers conversations, including descriptions of summer trips to "Nag's End," the North Carolina beach house that Maureen named in honor of her own years of indefatigable advocacy. He loved to tell the story of his grandson, who, when told at a young age that his grandfather worked at the Supreme Court, exclaimed proudly, "Pop-Pop is the Court Jester." Through it all, the Justice did everything in his brim-filled life with unstinting vigor, curiosity, engagement, and a twinkle in his eye.

As Justice Scalia once observed, "[w]hen participating in programs such as this, consisting of brief memorial tributes, one sometimes fears that he will paint a portrait of his departed friend that others will not recognize—that perhaps he saw or thought he saw colorations of character or personality

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[108] Antonin Scalia, A Matter of Interpretation: Federal Courts and the Law (1997); Antonin Scalia & Bryan A. Garner, Making Your Case: The Art of Persuading Judges (2008); Scalia & Garner, Reading Law, *supra*, n. 32.

[109] Statement of Justice Ruth Bader Ginsburg, Supreme Court of the United States (Feb. 15, 2016), https://www.supremecourt.gov/publicinfo/press/pressreleases/pr_02-14-16; see also *Piers Morgan*, *supra*, n. 5.

that others did not; rose where they saw pink, or violet where they saw purple." As was true of the colleague Justice Scalia was honoring then, "[t]hat is not a problem when one stands up to talk about" Antonin Scalia: "His colors were bright, and they neither changed nor were ever dissembled."[110] Carrying on our tradition dating to the days of Chief Justice Marshall,[111] it is accordingly:

RESOLVED that we, the members of the Bar of the Supreme Court of the United States, express our deepest respect for the late Justice Antonin Scalia; our loss at his passing from this life; our admiration for his commitment to the Nation, its charter, and this Court; and our enduring gratitude for the example he set in his life both within and beyond the law; and we have further

RESOLVED that the Acting Solicitor General be asked to present these resolutions to the Court, and that the Attorney General be asked to move that they be inscribed upon the permanent records of the Court.

THE CHIEF JUSTICE said:

Thank you, General Gershengorn. The Court recognizes the Attorney General of the United States.

Attorney General Lynch addressed the Court as follows:

MR. CHIEF JUSTICE, and may it please the Court:

The Bar of the Court met today to honor the memory of Antonin G. Scalia, Associate Justice of the Supreme Court from 1986 to 2016.

The passing of Justice Scalia has left an enormous void in this courtroom and in the life of the law throughout the United States. With his razor-sharp brilliance and unmatched eloquence, Justice Scalia transformed the way the

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[110] Antonin Scalia, Tribute to Emerson G. Spies, 77 Va. L. Rev. 427, 427 (1991).

[111] 10 Pet., at vii, viii (1836).

jurists and lawyers approach the law. He strode like a colossus through some of the most important opinions, concurrences, and dissents of our time, and he had a singular presence both in the courtroom and on the page. His penetrating questions at oral argument did not merely seek to clarify minor nuances; they cut to the heart of a position's flaws. And his writing did not merely state the law, it captivated all who treasure memorable and radiant prose. And even those who disagreed with Justice Scalia could appreciate his inspired wordsmithing, like his assertion that Congress does not hide elephants in mouseholes or his contention that the rule of law requires a law of rules.

Justice Scalia's life was a quintessentially American story. His father was a Sicilian immigrant who came through Ellis Island as a teenager, earned a doctorate from Columbia, and became a professor. His mother was an elementary schoolteacher, herself the daughter of Italian immigrants. By all accounts, Justice Scalia's talent was obvious from a young age: from Xavier High School in Manhattan to Georgetown, where he graduated first in his class, to Harvard Law School, where he edited the Harvard Law Review. He was a charismatic student who loved to debate. That charisma and his love of the clash of ideas would come to define him.

With these gifts, he could have gone anywhere and done anything. He could have conquered the worlds of commerce or found a home within the business of the law. But rather than pursue material wealth in the private sector, he chose the wealth of ideas to be found in academia. And instead of seeking public acclaim, he turned to public service. Law students at the University of Virginia, as well as the University of Chicago, Georgetown, and Stanford, benefited from his rigorous intellectualism and love of the law.

And we at the Department of Justice also benefited from his dedication to public service. From 1974 to 1977, he served as the head of the Office of Legal Counsel at the Department of Justice. The traits that would come to define Justice Scalia's judicial presence were apparent in that role as he provided written opinions that showcased his intellec-

tual rigor, his sharp pen, and his independent mind. He was also known for his fierce support of the independence of the Office of Legal Counsel and of the Department, traditions we are proud to uphold.

Justice Scalia's contributions to the Supreme Court cannot be overstated. Countless pages have been written about the textualist approach to statutory interpretation he championed. In his three decades on the bench, he succeeded in changing the very way that lawyers and judges determine the meaning of congressional enactments, and he fundamentally transformed legal argument. As Justice Kagan noted in her Scalia lecture at Harvard Law School, we're all textualists now.

Justice Scalia will also be remembered for his robust interpretations of the protections that the Constitution affords those who come in contact with the criminal justice system. His Fourth Amendment and Sixth Amendment decisions regarding searches, the right to a jury trial, and the Confrontation Clause fundamentally shaped the way law enforcement officers investigate potential wrongdoing, and the way prosecutors put on their cases. The opinions are noteworthy for their reliance on Justice Scalia's originalist approach to interpreting the Constitution, a philosophy that looks backwards in order to look forward. It looks back to the founding of this great Nation in an effort to understand the protections reserved in the Constitution, and it looks forward to demand that we uphold these protections despite changing times.

But Justice Scalia's greatest legacy may be that he brought unmatched conviction and enthusiasm to his jurisprudence. In doing so, he elevated our national legal discourse for all Americans. He challenged even those who agreed with him, and he earned the respect of those who did not. Lawyers who appeared before Justice Scalia found themselves compelled to clarify their positions and to sharpen their arguments. Readers of Justice Scalia's opinions could not disregard the strength of his reasoning and were forced to re-examine their own convictions.

Justice Scalia knew that this was the point of debate, and he also knew that debate was the essence of democracy. For decades, he had an outsized role in the debates over the meaning of our most fundamental principles: principles of liberty, justice, and equality. And because of the brilliance, the eloquence, and the unique passion he brought to that debate, he guaranteed that he will continue to shape it for decades to come.

MR. CHIEF JUSTICE, on behalf of the lawyers of this Nation, and in particular, the members of this Court's Bar, I respectfully request that the resolutions presented to you in honor of Antonin Scalia be accepted by the Court and that they, together with the chronicle of these proceedings, be ordered kept for all time in the records of this Court.

THE CHIEF JUSTICE said:

Thank you, General Lynch. Your request that the Bar resolutions be made part of the permanent record of the Court is granted,

The Court extends to the members of the Resolutions Committee, to the members of the Arrangements Committee, and to the Chairman of today's meeting of the Bar our appreciation for the resolutions adopted today.

Antonin Scalia was nominated to the U. S. Court of Appeals for the D. C. Circuit by President Reagan on July 15, 1982. He joined that court on August 17 that same year. And just four years later, President Reagan nominated him to be our 103rd Supreme Court Justice.

At the time of the White House announcement, he was not well-known to the public. The press had to ask Justice Scalia how to pronounce both his first and last names. Antonin Scalia was confirmed on Constitution Day in 1986 by a vote of 98–0. He took the oath of office as an Associate Justice of this Court on September 26, 1986. Today, every lawyer and journalist in this country, and most other citizens as well know how to pronounce Justice Antonin Scalia.

In nearly three decades on this Court, Justice Scalia wrote, by our count, 282 opinions for the Court, beginning with *O'Connor* v. *United States*, which he announced exactly 30 years ago today, and ending with *Kansas* v. *Carr*, which he announced on January 20 of this year. He was also known to write separately from time to time—authoring more than 300 concurrences and nearly as many dissents. He served with 17 other Justices during his long tenure on this Court.

You have already heard of Justice Scalia's extraordinary legacy. On matters of constitutional interpretation, he championed the judicial philosophy of originalism, a view that the Constitution means today what it meant when it was adopted. He espoused this approach in opinions, both for the Court and in dissent, that are now a central feature of every law school's constitutional curriculum.

His opinions explaining our Constitution's structural constraints on governmental power are among the most important intellectual contributions to the study of liberty since The Federalist Papers. Justice Scalia defended the President's power to appoint and remove executive officials, not to aggrandize presidential power, but to maintain the equilibrium between co-equal branches of government. He insisted that Congress perform the duties within its Constitutional charge and leave other matters alone, not to manage the legislative process, but to promote individual freedom through electoral accountability.

He approached the Judicial Branch with the same rigor. Justice Scalia demanded that federal courts stay within their constitutionally prescribed role of deciding only concrete cases and controversies. He did so not to avoid difficult issues, but to ensure that judges who are insulated from the political process resolve only those matters within Article III's grant of judicial power.

Justice Scalia applied originalist scrutiny to interpreting the Bill of Rights. His views were especially influential with respect to the First Amendment's religion clauses, the Second Amendment's right to bear arms, and the Sixth

Amendment's Confrontation Clause. He persuasively explained how the guarantees set forth 225 years ago continue to provide vital protections in our own age. Writing for the Court in cases involving the Fourth Amendment, he demonstrated how the centuries-old protections against unreasonable searches and seizures reach contemporary police investigatory tools, ranging from thermal imaging to electronic tracking devices to drug-sniffing dogs. He once commented that his opinions on the scope of criminal law safeguards in the Bill of Rights should make him the favorite Justice among criminal defendants across the country. Now, whether he wrote for the Court or in dissent, Justice Scalia's incisive analysis and unforgettable prose compelled jurists, lawyers, and citizens alike to think deeply about the meaning of the compact that binds us.

Justice Scalia left an equally enduring mark on statutory construction. His insistence on the primacy of a statute's text has enforced greater discipline on the task of construction. As he explained, reliance on the statutory text restrains judicial discretion and thereby promotes democracy.

Although Justice Scalia was a keen legal theorist, he was deeply concerned about the practical workings of government, and that intense focus is reflected in his contributions to administrative law. He made enduring contributions to that field as a teacher, scholar, and Chairman of the Administrative Conference of the United States, even before he became a judge. Whatever the discipline, whatever the role, Justice Scalia was committed to finding the right answer. And once he had settled upon what was right, he let the chips fall where they may, and cared not a whit what others thought about it.

Justice Scalia's voice is perhaps most deeply missed in this very chamber. From his first day on the bench, he was a vigorous participant in oral argument. His insightful inquiries enlivened debate and brought out the best in his colleagues and the attorneys who appeared before him, on many occasions also confirming that their best was not good enough.

Now, it would be a stretch to say that there was never a dull moment in this chamber—but often, just when things were getting a bit soporific, counsel would make some assertion that would trigger a reaction from Justice Scalia, ranging from explosive to subtle, and the game would be on. His comments in this room also included priceless sotto voce insights shared only with those fortunate enough to sit beside him on the bench.

Justice Scalia was not restrained in stating his views clearly and forcefully, but he never ceased being our dear friend and valued colleague. He wrestled with ideas, not people, and he knew the difference. He made our days warmer, livelier, and happier. He sang loudest and best at our traditional birthday celebrations. He raised his glass highest to toast others' happy occasions, and his rich laughter filled our halls and our hearts.

Justice Scalia's life reached far beyond the law. He would never have said that the law was what was most important to him. He was steadfast in his Roman Catholic faith, and he was devoted beyond measure to his beloved wife, Maureen, and the nine children they raised.

On occasions such as this, speakers often employ so many laudatory adjectives that the effect can be to sow doubt rather than admiration. But no one who knew Justice Scalia, however they viewed his work, would dispute for a moment that he was patriotic, principled, loyal, courageous, engaging, and brilliant.

Those of us on the Court will miss Nino, but we will continue to feel his presence throughout this building. Our ears will hear his voice in this courtroom when advocates invoke his words searching for powerful authority. Our minds will move to the measure of his reason in our chambers when we study his opinions. And our hearts will smile, even as our eyes glisten, when we walk the halls and recall how happy we were whenever we saw him rounding the corner.

PRESENTATION OF THE ATTORNEY GENERAL

Supreme Court of the United States

TUESDAY, FEBRUARY 21, 2017

Present: Chief Justice Roberts, Justice Kennedy, Justice Thomas, Justice Ginsburg, Justice Breyer, Justice Alito, Justice Sotomayor, and Justice Kagan.

The Chief Justice said:

The Court now recognizes the Acting Solicitor General of the United States.

Acting Solicitor General Francisco said:

Mr. Chief Justice, and may it please the Court. I have the privilege to present to the Court the Eighty-fourth Attorney General of the United States, the Honorable Jefferson B. Sessions, III, of Alabama.

The Chief Justice said:

General Sessions, on behalf of the Court, I welcome you as the Chief Legal Officer of the United States and as an officer of this Court. We recognize the very important responsibilities that are entrusted to you. Your commission as Attorney General of the United States will be noted in the records of the Court. We wish you well in the discharge of the duties of your new office.

Attorney General Sessions said:

Thank you, Mr. Chief Justice.

INDEX

(Vol. 580 U. S., Part 1)

TABLE OF CASES REPORTED

(Vol. 580 U. S., Part 1)

NOTE: All undesignated references herein to the United States Code are to the 2012 edition, one of its supplements, or both.

Cases reported before page 801 are those decided with opinions of the Court or decisions *per curiam*. Cases reported on page 801 *et seq.* are those in which orders were entered. The page numbers are the same as they will be in the bound volume, thus making the *permanent* citations available upon publication of this preliminary print.

An individual attorney whose name appears on a brief filed with the Court will be listed in the United States Reports in connection with the opinion in the case concerning which the document is filed if the attorney is a member of the Court's Bar at the time the case is argued.

CASES ADJUDGED

IN THE

SUPREME COURT OF THE UNITED STATES

AT

OCTOBER TERM, 2016

BOSSE *v.* OKLAHOMA

ON PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS OF OKLAHOMA

No. 15–9173. Decided October 11, 2016

In *Payne* v. *Tennessee*, 501 U. S. 808, this Court held that *Booth* v. *Maryland*, 482 U. S. 496, wrongly concluded that the Eighth Amendment bans "'victim impact' evidence relating to the personal characteristics of the victim and the emotional impact of the crimes on the victim's family," 501 U. S., at 817. However, the Court had no occasion to reconsider *Booth*'s prohibition on considering victims' family members' "characterizations and opinions about the crime, the defendant, and the appropriate sentence," 501 U. S., at 830, n. 2, because no such evidence was presented in *Payne*. Nonetheless, the Oklahoma Court of Criminal Appeals has since held that this latter portion of *Booth* was also "implicitly overruled" by *Payne*.

Petitioner Bosse was convicted of three counts of first-degree murder. At the trial's penalty phase, the State asked three of the victims' relatives to recommend a sentence to the jury. All three recommended death, and the jury agreed. The Oklahoma Court of Criminal Appeals affirmed the sentence, rejecting Bosse's argument that the testimony about appropriate sentencing violated the Eighth Amendment under *Booth*.

Held: The Oklahoma Court of Criminal Appeals erred in concluding that *Payne* implicitly overruled *Booth* in its entirety. "[I]t is this Court's prerogative alone to overrule one of its precedents." *United States* v.

Per Curiam

Hatter, 532 U. S. 557, 567. The Oklahoma court remains bound by *Booth*'s prohibition on characterizations and opinions from a victim's family members about the crime, the defendant, and the appropriate sentence unless this Court reconsiders that ban. See *Hohn* v. *United States*, 524 U. S. 236, 252–253. Whether this error affected the jury's sentencing determination and whether the defendant's rights were protected by the mandatory sentencing review in capital cases required under Oklahoma law may be addressed on remand.

Certiorari granted; 2015 OK CR 14, 360 P. 3d 1203, vacated and remanded.

PER CURIAM.

In *Booth* v. *Maryland*, 482 U. S. 496 (1987), this Court held that "the Eighth Amendment prohibits a capital sentencing jury from considering victim impact evidence" that does not "relate directly to the circumstances of the crime." *Id.*, at 501–502, 507, n. 10. Four years later, in *Payne* v. *Tennessee*, 501 U. S. 808 (1991), the Court granted certiorari to reconsider that ban on "'victim impact' evidence relating to the personal characteristics of the victim and the emotional impact of the crimes on the victim's family." *Id.*, at 817. The Court held that *Booth* was wrong to conclude that the Eighth Amendment required such a ban. *Payne*, 501 U. S., at 827. That holding was expressly "limited to" this particular type of victim impact testimony. *Id.*, at 830, n. 2. "*Booth* also held that the admission of a victim's family members' characterizations and opinions about the crime, the defendant, and the appropriate sentence violates the Eighth Amendment," but no such evidence was presented in *Payne*, so the Court had no occasion to reconsider that aspect of the decision. *Ibid.*

The Oklahoma Court of Criminal Appeals has held that *Payne* "*implicitly* overruled that portion of *Booth* regarding characterizations of the defendant and opinions of the sentence." *Conover* v. *State*, 933 P. 2d 904, 920 (1997) (emphasis added); see also *Ledbetter* v. *State*, 933 P. 2d 880, 890–891 (Okla. Crim. App. 1997). The decision below presents a straightforward application of that interpretation of *Payne*.

A jury convicted petitioner Shaun Michael Bosse of three counts of first-degree murder for the 2010 killing of Katrina Griffin and her two children. The State of Oklahoma sought the death penalty. Over Bosse's objection, the State asked three of the victims' relatives to recommend a sentence to the jury. All three recommended death, and the jury agreed. Bosse appealed, arguing that this testimony about the appropriate sentence violated the Eighth Amendment under *Booth*. The Oklahoma Court of Criminal Appeals affirmed his sentence, concluding that there was "no error." 2015 OK CR 14, ¶¶ 57–58, 360 P. 3d 1203, 1226–1227. We grant certiorari and the motion for leave to proceed *in forma pauperis*, and now vacate the judgment of the Oklahoma Court of Criminal Appeals.

"[I]t is this Court's prerogative alone to overrule one of its precedents." *United States* v. *Hatter*, 532 U. S. 557, 567 (2001) (quoting *State Oil Co.* v. *Khan*, 522 U. S. 3, 20 (1997); internal quotation marks omitted); see *Rodriguez de Quijas* v. *Shearson/American Express, Inc.*, 490 U. S. 477, 484 (1989). The Oklahoma Court of Criminal Appeals has recognized that *Payne* "specifically acknowledged its holding did not affect" *Booth*'s prohibition on opinions about the crime, the defendant, and the appropriate punishment. *Ledbetter*, 933 P. 2d, at 890–891. That should have ended its inquiry into whether the Eighth Amendment bars such testimony; the court was wrong to go further and conclude that *Payne* implicitly overruled *Booth* in its entirety. "Our decisions remain binding precedent until we see fit to reconsider them, regardless of whether subsequent cases have raised doubts about their continuing vitality." *Hohn* v. *United States*, 524 U. S. 236, 252–253 (1998).

The Oklahoma Court of Criminal Appeals remains bound by *Booth*'s prohibition on characterizations and opinions from a victim's family members about the crime, the defendant, and the appropriate sentence unless this Court reconsiders that ban. The state court erred in concluding otherwise.

The State argued in opposing certiorari that, even if the Oklahoma Court of Criminal Appeals was wrong in its victim impact ruling, that error did not affect the jury's sentencing determination, and the defendant's rights were in any event protected by the mandatory sentencing review in capital cases required under Oklahoma law. See Brief in Opposition 14–15. Those contentions may be addressed on remand to the extent the court below deems appropriate.

The judgment of the Oklahoma Court of Criminal Appeals is vacated, and the case is remanded for further proceedings not inconsistent with this opinion.

It is so ordered.

JUSTICE THOMAS, with whom JUSTICE ALITO joins, concurring.

We held in *Booth* v. *Maryland*, 482 U. S. 496 (1987), that the Eighth Amendment prohibits a court from admitting the opinions of the victim's family members about the appropriate sentence in a capital case. The Court today correctly observes that our decision in *Payne* v. *Tennessee*, 501 U. S. 808 (1991), did not expressly overrule this aspect of *Booth*. Because "it is this Court's prerogative alone to overrule one of its precedents," *State Oil Co.* v. *Khan*, 522 U. S. 3, 20 (1997), the Oklahoma Court of Criminal Appeals erred in holding that *Payne* invalidated *Booth* in its entirety. In vacating the decision below, this Court says nothing about whether *Booth* was correctly decided or whether *Payne* swept away its analytical foundations. I join the Court's opinion with this understanding.

Syllabus

BRAVO-FERNANDEZ ET AL. *v.* UNITED STATES

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

No. 15–537. Argued October 4, 2016—Decided November 29, 2016

The issue-preclusion component of the Double Jeopardy Clause bars a second contest of an issue of fact or law raised and necessarily resolved by a prior judgment. *Ashe* v. *Swenson*, 397 U. S. 436, 443. The burden is on the defendant to demonstrate that the issue he seeks to shield from reconsideration was actually decided by a prior jury's verdict of acquittal. *Schiro* v. *Farley*, 510 U. S. 222, 233. When the same jury returns irreconcilably inconsistent verdicts on the issue in question, a defendant cannot meet that burden. The acquittal, therefore, gains no preclusive effect regarding the count of conviction. *United States* v. *Powell*, 469 U. S. 57, 68–69. Issue preclusion does, however, attend a jury's verdict of acquittal if the same jury in the same proceeding fails to reach a verdict on a different count turning on the same issue of ultimate fact. *Yeager* v. *United States*, 557 U. S. 110, 121–122.

In this case, a jury convicted petitioners Juan Bravo-Fernandez (Bravo) and Hector Martínez-Maldonado (Martínez) of bribery in violation of 18 U. S. C. § 666. Simultaneously, the jury acquitted them of conspiring to violate § 666 and traveling in interstate commerce to violate § 666. Because the only contested issue at trial was whether Bravo and Martínez had violated § 666 (the other elements of the acquitted charges—agreement and travel—were undisputed), the jury's verdicts were irreconcilably inconsistent. Unlike the guilty verdicts in *Powell*, however, petitioners' convictions were later vacated on appeal because of error in the judge's instructions unrelated to the verdicts' inconsistency. In the First Circuit's view, § 666 proscribes only *quid pro quo* bribery, yet the charge had permitted the jury to find petitioners guilty on a gratuity theory. On remand, Bravo and Martínez moved for judgments of acquittal on the standalone § 666 charges. They argued that the issue-preclusion component of the Double Jeopardy Clause barred the Government from retrying them on those charges because the jury necessarily determined that they were not guilty of violating § 666 when it acquitted them of the related conspiracy and Travel Act offenses. The District Court denied the motions, and the First Circuit affirmed, holding that the eventual invalidation of petitioners' § 666 convictions did not undermine *Powell*'s instruction that issue preclusion does not apply when the same jury returns logically inconsistent verdicts.

Syllabus

Held: The issue-preclusion component of the Double Jeopardy Clause does not bar the Government from retrying defendants, like petitioners, after a jury has returned irreconcilably inconsistent verdicts of conviction and acquittal and the convictions are later vacated for legal error unrelated to the inconsistency. Pp. 18–24.

(a) Because petitioners' trial yielded incompatible jury verdicts, petitioners cannot establish that the jury necessarily resolved in their favor the question whether they violated § 666. In view of the Government's inability to obtain review of the acquittals, *Powell*, 469 U. S., at 68, the inconsistent jury findings weigh heavily against according those acquittals issue-preclusive effect. The subsequent vacatur of petitioners' bribery convictions does not alter this analysis. The critical inquiry is whether the jury actually decided that petitioners did not violate § 666. *Ashe* instructs courts to approach that task with "realism and rationality," 397 U. S., at 444, in particular, to examine the trial record "with an eye to all the circumstances of the proceedings," *ibid.* The jury's verdicts convicting petitioners of violating § 666 remain relevant to this practical inquiry, even if the convictions are later vacated on appeal for unrelated trial error.

Petitioners could not be retried if the Court of Appeals had vacated their § 666 bribery convictions because of insufficient evidence, see *Burks* v. *United States*, 437 U. S. 1, 10–11, or if the trial error could resolve the apparent inconsistency in the jury's verdicts. But the evidence here was sufficient to convict petitioners on the *quid pro quo* bribery theory the First Circuit approved. And the instructional error cannot account for the jury's inconsistent determinations, for the error applied equally to every § 666-related count. Pp. 18–21.

(b) Petitioners argue that vacated judgments should be excluded from the *Ashe* inquiry because vacated convictions, like the hung counts in *Yeager*, are legal nullities that "have never been accorded respect as a matter of law or history." *Yeager*, 557 U. S., at 124. That argument misapprehends the *Ashe* inquiry. Bravo and Martínez bear the burden of showing that the issue whether they violated § 666 has been "determined by a valid and final judgment of acquittal." 557 U. S., at 119 (internal quotation marks omitted). To judge whether they carried that burden, a court must realistically examine the record to identify the ground for the § 666-based *acquittals*. *Ashe*, 397 U. S., at 444. A conviction that contradicts those acquittals is plainly relevant to that determination, no less so simply because it is later overturned on appeal for unrelated legal error. See *Powell*, 469 U. S., at 65.

Petitioners further contend that, under *Yeager*, the § 666 convictions are meaningless because the jury was allowed to convict on the basis of conduct not criminal in the First Circuit—payment of a gratuity. But

Yeager did not rest on a court's inability to detect the basis for a decision the jury in fact rendered. Rather, when a jury hangs, there is *no decision*, hence no inconsistency. 557 U. S., at 124–125. By contrast, a verdict of guilt *is* a jury decision, even if subsequently vacated, and therefore can evince jury inconsistency. That is the case here. Petitioners gained a second trial on the standalone bribery charges, but they are not entitled to more. Issue preclusion is not a doctrine they can commandeer when inconsistent verdicts shroud in mystery what the jury necessarily decided. Pp. 22–24.

790 F. 3d 41, affirmed.

GINSBURG, J., delivered the opinion for a unanimous Court. THOMAS, J., filed a concurring opinion, *post*, p. 24.

Lisa S. Blatt argued the cause for petitioners. With her on the briefs were *Anthony J. Franze*, *R. Stanton Jones*, *Elizabeth S. Theodore*, *Abbe David Lowell*, and *Christopher D. Man*.

Elizabeth B. Prelogar argued the cause for the United States. With her on the brief were *Acting Solicitor General Gershengorn*, *Assistant Attorney General Caldwell*, *Deputy Solicitor General Dreeben*, and *Vijay Shanker*.*

JUSTICE GINSBURG delivered the opinion of the Court.

This case concerns the issue-preclusion component of the Double Jeopardy Clause.[1] In criminal prosecutions, as in civil litigation, the issue-preclusion principle means that "when an issue of ultimate fact has once been determined by

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*Briefs of *amici curiae* urging reversal were filed for the Cato Institute by *David Debold*, *Ilya Shapiro*, and *Randal Meyer*; for Criminal Law Professors by *Jonathan D. Hacker*, *Deanna M. Rice*, and *Anton Metlitsky*; for the National Association for Public Defense by *David T. Goldberg*, *Sara B. Thomas*, *Daniel R. Ortiz*, *John P. Elwood*, and *Joshua S. Johnson*; and for the National Association of Criminal Defense Lawyers by *Jeffrey T. Green* and *David M. Porter*.

[1] The parties use the expression "collateral estoppel component," but as this Court has observed, "issue preclusion" is the more descriptive term. *Yeager* v. *United States*, 557 U. S. 110, 120, n. 4 (2009); see Restatement (Second) of Judgments § 27, Comment *b*, pp. 251–252 (1980).

a valid and final judgment, that issue cannot again be litigated between the same parties in any future lawsuit." *Ashe* v. *Swenson*, 397 U. S. 436, 443 (1970).

Does issue preclusion apply when a jury returns inconsistent verdicts, convicting on one count and acquitting on another count, where both counts turn on the very same issue of ultimate fact? In such a case, this Court has held, both verdicts stand. The Government is barred by the Double Jeopardy Clause from challenging the acquittal, see *Green* v. *United States*, 355 U. S. 184, 188 (1957), but because the verdicts are rationally irreconcilable, the acquittal gains no preclusive effect, *United States* v. *Powell*, 469 U. S. 57, 68 (1984).

Does issue preclusion attend a jury's acquittal verdict if the same jury in the same proceeding fails to reach a verdict on a different count turning on the same critical issue? This Court has answered yes, in those circumstances, the acquittal has preclusive force. *Yeager* v. *United States*, 557 U. S. 110, 121–122 (2009). As "there is no way to decipher what a hung count represents," we reasoned, a jury's failure to decide "has no place in the issue-preclusion analysis." *Ibid.*; see *id.*, at 125 ("[T]he fact that a jury hangs is evidence of nothing—other than, of course, that it has failed to decide anything.").

In the case before us, the jury returned irreconcilably inconsistent verdicts of conviction and acquittal. Without more, *Powell* would control. There could be no retrial of charges that yielded acquittals but, in view of the inconsistent verdicts, the acquittals would have no issue-preclusive effect on charges that yielded convictions. In this case, however, unlike *Powell*, the guilty verdicts were vacated on appeal because of error in the judge's instructions unrelated to the verdicts' inconsistency. Petitioners urge that, just as a jury's failure to decide has no place in issue-preclusion analysis, so vacated guilty verdicts should not figure in that analysis.

We hold otherwise. One cannot know from the jury's report why it returned no verdict. "A host of reasons" could

account for a jury's failure to decide—"sharp disagreement, confusion about the issues, exhaustion after a long trial, to name but a few." *Yeager*, 557 U. S., at 121. But actual inconsistency in a jury's verdicts is a reality; vacatur of a conviction for unrelated legal error does not reconcile the jury's inconsistent returns. We therefore bracket this case with *Powell*, not *Yeager*, and affirm the judgment of the Court of Appeals, which held that issue preclusion does not apply when verdict inconsistency renders unanswerable "what the jury necessarily decided." 790 F. 3d 41, 47 (CA1 2015).

I

A

The doctrine of claim preclusion instructs that a final judgment on the merits "foreclos[es] successive litigation of the very same claim." *New Hampshire* v. *Maine*, 532 U. S. 742, 748 (2001); see Restatement (Second) of Judgments § 19, p. 161 (1980) (hereinafter Restatement). So instructing, the doctrine serves to "avoid multiple suits on identical entitlements or obligations between the same parties." 18 C. Wright, A. Miller, & E. Cooper, Federal Practice and Procedure § 4402, p. 9 (2d ed. 2002) (hereinafter Wright & Miller). Long operative in civil litigation, Restatement, at 2, claim preclusion is also essential to the Constitution's prohibition against successive criminal prosecutions. No person, the Double Jeopardy Clause states, shall be "subject for the same offence to be twice put in jeopardy of life or limb." Amdt. 5. The Clause "protects against a second prosecution for the same offense after conviction"; as well, "[i]t protects against a second prosecution for the same offense after acquittal." *North Carolina* v. *Pearce*, 395 U. S. 711, 717 (1969). "[A] verdict of acquittal [in our justice system] is final," the last word on a criminal charge, and therefore operates as "a bar to a subsequent prosecution for the same offence." *Green* v. *United States*, 355 U. S. 184, 188 (1957) (internal quotation marks omitted).

The allied doctrine of issue preclusion ordinarily bars relitigation of an issue of fact or law raised and necessarily resolved by a prior judgment. See Restatement §§ 17, 27, at 148, 250; Wright & Miller § 4416, at 386. It applies in both civil and criminal proceedings, with an important distinction. In civil litigation, where issue preclusion and its ramifications first developed, the availability of appellate review is a key factor. Restatement § 28, Comment *a*, at 274; see *id.*, § 28, Reporter's Note, at 284 (noting "the pervasive importance of reviewability in the application of preclusion doctrine"). In significant part, preclusion doctrine is premised on "an underlying confidence that the result achieved in the initial litigation was substantially correct." *Standefer* v. *United States*, 447 U. S. 10, 23, n. 18 (1980); see Restatement § 29, Comment *f*, at 295. "In the absence of appellate review," we have observed, "such confidence is often unwarranted." *Standefer*, 447 U. S., at 23, n. 18.

In civil suits, inability to obtain review is exceptional; it occurs typically when the controversy has become moot. In criminal cases, however, only one side (the defendant) has recourse to an appeal from an adverse judgment on the merits. The Government "cannot secure appellate review" of an acquittal, *id.*, at 22, even one "based upon an egregiously erroneous foundation," *Arizona* v. *Washington*, 434 U. S. 497, 503 (1978). Juries enjoy an "unreviewable power . . . to return a verdict of not guilty for impermissible reasons," for "the Government is precluded from appealing or otherwise upsetting such an acquittal by the Constitution's Double Jeopardy Clause." *United States* v. *Powell*, 469 U. S. 57, 63, 65 (1984). The absence of appellate review of acquittals, we have cautioned, calls for guarded application of preclusion doctrine in criminal cases. See *Standefer*, 447 U. S., at 22–23, and n. 18. Particularly where it appears that a jury's verdict is the result of compromise, compassion, lenity, or misunderstanding of the governing law, the Government's inability to gain review "strongly militates against giving an

acquittal [issue] preclusive effect." *Id.*, at 23. See also Restatement § 29, Comment *g*, at 295 (Where circumstances suggest that an issue was resolved on erroneous considerations, "taking the prior determination at face value for purposes of the second action would [impermissibly] extend the . . . imperfections in the adjudicative process."); *id.*, § 28, Comment *j*, at 283 (Issue preclusion may be denied where it is "evident from the jury's verdict that the verdict was the result of compromise."); Wright & Miller § 4423, at 617 (same).

B

This case requires us to determine whether an appellate court's vacatur of a conviction alters issue-preclusion analysis under the Double Jeopardy Clause. Three prior decisions guide our disposition.

This Court first interpreted the Double Jeopardy Clause to incorporate the principle of issue preclusion in *Ashe* v. *Swenson*, 397 U. S. 436 (1970).[2] *Ashe* involved a robbery of six poker players by a group of masked men. Ashe was charged with robbing one of the players, but a jury acquitted him "due to insufficient evidence." *Id.*, at 439. The State then tried Ashe again, this time for robbing another of the poker players. Aided by "substantially stronger" testimony from "witnesses [who] were for the most part the same," *id.*, at 439–440, the State secured a conviction. We held that the second prosecution violated the Double Jeopardy Clause. Because the sole issue in dispute in the first trial was whether Ashe had been one of the robbers, the jury's acquit-

[2] Though we earlier recognized that res judicata (which embraces both claim and issue preclusion) applies in criminal as well as civil proceedings, we did not link the issue-preclusion inquiry to the Double Jeopardy Clause. See *Sealfon* v. *United States*, 332 U. S. 575, 578 (1948); *Frank* v. *Mangum*, 237 U. S. 309, 334 (1915) (The principle that "a question of fact or of law distinctly put in issue and directly determined by a court of competent jurisdiction cannot afterwards be disputed between the same parties" applies to "the decisions of criminal courts.").

tal verdict precluded the State from trying to convince a different jury of that very same fact in a second trial. *Id.*, at 445.

Our decision in *Ashe* explained that issue preclusion in criminal cases must be applied with "realism and rationality." *Id.*, at 444. To identify what a jury in a previous trial necessarily decided, we instructed, a court must "examine the record of a prior proceeding, taking into account the pleadings, evidence, charge, and other relevant matter." *Ibid.* (quoting Mayers & Yarbrough, *Bis Vexari*: New Trials and Successive Prosecutions, 74 Harv. L. Rev. 1, 38 (1960)). This inquiry, we explained, "must be set in a practical frame and viewed with an eye to all the circumstances of the proceedings." 397 U. S., at 444 (quoting *Sealfon* v. *United States*, 332 U. S. 575, 579 (1948)). We have also made clear that "[t]he burden is on the defendant to demonstrate that the issue whose relitigation he seeks to foreclose was actually decided" by a prior jury's verdict of acquittal. *Schiro* v. *Farley*, 510 U. S. 222, 233 (1994) (internal quotation marks omitted); accord *Dowling* v. *United States*, 493 U. S. 342, 350 (1990).

In *United States* v. *Powell*, 469 U. S. 57, we held that a defendant cannot meet this burden when the same jury returns irreconcilably inconsistent verdicts on the question she seeks to shield from reconsideration. *Powell*'s starting point was our holding in *Dunn* v. *United States*, 284 U. S. 390 (1932), that a criminal defendant may not attack a jury's finding of guilt on one count as inconsistent with the jury's verdict of acquittal on another count. *Powell*, 469 U. S., at 58–59. The Court's opinion in *Dunn* stated no exceptions to this rule, and after *Dunn* the Court had several times "alluded to [the] rule as an established principle," 469 U. S., at 63. Nevertheless, several Courts of Appeals had "recogniz[ed] exceptions to the rule," *id.*, at 62, and Powell sought an exception for the verdicts of guilt she faced.

At trial, a jury had acquitted Powell of various substantive drug charges but convicted her of using a telephone in "caus-

ing and facilitating" those same offenses. *Id.*, at 59–60. She appealed, arguing that "the verdicts were inconsistent, and that she therefore was entitled to reversal of the telephone facilitation convictions." *Id.*, at 60. Issue preclusion, she maintained, barred "acceptance of [the] guilty verdict[s]" on the auxiliary offenses because the same jury had acquitted her of the predicate felonies. *Id.*, at 64.

Rejecting Powell's argument, we noted that issue preclusion is "predicated on the assumption that the jury acted rationally." *Id.*, at 68. When a jury returns irreconcilably inconsistent verdicts, we said, one can glean no more than that "either in the acquittal or the conviction the jury did not speak their real conclusions." *Id.*, at 64 (quoting *Dunn*, 284 U. S., at 393). Although it is impossible to discern which verdict the jurors arrived at rationally, we observed, "that does not show that they were not convinced of the defendant's guilt." *Powell*, 469 U. S., at 64–65 (quoting *Dunn*, 284 U. S., at 393). In the event of inconsistent verdicts, we pointed out, it is just as likely that "the jury, convinced of guilt, properly reached its conclusion on [one count], and then through mistake, compromise, or lenity, arrived at an inconsistent conclusion on the [related] offense." *Powell*, 469 U. S., at 65. Because a court would be at a loss to know which verdict the jury "really meant," we reasoned, principles of issue preclusion are not useful, for they are "predicated on the assumption that the jury acted rationally and found certain facts in reaching its verdict." *Id.*, at 68. Holding that the acquittals had no preclusive effect on the counts of conviction, we reaffirmed *Dunn*'s rule, under which both Powell's convictions and her acquittals, albeit inconsistent, remained undisturbed. 469 U. S., at 69.

Finally, in *Yeager* v. *United States*, 557 U. S. 110 (2009), we clarified that *Powell*'s holding on inconsistent verdicts does not extend to an apparent inconsistency between a jury's verdict of acquittal on one count and its inability to reach a verdict on another count. See 557 U. S., at 124 ("[I]nconsistent *verdicts*" present an "entirely different context" than one

involving "both *verdicts* and seemingly inconsistent *hung counts*."). Yeager was tried on charges of fraud and insider trading. *Id.*, at 114. The jury acquitted him of the fraud offenses, which the Court of Appeals concluded must have reflected a finding that he "did not have any insider information that contradicted what was presented to the public." *Id.*, at 116. Yet the jury failed to reach a verdict on the insider-trading charges, as to which "the possession of insider information was [likewise] a critical issue of ultimate fact." *Id.*, at 123. Arguing that the jury had therefore acted inconsistently, the Government sought to retry Yeager on the hung counts. We ruled that retrial was barred by the Double Jeopardy Clause.

A jury "speaks only through its verdict," we noted. *Id.*, at 121. Any number of reasons—including confusion about the issues and sheer exhaustion, we observed—could cause a jury to hang. *Ibid.* Accordingly, we said, only "a jury's decisions, not its failures to decide," identify "what a jury necessarily determined at trial." *Id.*, at 122. Because a hung count reveals nothing more than a jury's failure to reach a decision, we further reasoned, it supplies no evidence of the jury's irrationality. *Id.*, at 124–125. Hung counts, we therefore held, "ha[ve] no place in the issue-preclusion analysis," *id.*, at 122: When a jury acquits on one count while failing to reach a verdict on another count concerning the same issue of ultimate fact, the acquittal, and only the acquittal, counts for preclusion purposes. Given the preclusive effect of the acquittal, the Court concluded, Yeager could not be retried on the hung count. *Id.*, at 122–125.

C

With our controlling precedent in view, we turn to the inconsistent verdicts rendered in this case. The prosecution stemmed from an alleged bribe paid by petitioner Juan Bravo-Fernandez (Bravo), an entrepreneur, to petitioner Hector Martínez-Maldonado (Martínez), then a senator serving the Commonwealth of Puerto Rico. The alleged bribe

took the form of an all-expenses-paid trip to Las Vegas, including a $1,000 seat at a professional boxing match featuring a popular Puerto Rican contender. *United States* v. *Fernandez*, 722 F. 3d 1, 6 (CA1 2013). According to the Government, Bravo intended the bribe to secure Martínez' help in shepherding legislation through the Puerto Rico Senate that, if enacted, would "provid[e] substantial financial benefits" to Bravo's enterprise. *Ibid.* In the leadup to the Las Vegas trip, Martínez submitted the legislation for the Senate's consideration and issued a committee report supporting it; within a week of returning from Las Vegas, Martínez issued another favorable report and voted to enact the legislation. *Id.*, at 6–7.

Based on these events, a federal grand jury in Puerto Rico indicted petitioners for, *inter alia*, federal-program bribery, in violation of 18 U. S. C. § 666; conspiracy to violate § 666, in violation of § 371; and traveling in interstate commerce to further violations of § 666, in violation of the Travel Act, § 1952(a)(3)(A).[3] Following a three-week trial, a jury convicted Bravo and Martínez of the standalone § 666 bribery offense, but acquitted them of the related conspiracy and Travel Act charges. *Fernandez*, 722 F. 3d, at 7. Each received a sentence of 48 months in prison. *Id.*, at 8.

The Court of Appeals for the First Circuit vacated the § 666 convictions for instructional error. *Id.*, at 27. In the First Circuit's view, the jury had been erroneously charged on what constitutes criminal conduct under that statute. *Id.*, at 22–27. The charge permitted the jury to find Bravo and Martínez "guilty of offering and receiving a gratuity," *id.*, at 16, but, the appeals court held, § 666 proscribes only *quid pro quo* bribes, and not gratuities, *id.*, at 6, 22.[4] True, the court acknowledged, the jury was in-

[3] Petitioners were indicted on several other charges not relevant here. See *United States* v. *Fernandez*, 722 F. 3d 1, 7 (CA1 2013).

[4] As the First Circuit acknowledged, this holding is contrary to the rulings of "most circuits to have addressed th[e] issue." *Id.*, at 6. Three other Federal Courts of Appeals have considered the question; each has

structed on both theories of bribery, and the evidence at trial sufficed to support a guilty verdict on either theory. *Id.*, at 19–20. But the Court of Appeals could not say with confidence that the erroneous charge was harmless, so it vacated the § 666 convictions and remanded for further proceedings. *Id.*, at 27, 39.

On remand, relying on the issue-preclusion component of the Double Jeopardy Clause, Bravo and Martínez moved for judgments of acquittal on the standalone § 666 charges. 988 F. Supp. 2d 191 (PR 2013). They could not be retried on the bribery offense, they insisted, because the jury necessarily determined that they were not guilty of violating § 666 when it acquitted them of conspiring to violate § 666 and traveling in interstate commerce to further violations of § 666. *Id.*, at 193. That was so, petitioners maintained, because the only contested issue at trial was whether Bravo had offered, and Martínez had accepted, a bribe within the meaning of § 666. *Id.*, at 196; see Tr. of Oral Arg. 4 ("There was no dispute that they agreed to go to a boxing match together"; nor was there any dispute "that to get to Las Vegas from Puerto Rico, you have to travel" across state lines.). The District Court denied the motions for acquittal. 988 F. Supp. 2d, at 196–198. If the sole issue disputed at trial was whether Bravo and Martínez had violated § 666, the court explained, then "the jury [had] acted irrationally." *Id.*, at 196. Because the same jury had simultaneously *convicted* Bravo and Martínez on the standalone § 666 charges, "the verdict simply was inconsistent." *Ibid.*

The First Circuit affirmed the denial of petitioners' motions for acquittal, agreeing that the jury's inconsistent returns were fatal to petitioners' issue-preclusion plea. 790 F. 3d 41. The jury received the same bribery instructions

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held that § 666 prohibits gratuities as well as *quid pro quo* bribes. See *United States* v. *Bahel*, 662 F. 3d 610, 636 (CA2 2011); *United States* v. *Hawkins*, 777 F. 3d 880, 881 (CA7 2015); *United States* v. *Zimmerman*, 509 F. 3d 920, 927 (CA8 2007).

for each count involving § 666, the court noted, so the § 666-based verdicts—convicting on the standalone bribery charges but acquitting on the related Travel Act and conspiracy counts—could not be reconciled. *Id.*, at 54–55.[5]

The Court of Appeals rejected petitioners' argument that the eventual invalidation of the bribery convictions rendered *Powell*'s inconsistent-verdicts rule inapplicable. *Ashe*, the court reminded, calls for a practical appraisal based on the complete record of the prior proceeding; the § 666 bribery convictions, like the § 666-based acquittals, were part of that record. See 790 F. 3d, at 50. Nor are vacated convictions like hung counts for issue-preclusion purposes, the court continued. Informed by our decision in *Yeager*, the First Circuit recognized that a hung count reveals only a jury's failure to decide, and therefore cannot evidence actual inconsistency with a jury's decision. 790 F. 3d, at 50–51. In contrast, the court said, vacated convictions "*are* jury decisions, through which the jury *has* spoken." *Id.*, at 51. The later upset of a conviction on an unrelated ground, the court reasoned, does not undermine *Powell*'s recognition that "inconsistent verdicts make it impossible to determine what a jury necessarily decided." 790 F. 3d, at 51. The First Circuit therefore concluded that "vacated convictions, unlike hung counts, are relevant to the *Ashe* [issue-preclusion] inquiry." *Ibid.*

We granted certiorari to resolve a conflict among courts on this question: Does the issue-preclusion component of the Double Jeopardy Clause bar the Government from retrying defendants, like Bravo and Martínez, after a jury has re-

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[5] As just observed, see *supra*, at 16, petitioners urge that § 666 bribery was the sole issue in controversy, and that there was no dispute on other elements of the Travel Act and conspiracy counts. See Tr. of Oral Arg. 4. See also Brief for United States 13 (accepting that the jury "returned irreconcilably inconsistent verdicts"). If another element could explain the acquittals, then there would be no inconsistency and no argument against a new trial on bribery. See *infra*, at 19–20.

turned irreconcilably inconsistent verdicts of conviction and acquittal, and the convictions are later vacated for legal error unrelated to the inconsistency?[6] 577 U. S. 1234 (2016). Holding that the Double Jeopardy Clause does not bar retrial in these circumstances, we affirm the First Circuit's judgment.

II

When a conviction is overturned on appeal, "[t]he general rule is that the [Double Jeopardy] Clause does not bar reprosecution." *Justices of Boston Municipal Court* v. *Lydon*, 466 U. S. 294, 308 (1984). The ordinary consequence of vacatur, if the Government so elects, is a new trial shorn of the error that infected the first trial. This "continuing jeopardy" rule neither gives effect to the vacated judgment nor offends double jeopardy principles. Rather, it reflects the reality that the "criminal proceedings against an accused have not run their full course." *Ibid.* And by permitting a new trial post vacatur, the continuing-jeopardy rule serves both society's and criminal defendants' interests in the fair administration of justice. "It would be a high price indeed for society to pay," we have recognized, "were every accused

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[6] Compare *United States* v. *Citron*, 853 F. 2d 1055, 1058–1061 (CA2 1988) (holding that retrial does not violate Double Jeopardy Clause under these circumstances); *United States* v. *Price*, 750 F. 2d 363, 366 (CA5 1985) (same); *Evans* v. *United States*, 987 A. 2d 1138, 1141–1142 (D. C. 2010) (same); and *State* v. *Kelly*, 201 N. J. 471, 493–494, 992 A. 2d 776, 789 (2010) (same), with *People* v. *Wilson*, 496 Mich. 91, 105–107, 852 N. W. 2d 134, 141–142 (2014) (holding that Double Jeopardy Clause bars retrial in this situation). As the First Circuit explained, "[a]lthough *Citron* and *Price* predate *Yeager*, both the Second and Fifth Circuits decided that vacated counts are relevant to the *Ashe* analysis at a time when those circuits had already ruled that hung counts should be disregarded for purposes of the *Ashe* inquiry." 790 F. 3d 41, 51, n. 7 (2015) (citing *United States* v. *Mespoulede*, 597 F. 2d 329, 332, 335–336 (CA2 1979); *United States* v. *Nelson*, 599 F. 2d 714, 716–717 (CA5 1979)). The Second Circuit, moreover, has adhered to *Citron* since *Yeager*. See *United States* v. *Bruno*, 531 Fed. Appx. 47, 49 (2013).

granted immunity from punishment because of any defect sufficient to constitute reversible error in the proceedings leading to conviction." *United States* v. *Tateo*, 377 U. S. 463, 466 (1964). And the rights of criminal defendants would suffer too, for "it is at least doubtful that appellate courts would be as zealous as they now are in protecting against the effects of improprieties at the trial or pretrial stage if they knew that reversal of a conviction would put the accused irrevocably beyond the reach of further prosecution." *Ibid.*

Bravo and Martínez ask us to deviate from the general rule that, post vacatur of a conviction, a new trial is in order. When a conviction is vacated on appeal, they maintain, an acquittal verdict simultaneously returned should preclude the Government from retrying the defendant on the vacated count. Our precedent, harmonious with issue-preclusion doctrine, opposes the foreclosure petitioners seek.

A

Bravo and Martínez bear the burden of demonstrating that the jury necessarily resolved in their favor the question whether they violated § 666. *Schiro*, 510 U. S., at 233. But, as we have explained, see *supra*, at 12–13, a defendant cannot meet that burden where the trial yielded incompatible jury verdicts on the issue the defendant seeks to insulate from relitigation. Here, the jury convicted Bravo and Martínez of violating § 666 but acquitted them of conspiring, and traveling with the intent, to violate § 666. The convictions and acquittals are irreconcilable because other elements of the Travel Act and conspiracy counts were not disputed. See *supra*, at 16, 17, n. 5. It is unknowable "which of the inconsistent verdicts—the acquittal[s] or the conviction[s]—'the jury really meant.'" 790 F. 3d, at 47 (quoting *Powell*, 469 U. S., at 68); see Restatement § 29, Comment *f*, at 295 ("Where a determination relied on as preclusive is itself inconsistent with some other adjudication of the same issue, . . . confidence [in that determination] is generally unwar-

ranted."). In view of the Government's inability to obtain review of the acquittals, *Powell*, 469 U. S., at 68, the inconsistent jury findings weigh heavily against according those acquittals issue-preclusive effect. See *Standefer*, 447 U. S., at 23, n. 17.

That petitioners' bribery convictions were later vacated for trial error does not alter our analysis. The critical inquiry is whether the jury actually decided that Bravo and Martínez did not violate § 666. *Ashe* counsels us to approach that task with "realism and rationality," 397 U. S., at 444, in particular, to examine the trial record "with an eye to all the circumstances of the proceedings," *ibid.* As the Court of Appeals explained, "the fact [that] the jury . . . convicted [Bravo and Martínez] of violating § 666 would seem to be of quite obvious relevance" to this practical inquiry, "even though the convictions were later vacated." 790 F. 3d, at 50. Because issue preclusion "depends on the jury's assessment of the facts in light of the charges as presented at trial," a conviction overturned on appeal is "appropriately considered in our assessment of [an acquittal] verdict's preclusive effect." *United States* v. *Citron*, 853 F. 2d 1055, 1061 (CA2 1988). Indeed, the jurors in this case might not have acquitted on the Travel Act and conspiracy counts absent their belief that the § 666 bribery convictions would stand. See *ibid.*

Bravo and Martínez could not be retried on the bribery counts, of course, if the Court of Appeals had vacated their § 666 convictions because there was insufficient evidence to support those convictions. For double jeopardy purposes, a court's evaluation of the evidence as insufficient to convict is equivalent to an acquittal and therefore bars a second prosecution for the same offense. See *Burks* v. *United States*, 437 U. S. 1, 10–11 (1978); cf. *Powell*, 469 U. S., at 67 (noting that defendants are "afforded protection against jury irrationality or error by [courts'] independent review of the sufficiency of the evidence"). But this is scarcely a case in which the

prosecution "failed to muster" sufficient evidence in the first proceeding. *Burks*, 437 U. S., at 11. Quite the opposite. The evidence presented at petitioners' trial, the Court of Appeals determined, supported a guilty verdict on the gratuity theory (which the First Circuit ruled impermissible) *as well as* the *quid pro quo* theory (which the First Circuit approved). 790 F. 3d, at 44. Vacatur was compelled for the sole reason that the First Circuit found the jury charge erroneous to the extent that it encompassed gratuities. See *supra*, at 15–16, and n. 4. Therefore, the general rule of "allowing a new trial to rectify trial error" applied. *Burks*, 437 U. S., at 14 (emphasis deleted).

Nor, as the Government acknowledges, would retrial be tolerable if the trial error could resolve the apparent inconsistency in the jury's verdicts. See Brief for United States 30 (If, for example, "a jury receives an erroneous instruction on the count of conviction but the correct instruction on the charge on which it acquits, the instructional error may reconcile the verdicts."). But the instructional error here cannot account for the jury's contradictory determinations because the error applied equally to every § 666-related count. See *supra*, at 16–17.

As in *Powell*, so in this case, "[t]he problem is that the same jury reached inconsistent results." 469 U. S., at 68. The convictions' later invalidation on an unrelated ground does not erase or reconcile that inconsistency: It does not bear on "the factual determinations actually and necessarily made by the jury," nor does it "serv[e] to turn the jury's otherwise inconsistent and irrational verdict into a consistent and rational verdict." *People* v. *Wilson*, 496 Mich. 91, 125, 852 N. W. 2d 134, 151 (2014) (Markman, J., dissenting). Bravo and Martínez, therefore, cannot establish the factual predicate necessary to preclude the Government from retrying them on the standalone § 666 charges—namely, that the jury in the first proceeding actually decided that they did not violate the federal bribery statute.

B

To support their argument for issue preclusion, Bravo and Martínez highlight our decision in *Yeager*. In *Yeager*, they point out, we recognized that hung counts "have never been accorded respect as a matter of law or history." 557 U. S., at 124. That is also true of vacated convictions, they urge, so vacated convictions, like hung counts, should be excluded from the *Ashe* inquiry into what the jury necessarily determined. Brief for Petitioners 20–24. Asserting that we have "never held an invalid conviction . . . relevant to or evidence of anything," Tr. of Oral Arg. 5, Bravo and Martínez argue that taking account of a vacated conviction in our issue-preclusion analysis would impermissibly give effect to "a legal nullity," Brief for Petitioners 39; see *Wilson*, 496 Mich., at 107, 852 N. W. 2d, at 142 (majority opinion) (considering a vacated count would impermissibly "bring that legally vacated conviction back to life").

This argument misapprehends the *Ashe* inquiry. It is undisputed that petitioners' convictions are invalid judgments that may not be used to establish their guilt. The question is whether issue preclusion stops the Government from prosecuting them anew. On that question, Bravo and Martínez bear the burden of showing that the issue whether they violated § 666 has been "determined by a valid and final judgment of acquittal." *Yeager*, 557 U. S., at 119 (internal quotation marks omitted). To judge whether they carried that burden, a court must realistically examine the record to identify the ground for the § 666-based *acquittals*. *Ashe*, 397 U. S., at 444. A conviction that contradicts those acquittals is plainly relevant to that determination, no less so simply because it is later overturned on appeal for unrelated legal error: The split verdict—finding § 666 violated on the standalone counts, but not violated on the related Travel Act and conspiracy counts—tells us that, on one count or the other, "the jury [did] not follo[w] the court's instructions," whether because of "mistake, compromise, or lenity." *Powell*, 469

U. S., at 65; see *supra*, at 13. Petitioners' acquittals therefore do not support the application of issue preclusion here.[7]

Further relying on *Yeager*, Bravo and Martínez contend that their vacated convictions should be ignored because, as with hung counts, "there is no way to decipher" what they represent. Brief for Petitioners 28 (quoting *Yeager*, 557 U. S., at 121). The § 666 convictions are meaningless, they maintain, because the jury was allowed to convict on the basis of conduct not criminal in the First Circuit—payment of a gratuity. Brief for Petitioners 24.

This argument trips on *Yeager*'s reasoning. *Yeager* did not rest on a court's inability to detect the basis for a jury's decision. Rather, this Court reasoned that, when a jury hangs, there is *no decision*, hence no evidence of irrationality. 557 U. S., at 124–125. A verdict of guilt, by contrast, *is* a jury decision, even if subsequently vacated on appeal. It therefore can evince irrationality.

That is the case here. Petitioners do not dispute that the Government's evidence at trial supported a guilty verdict on the *quid pro quo* theory, or that the gratuity instruction held erroneous by the Court of Appeals applied to every § 666-based offense. Because no rational jury could have reached conflicting verdicts on those counts, petitioners' § 666 convictions "reveal the jury's inconsistency—which is the relevant issue here—even if they do not reveal which theory of liability jurors relied upon in reaching those inconsistent verdicts." Brief for United States 31. In other words, because we do not know what the jury would have concluded

[7] Nor is this the first time we have looked to a vacated conviction to ascertain what a jury decided in a prior proceeding. Our holding in *Morris* v. *Mathews*, 475 U. S. 237 (1986), that a conviction vacated on double jeopardy grounds may be "reduced to a conviction for a lesser included offense which is not jeopardy barred," *id.*, at 246–247, rested on exactly that rationale. See *id.*, at 247 (relying on a jeopardy-barred vacated conviction for aggravated murder to conclude that the jury "necessarily found that the defendant's conduct satisfie[d] the elements of the lesser included offense" of simple murder).

had there been no instructional error, Brief for Petitioners 28–29, a new trial on the counts of conviction is in order. Bravo and Martínez have succeeded on appeal to that extent, but they are entitled to no more. The split verdict does not impede the Government from renewing the prosecution.[8]

The Double Jeopardy Clause, as the First Circuit explained, forever bars the Government from again prosecuting Bravo and Martínez on the § 666-based conspiracy and Travel Act offenses; "the acquittals themselves remain inviolate." 790 F. 3d, at 51, n. 6. Bravo and Martínez have also gained "the benefit of their appellate victory," *ibid.*: a second trial on the standalone bribery charges, in which the Government may not invoke a gratuity theory. But issue preclusion is not a doctrine they can commandeer when inconsistent verdicts shroud in mystery what the jury necessarily decided.

* * *

For the reasons stated, the judgment of the Court of Appeals for the First Circuit is

Affirmed.

JUSTICE THOMAS, concurring.

The question presented in this case is whether, under *Ashe* v. *Swenson*, 397 U. S. 436 (1970), and *Yeager* v. *United States*, 557 U. S. 110 (2009), a vacated conviction can nullify the pre-

[8] A number of lower courts have reached the same conclusion. See *Citron*, 853 F. 2d, at 1059 (If the defendant "was *convicted* of the offense that is the subject of the retrial," the case is materially different from one with "an acquittal accompanied by a failure to reach a verdict."); *Price*, 750 F. 2d, at 366 (a case in which "the jury returned no verdict of conviction" on the compound count, "but only a verdict of acquittal on the substantive count," is not instructive on whether the Government may retry a defendant after an inconsistent verdict has been vacated); *Evans*, 987 A. 2d, at 1142 ("*Yeager* does nothing to undermine" the conclusion that a defendant may be retried after an inconsistent verdict is overturned.); *Kelly*, 201 N. J., at 494, 992 A. 2d, at 789 (explaining in the context of retrial following vacatur that "*Yeager* has no application to a case . . . involving an inconsistent verdict of acquittals and convictions returned by the same jury").

clusive effect of an acquittal under the issue-preclusion prong of the Double Jeopardy Clause.

As originally understood, the Double Jeopardy Clause does not have an issue-preclusion prong. "The English common-law pleas of *auterfoits acquit* and *auterfoits convict*, on which the Clause was based, barred only repeated 'prosecution for the same identical act *and* crime.'" *Id.*, at 128 (Scalia, J., dissenting) (quoting 4 W. Blackstone, Commentaries on the Laws of England 330 (1769); emphasis added by dissent); see also *Grady* v. *Corbin*, 495 U. S. 508, 530–535 (1990) (Scalia, J., dissenting). But "[i]n *Ashe* the Court departed from the original meaning of the Double Jeopardy Clause, holding that it precludes successive prosecutions on distinct crimes when facts essential to conviction of the second crime have necessarily been resolved in the defendant's favor by a verdict of acquittal of the first crime." *Yeager*, *supra*, at 128 (Scalia, J., dissenting).

In *Yeager*, this Court erroneously and illogically extended *Ashe*. See 557 U. S., at 128–131. "*Ashe* held only that the Clause sometimes bars successive prosecution of facts found during 'a prior proceeding.'" *Id.*, at 129 (quoting *Ashe*, *supra*, at 444). *Yeager*, however, "bar[red] retrial on hung counts after what was not . . . a prior proceeding but simply an earlier stage of the same proceeding." 557 U. S., at 129 (Scalia, J., dissenting).

In an appropriate case, we should reconsider the holdings of *Ashe* and *Yeager*. Because the Court today properly declines to extend those cases, and indeed reaches the correct result under the Clause's original meaning, I join its opinion.

Syllabus

STATE FARM FIRE & CASUALTY CO. *v.* UNITED STATES EX REL. RIGSBY ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 15–513. Argued November 1, 2016—Decided December 6, 2016

The False Claims Act (FCA) authorizes private parties (known as relators) to seek recovery from persons who make false or fraudulent payment claims to the Federal Government, 31 U. S. C. §§ 3729–3730, and permits the Attorney General to intervene in a relator's action or bring an FCA suit in the first instance, §§ 3730(a)–(b). This system is designed to benefit both the relator and the Government. A relator who initiates a meritorious *qui tam* suit receives, *inter alia*, a percentage of the ultimate damages award, § 3730(d), while "'encourag[ing] more private enforcement suits'" serves "'to strengthen the Government's hand in fighting false claims,'" *Graham County Soil and Water Conservation Dist.* v. *United States ex rel. Wilson*, 559 U. S. 280, 298. The FCA establishes specific procedures for relators to follow, including the requirement relevant here: "The complaint shall be filed in camera, shall remain under seal for at least 60 days, and shall not be served on the defendant until the court so orders." § 3730(b)(2).

In the years before Hurricane Katrina, petitioner State Farm issued, as pertinent here, both Federal Government-backed flood insurance policies and petitioner's own general homeowner policies. Respondents Cori and Kerri Rigsby, former claims adjusters for one of petitioner's contractors, E. A. Renfroe & Co., filed a complaint under seal in April 2006, claiming that petitioner instructed them and other adjusters to misclassify wind damage as flood damage in order to shift petitioner's insurance liability to the Government. The District Court extended the length of the seal several times at the Government's request, but lifted the seal in part in January 2007, allowing disclosure of the action to another District Court hearing a suit by E. A. Renfroe against respondents. In August 2007, the District Court lifted the seal in full. The Government subsequently declined to intervene.

Petitioner moved to dismiss the suit on the grounds that respondents had violated the seal requirement. Specifically, it alleged, respondents' former attorney had disclosed the complaint's existence to several news outlets, which issued stories about the fraud allegations, but did not mention the existence of the FCA complaint; and respondents had met with a Congressman who later spoke out against the purported fraud.

Syllabus

The District Court applied the test for dismissal set out in *United States ex rel. Lujan* v. *Hughes Aircraft Co.*, 67 F. 3d 242, 245–247. Balancing three factors—actual harm to the Government, severity of the violations, and evidence of bad faith—the court decided against dismissal. Petitioner did not request a lesser sanction. The Fifth Circuit affirmed. It first concluded that a seal violation does not require mandatory dismissal of a relator's complaint. It then considered the same factors weighed by the District Court and reached a similar conclusion.

Held:

1. A seal violation does not mandate dismissal of a relator's complaint. Pp. 33–37.

(a) The FCA does not enact so harsh a rule. Section 3730(b)(2)'s requirement that a complaint "shall" be kept under seal is a mandatory rule for relators. But the statute says nothing about the remedy for violating that rule; and absent congressional guidance regarding a remedy, "the sanction for breach [of a mandatory duty] is not loss of all later powers to act." *United States* v. *Montalvo-Murillo*, 495 U. S. 711, 718. The FCA's structure supports this result. The FCA has a number of provisions requiring, in express terms, the dismissal of a relator's action. *E. g.*, §§3730(b)(5), (e)(1)–(2). It is thus proper to infer that Congress did not intend to require dismissal for a violation of the seal requirement. See *Marx* v. *General Revenue Corp.*, 568 U. S. 371, 384. This result is also consistent with the general purpose of §3730(b)(2), which was enacted as part of a set of reforms meant to "encourage more private enforcement suits," S. Rep. No. 99–345, pp. 23–24, and which was intended to protect the Government's interests, allaying its concern that a relator filing a civil complaint would alert defendants to a pending federal criminal investigation. It would thus make little sense to adopt a rigid interpretation that prejudices the Government by depriving it of needed assistance from private parties. Pp. 33–35.

(b) Petitioner's arguments to the contrary are unavailing. There is no textual indication that Congress conditioned the authority to file a private right of action on compliance with the seal requirement or that the relator's ability to bring suit depends on adherence to the seal requirement. And the Senate Committee Report's recitation of the FCA's general purpose is best understood to support respondents rather than a mandatory dismissal rule. Moreover, because the FCA's text and structure are clear, there is no need to accept petitioner's invitation to consider a few stray sentences from the legislative history. Pp. 35–37.

2. The District Court did not abuse its discretion by denying petitioner's motion to dismiss. The question whether dismissal is appropriate

should be left to the sound discretion of the district court. While the *Hughes Aircraft* factors appear to be appropriate, it is unnecessary to explore these and other relevant considerations, which can be discussed in the course of later cases. P. 37.

3. On this record, where petitioner requested no sanction other than dismissal, the question whether a lesser sanction—such as monetary penalties—is warranted is not preserved. Pp. 37–38.

794 F. 3d 457, affirmed.

KENNEDY, J., delivered the opinion for a unanimous Court.

Kathleen M. Sullivan argued the cause for petitioner. With her on the briefs were *Sheila L. Birnbaum*, *Douglas W. Dunham*, *Ellen P. Quackenbos*, *Bert L. Wolff*, and *Jeffrey B. Wall*.

Tejinder Singh argued the cause for respondents. With him on the brief were *William E. Copley*, *August J. Matteis, Jr.*, *Matthew S. Kraus*, and *Timothy M. Belknap*.

John F. Bash argued the cause for the United States as *amicus curiae* urging affirmance. With him on the brief were *Acting Solicitor General Gershengorn*, *Principal Deputy Assistant Attorney General Mizer*, *Deputy Solicitor General Stewart*, *Douglas N. Letter*, *Michael S. Raab*, and *Thomas G. Pulham*.*

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*Briefs of *amici curiae* urging reversal were filed for the American Tort Reform Association et al. by *Jonathan L. Diesenhaus*, *Jessica L. Ellsworth*, *Frederick Liu*, and *Paul Tetrault*; for the Chamber of Commerce of the United States of America et al. by *Robert A. Long*, *Mark W. Mosier*, *David M. Zionts*, and *Kate Comerford Todd*; for the Coalition for Government Procurement by *Dan Himmelfarb* and *David F. Dowd*; for the National Association of Criminal Defense Lawyers by *Jeffrey T. Green* and *Barbara E. Bergman*; and for the Washington Legal Foundation et al. by *Cory L. Andrews*.

Briefs of *amici curiae* urging affirmance were filed for the National Whistleblower Center by *Stephen M. Kohn*, *Michael D. Kohn*, and *David K. Colapinto*; and for the Taxpayers Against Fraud Education Fund by *Frederick M. Morgan, Jr.*

Lawrence S. Ebner and *Laura E. Proctor* filed a brief for DRI–The Voice of The Defense Bar as *amicus curiae*.

JUSTICE KENNEDY delivered the opinion of the Court.

This case addresses the question of the proper remedy when there is a violation of the False Claims Act (FCA) requirement that certain complaints must be sealed for a limited time period. See 31 U. S. C. § 3730(b)(2). There are two questions presented before this Court. First, do any and all violations of the seal requirement mandate dismissal of a private party's complaint with prejudice? Second, if dismissal is not mandatory, did the District Court here abuse its discretion by declining to dismiss respondents' complaint?

I

A

The FCA imposes civil liability on an individual who, *inter alia*, "knowingly presents . . . a false or fraudulent claim for payment or approval" to the Federal Government. § 3729(a)(1)(A). Almost unique to the FCA are its *qui tam* enforcement provisions, which allow a private party known as a "relator" to bring an FCA action on behalf of the Government. § 3730(b)(1); *Vermont Agency of Natural Resources* v. *United States ex rel. Stevens*, 529 U. S. 765, 768, n. 1 (2000) (listing three other *qui tam* statutes). The Attorney General retains the authority to intervene in a relator's ongoing action or to bring an FCA suit in the first instance. §§ 3730(a)–(b).

This system is designed to benefit both the relator and the Government. A relator who initiates a meritorious *qui tam* suit receives a percentage of the ultimate damages award, plus attorney's fees and costs. § 3730(d). In turn, "'encourag[ing] more private enforcement suits'" serves "'to strengthen the Government's hand in fighting false claims.'" *Graham County Soil and Water Conservation Dist.* v. *United States ex rel. Wilson*, 559 U. S. 280, 298 (2010).

The FCA places a number of restrictions on suits by relators. For example, under the provision known as the "first-to-file bar," a relator may not "'bring a related action

based on the facts underlying [a] pending action.'" *Kellogg Brown & Root Services, Inc.* v. *United States ex rel. Carter*, 575 U. S. 650, 663 (2015) (quoting § 3730(b)(5); emphasis deleted). Other FCA provisions require compliance with statutory requirements as express conditions on the relators' ability to bring suit. The paragraph known as the "public disclosure bar," for instance, provided at the time this suit was filed that "'[n]o court shall have jurisdiction over an action under this section based upon the public disclosure of allegations or transactions . . . unless the action is brought by the Attorney General or . . . an original source of the information.'" *Graham County Soil and Water Conservation Dist.* v. *United States ex rel. Wilson*, *supra*, at 283, n. 1, 285–286 (quoting 31 U. S. C. § 3730(e)(4)(A) (2006 ed.); footnote omitted).

The FCA also establishes specific procedures for the relator to follow when filing the complaint. Among other things, the relator must serve on the Government "[a] copy of the complaint and written disclosure of substantially all material evidence and information the [relator] possesses." § 3730(b)(2). Most relevant here, the FCA provides: "The complaint shall be filed in camera, shall remain under seal for at least 60 days, and shall not be served on the defendant until the court so orders." *Ibid.*

B

Petitioner State Farm is an insurance company. In the years before Hurricane Katrina, petitioner issued two types of homeowner insurance policies that are relevant in this case: (1) Federal Government-backed flood insurance policies and (2) petitioner's own general homeowner insurance policies. The practical effect for homeowners who were affected by Hurricane Katrina and who purchased both policies was that petitioner would be responsible for paying for wind damage, while the Government would pay for flood damage. As the Court of Appeals noted, this arrangement created a

potential conflict of interest: Petitioner had "an incentive to classify hurricane damage as flood-related to limit its economic exposure." 794 F. 3d 457, 462 (CA5 2015).

Respondents Cori and Kerri Rigsby are former claims adjusters for one of petitioner's contractors, E. A. Renfroe & Co. Together with other adjusters, they were responsible for visiting the damaged homes of petitioner's customers to determine the extent to which a homeowner was entitled to an insurance payout. According to respondents, petitioner instructed them and other adjusters to misclassify wind damage as flood damage in order to shift petitioner's insurance liability to the Government. See *id.*, at 463–464 (summarizing trial evidence).

In April 2006, respondents filed their *qui tam* complaint under seal. At the Government's request, the District Court extended the length of the seal a number of times. In January 2007, the court lifted the seal in part, allowing disclosure of the *qui tam* action to another District Court hearing a suit by E. A. Renfroe against respondents for purported misappropriation of documents related to petitioner's alleged fraud. See *E. A. Renfroe & Co.* v. *Moran*, No. 2:06–cv–1752 (ND Ala.). In August 2007, the District Court lifted the seal in full. In January 2008, the Government declined to intervene.

In January 2011, petitioner moved to dismiss respondents' suit on the grounds that they had violated the seal requirement. The parties do not dispute the essential background. In the months before the seal was lifted in part, respondents' then-attorney, one Dickie Scruggs, e-mailed a sealed evidentiary filing that disclosed the complaint's existence to journalists at ABC, the Associated Press, and the New York Times. All three outlets issued stories discussing the fraud allegations, but none revealed the existence of the FCA complaint. Respondents themselves met with Mississippi Congressman Gene Taylor, who later spoke out in public against petitioner's purported fraud, although he did not mention the

existence of the FCA suit at that time. After the seal was lifted in part, Scruggs disclosed the existence of the suit to various others, including a public relations firm and CBS News.

At the time of the motion to dismiss in 2011, respondents were represented neither by Scruggs nor by any of the attorneys who had worked with him. In March 2008, Scruggs withdrew from respondents' case after he was indicted for attempting to bribe a state-court judge. Two months later, the District Court removed the remaining Scruggs-affiliated attorneys from the case, based on their alleged involvement in improper payments made from Scruggs to respondents. The District Court did not punish respondents themselves for the payments because they were not made "aware of the ethical implications" and, as laypersons, "are not bound by the rules of professional conduct that apply to" attorneys. App. 21.

In deciding petitioner's motion the District Court considered only the seal violations that occurred before the seal was lifted in part, reasoning the partial lifting in effect had mooted the seal. Applying the test for dismissal set out in *United States ex rel. Lujan* v. *Hughes Aircraft Co.*, 67 F. 3d 242, 245–247 (CA9 1995), the District Court balanced three factors: (1) the actual harm to the Government, (2) the severity of the violations, and (3) the evidence of bad faith. The court decided against dismissal. Petitioner did not request some lesser sanction. The case went to trial, resulting in a victory for respondents on what the Court of Appeals referred to as a "bellwether" claim regarding a single damaged home. 794 F. 3d, at 462.

The Court of Appeals for the Fifth Circuit affirmed the denial of petitioner's motion to dismiss. The court recognized that the case presented two related issues of the first impression under its case law: (1) whether a seal violation requires mandatory dismissal of a relator's complaint and, if not, (2) what standard governs a district court's decision to dismiss. The court noted that the Courts of Appeals for the

Second and Ninth Circuits had held that the FCA does not require automatic dismissal for a seal violation, while the Court of Appeals for the Sixth Circuit had held that dismissal is mandatory. See *United States ex rel. Pilon* v. *Martin Marietta Corp.*, 60 F. 3d 995, 998 (CA2 1995); *United States ex rel. Lujan* v. *Hughes Aircraft Co.*, *supra*, at 245; *United States ex rel. Summers* v. *LHC Group Inc.*, 623 F. 3d 287, 296 (CA6 2010); see also *United States ex rel. Smith* v. *Clark/Smoot/Russell*, 796 F. 3d 424, 430 (CA4 2015) (following *Pilon*).

After a careful analysis, the Court of Appeals for the Fifth Circuit held automatic dismissal is not required by the FCA. 794 F. 3d, at 470–471. It then considered the same factors the District Court had weighed and came to a similar conclusion. *Id.*, at 471–472. First, the Court of Appeals held the Government was in all likelihood not harmed by the disclosures because none of them led to the publication of the pendency of the suit before the seal was lifted in part. Second, the Court of Appeals determined the violations were not severe in their repercussions because respondents had complied with the seal requirement when they first filed their suit. Third, the Court of Appeals assumed, without deciding, that the bad behavior of respondents' then-attorney could be imputed to respondents; but it held that, even presuming the attribution of bad faith, the other factors favored respondents.

This Court granted certiorari, 578 U. S. 1011 (2016), and now affirms.

II

A

Petitioner's primary contention is that a violation of the seal provision necessarily requires a relator's complaint to be dismissed. The FCA does not enact so harsh a rule.

Section 3730(b)(2)'s text provides that a complaint "shall" be kept under seal. True, this language creates a mandatory rule the relator must follow. See *Rockwell Int'l Corp.*

v. *United States*, 549 U. S. 457, 464 (2007) ("As required under the Act, [the relator] filed his complaint under seal . . . "); see also *Kingdomware Technologies, Inc.* v. *United States*, 579 U. S. 162, 172 (2016) ("[T]he word 'shall' usually connotes a requirement"). The statute says nothing, however, about the remedy for a violation of that rule. In the absence of congressional guidance regarding a remedy, "[a]lthough the duty is mandatory, the sanction for breach is not loss of all later powers to act." *United States* v. *Montalvo-Murillo*, 495 U. S. 711, 718 (1990).

The FCA's structure is itself an indication that violating the seal requirement does not mandate dismissal. This Court adheres to the general principle that Congress' use of "explicit language" in one provision "cautions against inferring" the same limitation in another provision. *Marx* v. *General Revenue Corp.*, 568 U. S. 371, 384 (2013). And the FCA has a number of provisions that do require, in express terms, the dismissal of a relator's action. *Supra*, at 29–30 (citing § 3730(b)(5)); see also §§ 3730(e)(1)–(2) ("No court shall have jurisdiction" over certain FCA claims by relators against a member of the military or of the judicial, legislative, or executive branches). It is proper to infer that, had Congress intended to require dismissal for a violation of the seal requirement, it would have said so.

The Court's conclusion is consistent with the general purpose of § 3730(b)(2). The seal provision was enacted in the 1980's as part of a set of reforms that were meant to "encourage more private enforcement suits." S. Rep. No. 99–345, pp. 23–24 (1986). At the time, "perhaps the most serious problem plaguing effective enforcement" of the FCA was "a lack of resources on the part of Federal enforcement agencies." *Id.*, at 7. The Senate Committee Report indicates that the seal provision was meant to allay the Government's concern that a relator filing a civil complaint would alert defendants to a pending federal criminal investigation. *Id.*, at 24. Because the seal requirement was intended in main to

protect the Government's interests, it would make little sense to adopt a rigid interpretation of the seal provision that prejudices the Government by depriving it of needed assistance from private parties. The Federal Government agrees with this interpretation. It informs the Court that petitioner's test "would undermine the very governmental interests that the seal provision is meant to protect." Brief for United States as *Amicus Curiae* 10.

B

Petitioner's arguments to the contrary are unavailing. First, petitioner urges that because the seal provision appears in the subsection of the FCA creating the relator's private right of action, Congress intended to condition the right to bring suit on compliance with the seal requirement. It is true that, as discussed further below, the Court sometimes has concluded that Congress conditioned the authority to file a private right of action on compliance with a statutory mandate. *E. g.*, *Hallstrom* v. *Tillamook County*, 493 U. S. 20, 25–26 (1989). There is no textual indication, however, that Congress did so here.

Section 3730(b)(2) does not tie the seal requirement to the right to bring the *qui tam* suit in conditional terms. As noted above, the statute just provides: "The complaint shall be filed in camera, shall remain under seal for at least 60 days, and shall not be served on the defendant until the court so orders."

The text at issue in *Hallstrom*, by contrast, was quite different from the statutory language that controls here. The *Hallstrom* statute, part of the Resource Conservation and Recovery Act of 1976, provided: "'No action may be commenced . . . prior to sixty days after the plaintiff has given notice of the violation'" to the Government. 493 U. S., at 25.

Petitioner cites two additional cases to support its argument, but those decisions concerned statutes that used even clearer conditional words, like "if" and "unless." See

United States ex rel. Texas Portland Cement Co. v. *McCord*, 233 U. S. 157, 161 (1914) (statute allowed creditors of Government contractors to bring suit "'if no suit should be brought by the United States within six months from the completion and final settlement of said contract'"); *McNeil* v. *United States*, 508 U. S. 106, 107, n. 1 (1993) (statute provided that "'[a]n action shall not be instituted upon a claim against the United States for money damages . . . unless the claimant shall have first presented the claim to the appropriate Federal agency'").

Again, the FCA's structure shows that Congress knew how to draft the kind of statutory language that petitioner seeks to read into § 3730(b)(2). The applicable version of the public disclosure bar, for example, requires a district court to dismiss an action when the underlying information has already been made available to the public, "'unless'" the plaintiff is the Attorney General or an original source. *Graham County Soil and Water Conservation Dist.* v. *United States ex rel. Wilson*, 559 U. S., at 286.

Second, petitioner contends that because this Court has described the FCA's *qui tam* provisions as "effecting a partial assignment of the Government's damages claim," *Vermont Agency of Natural Resources* v. *United States ex rel. Stevens*, 529 U. S., at 773, adherence to all of the FCA's mandatory requirements—no matter how small—is a condition of the assignment. This argument fails for the same reason as the one discussed above: Petitioner can show no textual indication in the statute suggesting that the relator's ability to bring suit depends on adherence to the seal requirement.

Third, petitioner points to a few stray sentences in the Senate Committee Report that it claims support the mandatory dismissal rule. As explained above, however, the Report's recitation of the general purpose of the statute is best understood to support respondents. *Supra*, at 34–35. And, furthermore, because the meaning of the FCA's text and structure is "plain and unambiguous, we need not accept

petitioner['s] invitation to consider the legislative history." *Whitfield* v. *United States*, 543 U. S. 209, 215 (2005).

III

Petitioner's secondary argument is that the District Court did not consider the proper factors when declining to dismiss respondents' complaint or, at a minimum, that it was plain error not to consider respondents' conduct after the seal was lifted in part. This Court holds the District Court did not abuse its discretion by denying petitioner's motion, much less commit plain error. In light of the questionable conduct of respondents' prior attorney, it well may not have been reversible error had the District Court granted the motion; that possibility, however, need not be considered here.

In general, the question whether dismissal is appropriate should be left to the sound discretion of the district court. While the factors articulated in *United States ex rel. Lujan* v. *Hughes Aircraft Co.* appear to be appropriate, it is unnecessary to explore these and other relevant considerations. These standards can be discussed in the course of later cases.

IV

Petitioner and its *amici* place great emphasis on the reputational harm FCA defendants may suffer when the seal requirement is violated. But even if every seal violation does not mandate dismissal, that sanction remains a possible form of relief. District courts have inherent power, moreover, to impose sanctions short of dismissal for violations of court orders. See *Chambers* v. *NASCO, Inc.*, 501 U. S. 32, 43–46 (1991). Remedial tools like monetary penalties or attorney discipline remain available to punish and deter seal violations even when dismissal is not appropriate.

Of note in this case, petitioner did not request any sanction other than dismissal. Tr. of Oral Arg. 3–4, 17. Had petitioner sought some lesser sanctions, the District Court might have taken a different course. Yet petitioner failed

to do so. On this record, the question whether a lesser sanction is warranted is not preserved.

The judgment of the Court of Appeals for the Fifth Circuit is

Affirmed.

Syllabus

SALMAN *v.* UNITED STATES

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 15–628. Argued October 5, 2016—Decided December 6, 2016

Section 10(b) of the Securities Exchange Act of 1934 and the Securities and Exchange Commission's Rule 10b–5 prohibit undisclosed trading on inside corporate information by persons bound by a duty of trust and confidence not to exploit that information for their personal advantage. These persons are also forbidden from tipping inside information to others for trading. A tippee who receives such information with the knowledge that its disclosure breached the tipper's duty acquires that duty and may be liable for securities fraud for any undisclosed trading on the information. In *Dirks* v. *SEC*, 463 U. S. 646, this Court explained that tippee liability hinges on whether the tipper's disclosure breaches a fiduciary duty, which occurs when the tipper discloses the information for a personal benefit. The Court also held that a personal benefit may be inferred where the tipper receives something of value in exchange for the tip or "makes a gift of confidential information to a trading relative or friend." *Id.*, at 664.

Petitioner Salman was indicted for federal securities-fraud crimes for trading on inside information he received from a friend and relative-by-marriage, Michael Kara, who, in turn, received the information from his brother, Maher Kara, a former investment banker at Citigroup. Maher testified at Salman's trial that he shared inside information with his brother Michael to benefit him and expected him to trade on it, and Michael testified to sharing that information with Salman, who knew that it was from Maher. Salman was convicted.

While Salman's appeal to the Ninth Circuit was pending, the Second Circuit decided that *Dirks* does not permit a factfinder to infer a personal benefit to the tipper from a gift of confidential information to a trading relative or friend, unless there is "proof of a meaningfully close personal relationship" between tipper and tippee "that generates an exchange that is objective, consequential, and represents at least a potential gain of a pecuniary or similarly valuable nature," *United States* v. *Newman*, 773 F. 3d 438, 452, cert. denied, 577 U. S. 874. The Ninth Circuit declined to follow *Newman* so far, holding that *Dirks* allowed Salman's jury to infer that the tipper breached a duty because he made "'a gift of confidential information to a trading relative.'" 792 F. 3d 1087, 1092 (quoting *Dirks*, *supra*, at 664).

Syllabus

Held: The Ninth Circuit properly applied *Dirks* to affirm Salman's conviction. Under *Dirks*, the jury could infer that the tipper here personally benefited from making a gift of confidential information to a trading relative. Pp. 46–52.

(a) Salman contends that a gift of confidential information to a friend or family member alone is insufficient to establish the personal benefit required for tippee liability, claiming that a tipper does not personally benefit unless the tipper's goal in disclosing information is to obtain money, property, or something of tangible value. The Government counters that a gift of confidential information to anyone, not just a "trading relative or friend," is enough to prove securities fraud because a tipper personally benefits through any disclosure of confidential trading information for a personal (noncorporate) purpose. The Government argues that any concerns raised by permitting such an inference are significantly alleviated by other statutory elements prosecutors must satisfy. Pp. 46–48.

(b) This Court adheres to the holding in *Dirks*, which easily resolves the case at hand: "[W]hen an insider makes a gift of confidential information to a trading relative or friend . . . [t]he tip and trade resemble trading by the insider himself followed by a gift of the profits to the recipient," 463 U. S., at 664. In these situations, the tipper personally benefits because giving a gift of trading information to a trading relative is the same thing as trading by the tipper followed by a gift of the proceeds. Here, by disclosing confidential information as a gift to his brother with the expectation that he would trade on it, Maher breached his duty of trust and confidence to Citigroup and its clients—a duty acquired and breached by Salman when he traded on the information with full knowledge that it had been improperly disclosed. To the extent that the Second Circuit in *Newman* held that the tipper must also receive something of a "pecuniary or similarly valuable nature" in exchange for a gift to a trading relative, that rule is inconsistent with *Dirks*. Pp. 48–50.

(c) Salman's arguments to the contrary are rejected. Salman has cited nothing in this Court's precedents that undermines the gift-giving principle this Court announced in *Dirks*. Nor has he demonstrated that either § 10(b) itself or *Dirks*'s gift-giving standard "leav[e] grave uncertainty about how to estimate the risk posed by a crime" or are plagued by "hopeless indeterminacy." *Johnson* v. *United States*, 576 U. S. 591, 597, 598. Salman also has shown "no grievous ambiguity or uncertainty that would trigger" the rule of lenity. *Barber* v. *Thomas*, 560 U. S. 474, 492 (internal quotation marks omitted). To the contrary, his conduct is in the heartland of *Dirks*'s rule concerning gifts of confidential information to trading relatives. Pp. 50–52.

792 F. 3d 1087, affirmed.

ALITO, J., delivered the opinion for a unanimous Court.

Alexandra A. E. Shapiro argued the cause for petitioner. With her on the briefs were *Daniel J. O'Neill* and *John D. Cline*.

Deputy Solicitor General Dreeben argued the cause for the United States. With him on the brief were *Acting Solicitor General Gershengorn*, *Assistant Attorney General Caldwell*, *Elaine J. Goldenberg*, *Ross B. Goldman*, *Anne K. Small*, *Sanket J. Bulsara*, *Michael A. Conley*, *Jacob H. Stillman*, and *David D. Lisitza*.*

JUSTICE ALITO delivered the opinion of the Court.

Section 10(b) of the Securities Exchange Act of 1934 and the Securities and Exchange Commission's Rule 10b–5 prohibit undisclosed trading on inside corporate information by individuals who are under a duty of trust and confidence that prohibits them from secretly using such information for their personal advantage. 48 Stat. 891, as amended, 15 U. S. C. § 78j(b) (prohibiting the use, "in connection with the purchase or sale of any security," of "any manipulative or deceptive device or contrivance in contravention of such rules as the [Securities and Exchange Commission] may prescribe"); 17 CFR § 240.10b–5 (2016) (forbidding the use, "in connection with the purchase or sale of any security," of "any device,

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*Briefs of *amici curiae* urging reversal were filed for the Cato Institute by *Bradley J. Bondi*, *Thaya Brook Knight*, and *Ilya Shapiro*; for the National Association of Criminal Defense Lawyers et al. by *Meir Feder*, *Ira M. Feinberg*, *Jeffrey L. Fisher*, and *Henry W. Asbill*; for Mark Cuban by *Ralph C. Ferrara*, *Ann M. Ashton*, and *Stephen A. Best*; and for Daryl M. Payton by *Sean Hecker* and *Katrina Teresa Farell*.

Briefs of *amicus curiae* urging affirmance were filed for Occupy the SEC by *Akshat Tewary*; and for Richard D. Freer by *Sarah M. Shalf*.

Briefs of *amici curiae* were filed for the NYU Center on the Administration of Criminal Law by *Stephen L. Ascher*, *Anthony S. Barkow*, and *Matthew S. Hellman*; and for the Securities Industry and Financial Markets Association by *Carter G. Phillips*, *Kwaku A. Akowuah*, *A. Robert Pietrzak*, *Joseph McLaughlin*, and *Daniel A. McLaughlin*.

scheme, or artifice to defraud," or any "act, practice, or course of business which operates . . . as a fraud or deceit"); see *United States* v. *O'Hagan*, 521 U. S. 642, 650–652 (1997). Individuals under this duty may face criminal and civil liability for trading on inside information (unless they make appropriate disclosures ahead of time).

These persons also may not tip inside information to others for trading. The tippee acquires the tipper's duty to disclose or abstain from trading if the tippee knows the information was disclosed in breach of the tipper's duty, and the tippee may commit securities fraud by trading in disregard of that knowledge. In *Dirks* v. *SEC*, 463 U. S. 646 (1983), this Court explained that a tippee's liability for trading on inside information hinges on whether the tipper breached a fiduciary duty by disclosing the information. A tipper breaches such a fiduciary duty, we held, when the tipper discloses the inside information for a personal benefit. And, we went on to say, a jury can infer a personal benefit—and thus a breach of the tipper's duty—where the tipper receives something of value in exchange for the tip or "makes a gift of confidential information to a trading relative or friend." *Id.*, at 664.

Petitioner Bassam Salman challenges his convictions for conspiracy and insider trading. Salman received lucrative trading tips from an extended family member, who had received the information from Salman's brother-in-law. Salman then traded on the information. He argues that he cannot be held liable as a tippee because the tipper (his brother-in-law) did not personally receive money or property in exchange for the tips and thus did not personally benefit from them. The Court of Appeals disagreed, holding that *Dirks* allowed the jury to infer that the tipper here breached a duty because he made a "'gift of confidential information to a trading relative.'" 792 F. 3d 1087, 1092 (CA9 2015) (quoting *Dirks*, *supra*, at 664). Because the Court of Appeals properly applied *Dirks*, we affirm the judgment below.

I

Maher Kara was an investment banker in Citigroup's healthcare investment banking group. He dealt with highly confidential information about mergers and acquisitions involving Citigroup's clients. Maher enjoyed a close relationship with his older brother, Mounir Kara (known as Michael). After Maher started at Citigroup, he began discussing aspects of his job with Michael. At first he relied on Michael's chemistry background to help him grasp scientific concepts relevant to his new job. Then, while their father was battling cancer, the brothers discussed companies that dealt with innovative cancer treatment and pain management techniques. Michael began to trade on the information Maher shared with him. At first, Maher was unaware of his brother's trading activity, but eventually he began to suspect that it was taking place.

Ultimately, Maher began to assist Michael's trading by sharing inside information with his brother about pending mergers and acquisitions. Maher sometimes used code words to communicate corporate information to his brother. Other times, he shared inside information about deals he was not working on in order to avoid detection. See, *e. g.*, App. 118, 124–125. Without his younger brother's knowledge, Michael fed the information to others—including Salman, Michael's friend and Maher's brother-in-law. By the time the authorities caught on, Salman had made over $1.5 million in profits that he split with another relative who executed trades via a brokerage account on Salman's behalf.

Salman was indicted on one count of conspiracy to commit securities fraud, see 18 U. S. C. § 371, and four counts of securities fraud, see 15 U. S. C. §§ 78j(b), 78ff; 18 U. S. C. § 2; 17 CFR § 240.10b–5. Facing charges of their own, both Maher and Michael pleaded guilty and testified at Salman's trial.

The evidence at trial established that Maher and Michael enjoyed a "very close relationship." App. 215. Maher "love[d] [his] brother very much," Michael was like "a second

father to Maher," and Michael was the best man at Maher's wedding to Salman's sister. *Id.*, at 158, 195, 104–107. Maher testified that he shared inside information with his brother to benefit him and with the expectation that his brother would trade on it. While Maher explained that he disclosed the information in large part to appease Michael (who pestered him incessantly for it), he also testified that he tipped his brother to "help him" and to "fulfil[l] whatever needs he had." *Id.*, at 118, 82. For instance, Michael once called Maher and told him that "he needed a favor." *Id.*, at 124. Maher offered his brother money but Michael asked for information instead. Maher then disclosed an upcoming acquisition. *Ibid.* Although he instantly regretted the tip and called his brother back to implore him not to trade, Maher expected his brother to do so anyway. *Id.*, at 125.

For his part, Michael told the jury that his brother's tips gave him "timely information that the average person does not have access to" and "access to stocks, options, and what have you, that I can capitalize on, that the average person would never have or dream of." *Id.*, at 251. Michael testified that he became friends with Salman when Maher was courting Salman's sister and later began sharing Maher's tips with Salman. As he explained at trial, "any time a major deal came in, [Salman] was the first on my phone list." *Id.*, at 258. Michael also testified that he told Salman that the information was coming from Maher. See, *e. g.*, *id.*, at 286 ("'Maher is the source of all this information'").

After a jury trial in the Northern District of California, Salman was convicted on all counts. He was sentenced to 36 months of imprisonment, three years of supervised release, and over $730,000 in restitution. After his motion for a new trial was denied, Salman appealed to the Ninth Circuit. While his appeal was pending, the Second Circuit issued its opinion in *United States* v. *Newman*, 773 F. 3d 438 (2014), cert. denied, 577 U. S. 874 (2015). There, the Second Circuit reversed the convictions of two portfolio managers

who traded on inside information. The *Newman* defendants were "several steps removed from the corporate insiders" and the court found that "there was no evidence that either was aware of the source of the inside information." 773 F. 3d, at 443. The court acknowledged that *Dirks* and Second Circuit case law allow a factfinder to infer a personal benefit to the tipper from a gift of confidential information to a trading relative or friend. 773 F. 3d, at 452. But the court concluded that, "[t]o the extent" *Dirks* permits "such an inference," the inference "is impermissible in the absence of proof of a meaningfully close personal relationship that generates an exchange that is objective, consequential, and represents at least a potential gain of a pecuniary or similarly valuable nature." 773 F. 3d, at 452.[1]

Pointing to *Newman*, Salman argued that his conviction should be reversed. While the evidence established that Maher made a gift of trading information to Michael and that Salman knew it, there was no evidence that Maher received anything of "a pecuniary or similarly valuable nature" in exchange—or that Salman knew of any such benefit. The Ninth Circuit disagreed and affirmed Salman's conviction. 792 F. 3d 1087. The court reasoned that the case was governed by *Dirks*'s holding that a tipper benefits personally by making a gift of confidential information to a trading relative or friend. Indeed, Maher's disclosures to Michael were "precisely the gift of confidential information to a trading relative that *Dirks* envisioned." 792 F. 3d, at 1092 (internal quotation marks omitted). To the extent *Newman* went further and required additional gain to the tipper in cases involving gifts of confidential information to family and friends, the Ninth Circuit "decline[d] to follow it." 792 F. 3d, at 1093.

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[1] The Second Circuit also reversed the *Newman* defendants' convictions because the Government introduced no evidence that the defendants knew the information they traded on came from insiders or that the insiders received a personal benefit in exchange for the tips. 773 F. 3d, at 453–454. This case does not implicate those issues.

We granted certiorari to resolve the tension between the Second Circuit's *Newman* decision and the Ninth Circuit's decision in this case.[2] 577 U. S. 1101 (2016).

II

A

In this case, Salman contends that an insider's "gift of confidential information to a trading relative or friend," *Dirks*, 463 U. S., at 664, is not enough to establish securities fraud. Instead, Salman argues, a tipper does not personally benefit unless the tipper's goal in disclosing inside information is to obtain money, property, or something of tangible value. He claims that our insider-trading precedents, and the cases those precedents cite, involve situations in which the insider exploited confidential information for the insider's own "tangible monetary profit." Brief for Petitioner 31. He suggests that his position is reinforced by our criminal-fraud precedents outside of the insider-trading context, because those cases confirm that a fraudster must personally obtain

[2] *Dirks* v. *SEC*, 463 U. S. 646 (1983), established the personal-benefit framework in a case brought under the classical theory of insider-trading liability, which applies "when a corporate insider" or his tippee "trades in the securities of [the tipper's] corporation on the basis of material, nonpublic information." *United States* v. *O'Hagan*, 521 U. S. 642, 651–652 (1997). In such a case, the defendant breaches a duty to, and takes advantage of, the shareholders of his corporation. By contrast, the misappropriation theory holds that a person commits securities fraud "when he misappropriates confidential information for securities trading purposes, in breach of a duty owed to the source of the information" such as an employer or client. *Id.*, at 652. In such a case, the defendant breaches a duty to, and defrauds, the source of the information, as opposed to the shareholders of his corporation. The Court of Appeals observed that this is a misappropriation case, 792 F. 3d, 1087, 1092, n. 4 (CA9 2015), while the Government represents that both theories apply on the facts of this case, Brief for United States 15, n. 1. We need not resolve the question. The parties do not dispute that *Dirks*'s personal-benefit analysis applies in both classical and misappropriation cases, so we will proceed on the assumption that it does.

money or property. *Id.*, at 33–34. More broadly, Salman urges that defining a gift as a personal benefit renders the insider-trading offense indeterminate and overbroad: indeterminate, because liability may turn on facts such as the closeness of the relationship between tipper and tippee and the tipper's purpose for disclosure; and overbroad, because the Government may avoid having to prove a concrete personal benefit by simply arguing that the tipper meant to give a gift to the tippee. He also argues that we should interpret *Dirks*'s standard narrowly so as to avoid constitutional concerns. Brief for Petitioner 36–37. Finally, Salman contends that gift situations create especially troubling problems for remote tippees—that is, tippees who receive inside information from another tippee, rather than the tipper—who may have no knowledge of the relationship between the original tipper and tippee and thus may not know why the tipper made the disclosure. *Id.*, at 43, 48, 50.

The Government disagrees and argues that a gift of confidential information to anyone, not just a "trading relative or friend," is enough to prove securities fraud. See Brief for United States 27 ("*Dirks*'s personal-benefit test encompasses a gift to *any* person with the expectation that the information will be used for trading, not just to a 'trading relative or friend' " (quoting 463 U. S., at 664; emphasis in original)). Under the Government's view, a tipper personally benefits whenever the tipper discloses confidential trading information for a noncorporate purpose. Accordingly, a gift to a friend, a family member, or anyone else would support the inference that the tipper exploited the trading value of inside information for personal purposes and thus personally benefited from the disclosure. The Government claims to find support for this reading in *Dirks* and the precedents on which *Dirks* relied. See, *e. g.*, *id.*, at 654 ("fraud" in an insider-trading case "derives from the 'inherent unfairness involved where one takes advantage' of 'information intended to be available only for a corporate purpose and not

for the personal benefit of anyone'" (quoting *In re Merrill Lynch, Pierce, Fenner & Smith, Inc.*, 43 S. E. C. 933, 936 (1968))).

The Government also argues that Salman's concerns about unlimited and indeterminate liability for remote tippees are significantly alleviated by other statutory elements that prosecutors must satisfy to convict a tippee for insider trading. The Government observes that, in order to establish a defendant's criminal liability as a tippee, it must prove beyond a reasonable doubt that the tipper expected that the information being disclosed would be used in securities trading. Brief for United States 23–24; Tr. of Oral Arg. 38. The Government also notes that, to establish a defendant's criminal liability as a tippee, it must prove that the tippee knew that the tipper breached a duty—in other words, that the tippee knew that the tipper disclosed the information for a personal benefit and that the tipper expected trading to ensue. Brief for United States 43; Tr. of Oral Arg. 36–37, 39.

B

We adhere to *Dirks*, which easily resolves the narrow issue presented here.

In *Dirks*, we explained that a tippee is exposed to liability for trading on inside information only if the tippee participates in a breach of the tipper's fiduciary duty. Whether the tipper breached that duty depends "in large part on the purpose of the disclosure" to the tippee. 463 U. S., at 662. "[T]he test," we explained, "is whether the insider personally will benefit, directly or indirectly, from his disclosure." *Ibid.* Thus, the disclosure of confidential information without personal benefit is not enough. In determining whether a tipper derived a personal benefit, we instructed courts to "focus on objective criteria, *i. e.*, whether the insider receives a direct or indirect personal benefit from the disclosure, such as a pecuniary gain or a reputational benefit that will translate into future earnings." *Id.*, at 663. This personal bene-

fit can "often" be inferred from "objective facts and circumstances," we explained, such as "a relationship between the insider and the recipient that suggests a *quid pro quo* from the latter, or an intention to benefit the particular recipient." *Id.*, at 664. In particular, we held that "[t]he elements of fiduciary duty and exploitation of nonpublic information also exist *when an insider makes a gift of confidential information to a trading relative or friend*." *Ibid.* (emphasis added). In such cases, "[t]he tip and trade resemble trading by the insider . . . followed by a gift of the profits to the recipient." *Ibid.* We then applied this gift-giving principle to resolve *Dirks* itself, finding it dispositive that the tippers "received no monetary or personal benefit" from their tips to Dirks, "*nor was their purpose to make a gift of valuable information to Dirks*." *Id.*, at 667 (emphasis added).

Our discussion of gift giving resolves this case. Maher, the tipper, provided inside information to a close relative, his brother Michael. *Dirks* makes clear that a tipper breaches a fiduciary duty by making a gift of confidential information to "a trading relative," and that rule is sufficient to resolve the case at hand. As Salman's counsel acknowledged at oral argument, Maher would have breached his duty had he personally traded on the information here himself then given the proceeds as a gift to his brother. Tr. of Oral Arg. 3–4. It is obvious that Maher would personally benefit in that situation. But Maher effectively achieved the same result by disclosing the information to Michael, and allowing him to trade on it. *Dirks* appropriately prohibits that approach, as well. Cf. 463 U. S., at 659 (holding that "insiders [are] forbidden" both "from personally using undisclosed corporate information to their advantage" and from "giv[ing] such information to an outsider for the same improper purpose of exploiting the information for their personal gain"). *Dirks* specifies that when a tipper gives inside information to "a trading relative or friend," the jury can infer that the tipper meant to provide the equivalent of a cash gift. In such situ-

ations, the tipper benefits personally because giving a gift of trading information is the same thing as trading by the tipper followed by a gift of the proceeds. Here, by disclosing confidential information as a gift to his brother with the expectation that he would trade on it, Maher breached his duty of trust and confidence to Citigroup and its clients—a duty Salman acquired, and breached himself, by trading on the information with full knowledge that it had been improperly disclosed.

To the extent the Second Circuit held that the tipper must also receive something of a "pecuniary or similarly valuable nature" in exchange for a gift to family or friends, *Newman*, 773 F. 3d, at 452, we agree with the Ninth Circuit that this requirement is inconsistent with *Dirks*.

C

Salman points out that many insider-trading cases—including several that *Dirks* cited—involved insiders who personally profited through the misuse of trading information. But this observation does not undermine the test *Dirks* articulated and applied. Salman also cites a sampling of our criminal-fraud decisions construing other federal fraud statutes, suggesting that they stand for the proposition that fraud is not consummated unless the defendant obtains money or property. *Sekhar* v. *United States*, 570 U. S. 729 (2013) (Hobbs Act); *Skilling* v. *United States*, 561 U. S. 358 (2010) (honest-services mail and wire fraud); *Cleveland* v. *United States*, 531 U. S. 12 (2000) (wire fraud); *McNally* v. *United States*, 483 U. S. 350 (1987) (mail fraud). Assuming that these cases are relevant to our construction of § 10(b) (a proposition the Government forcefully disputes), nothing in them undermines the commonsense point we made in *Dirks*. Making a gift of inside information to a relative like Michael is little different from trading on the information, obtaining the profits, and doling them out to the trading relative. The tipper benefits either way. The facts of this case illustrate

the point: In one of their tipper-tippee interactions, Michael asked Maher for a favor, declined Maher's offer of money, and instead requested and received lucrative trading information.

We reject Salman's argument that *Dirks*'s gift-giving standard is unconstitutionally vague as applied to this case. *Dirks* created a simple and clear "guiding principle" for determining tippee liability, 463 U. S., at 664, and Salman has not demonstrated that either § 10(b) itself or the *Dirks* gift-giving standard "leav[e] grave uncertainty about how to estimate the risk posed by a crime" or are plagued by "hopeless indeterminacy," *Johnson* v. *United States*, 576 U. S. 591, 597, 598 (2015). At most, Salman shows that in some factual circumstances assessing liability for gift giving will be difficult. That alone cannot render "shapeless" a federal criminal prohibition, for even clear rules "produce close cases." *Id.*, at 602, 601. We also reject Salman's appeal to the rule of lenity, as he has shown "no grievous ambiguity or uncertainty that would trigger the rule's application." *Barber* v. *Thomas*, 560 U. S. 474, 492 (2010) (internal quotation marks omitted). To the contrary, Salman's conduct is in the heartland of *Dirks*'s rule concerning gifts. It remains the case that "[d]etermining whether an insider personally benefits from a particular disclosure, a question of fact, will not always be easy for courts." 463 U. S., at 664. But there is no need for us to address those difficult cases today, because this case involves "precisely the 'gift of confidential information to a trading relative' that *Dirks* envisioned." 792 F. 3d, at 1092 (quoting 463 U. S., at 664).

III

Salman's jury was properly instructed that a personal benefit includes "the benefit one would obtain from simply making a gift of confidential information to a trading relative." App. 398–399. As the Court of Appeals noted, "the Government presented direct evidence that the disclosure was intended as a gift of market-sensitive information." 792 F. 3d,

at 1094. And, as Salman conceded below, this evidence is sufficient to sustain his conviction under our reading of *Dirks*. Appellant's Supplemental Brief in No. 14–10204 (CA9), p. 6 ("Maher made a gift of confidential information to a trading relative [Michael] . . . and, if [Michael's] testimony is accepted as true (as it must be for purposes of sufficiency review), Salman knew that Maher had made such a gift" (internal quotation marks, brackets, and citation omitted)). Accordingly, the Ninth Circuit's judgment is affirmed.

It is so ordered.

Syllabus

SAMSUNG ELECTRONICS CO., LTD., ET AL. *v.* APPLE INC.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

No. 15–777. Argued October 11, 2016—Decided December 6, 2016

Section 289 of the Patent Act makes it unlawful to manufacture or sell an "article of manufacture" to which a patented design or a colorable imitation thereof has been applied and makes an infringer liable to the patent holder "to the extent of his total profit." 35 U. S. C. § 289. As relevant here, a jury found that various smartphones manufactured by petitioners (collectively, Samsung) infringed design patents owned by respondent Apple Inc. that covered a rectangular front face with rounded edges and a grid of colorful icons on a black screen. Apple was awarded $399 million in damages—Samsung's entire profit from the sale of its infringing smartphones. The Federal Circuit affirmed the damages award, rejecting Samsung's argument that damages should be limited because the relevant articles of manufacture were the front face or screen rather than the entire smartphone. The court reasoned that such a limit was not required because the components of Samsung's smartphones were not sold separately to ordinary consumers and thus were not distinct articles of manufacture.

Held: In the case of a multicomponent product, the relevant "article of manufacture" for arriving at a § 289 damages award need not be the end product sold to the consumer but may be only a component of that product. Pp. 58–62.

(a) The statutory text resolves the issue here. An "article of manufacture," which is simply a thing made by hand or machine, encompasses both a product sold to a consumer and a component of that product. This reading is consistent with § 171(a) of the Patent Act, which makes certain "design[s] for an article of manufacture" eligible for design patent protection, and which has been understood by the Patent Office and the courts to permit a design patent that extends to only a component of a multicomponent product, see, *e. g.*, *Ex parte Adams*, 84 Off. Gaz. Pat. Office 311; *Application of Zahn*, 617 F. 2d 261, 268 (CCPA). This reading is also consistent with the Court's reading of the term "manufacture" in § 101, which makes "any new and useful . . . manufacture" eligible for utility patent protection. See *Diamond* v. *Chakrabarty*, 447 U. S. 303, 308. Pp. 58–61.

Syllabus

(b) Because the term "article of manufacture" is broad enough to embrace both a product sold to a consumer and a component of that product, whether sold separately or not, the Federal Circuit's narrower reading cannot be squared with § 289's text. Absent adequate briefing by the parties, this Court declines to resolve whether the relevant article of manufacture for each design patent at issue here is the smartphone or a particular smartphone component. Doing so is not necessary to resolve the question presented, and the Federal Circuit may address any remaining issues on remand. Pp. 61–62.

786 F. 3d 983, reversed and remanded.

SOTOMAYOR, J., delivered the opinion for a unanimous Court.

Kathleen M. Sullivan argued the cause for petitioners. With her on the briefs were *William B. Adams*, *Cleland B. Welton II*, *Michael T. Zeller*, *B. Dylan Proctor*, *Victoria P. Maroulis*, and *Brett J. Arnold*.

Brian H. Fletcher argued the cause for the United States as *amicus curiae* urging vacatur. On the brief were *Solicitor General Verrilli*, *Principal Deputy Assistant Attorney General Mizer*, *Deputy Solicitor General Stewart*, *Ginger D. Anders*, *Mark R. Freeman*, *Sarah T. Harris*, *Thomas W. Krause*, *Scott C. Weidenfeller*, and *William LaMarca*.

Seth P. Waxman argued the cause for respondent. With him on the brief were *William F. Lee*, *Mark C. Fleming*, *Lauren B. Fletcher*, *Eric F. Fletcher*, *Sarah R. Frazier*, *Steven J. Horn*, *Harold J. McElhinny*, *Rachel Krevans*, and *Erik Olson*.*

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*Briefs of *amici curiae* urging reversal were filed for the Computer & Communications Industry Association by *Matthew Levy*; for Engine Advocacy and Shapeways, Inc., by *Phillip R. Malone*; for the Hispanic Leadership Fund et al. by *J. Carl Cecere*, *Erik S. Jaffe*, and *Laura A. Lydigsen*; for the Internet Association et al. by *Kannon K. Shanmugam*, *David M. Krinsky*, and *Allison B. Jones*; for Public Knowledge et al. by *Charles Duan* and *Vera Ranieri*; for the Software Freedom Law Center by *Eben Moglen*; and for 50 Intellectual Property Professors by *Mark A. Lemley*.

Briefs of *amici curiae* urging affirmance were filed for ACT | The App Association by *Brian E. Scarpelli*; for the American Intellectual Property Law Association by *Jerry R. Selinger* and *Denise W. DeFranco*; for Bison

JUSTICE SOTOMAYOR delivered the opinion of the Court.

Section 289 of the Patent Act provides a damages remedy specific to design patent infringement. A person who manufactures or sells "any article of manufacture to which [a patented] design or colorable imitation has been applied shall be liable to the owner to the extent of his total profit." 35 U. S. C. § 289. In the case of a design for a single-component product, such as a dinner plate, the product is the "article of manufacture" to which the design has been applied. In the case of a design for a multicomponent product, such as a kitchen oven, identifying the "article of manufacture" to which the design has been applied is a more difficult task.

This case involves the infringement of designs for smartphones. The United States Court of Appeals for the Federal Circuit identified the entire smartphone as the only permissible "article of manufacture" for the purpose of calculating § 289 damages because consumers could not separately purchase components of the smartphones. The question before us is whether that reading is consistent with § 289. We hold that it is not.

I

A

The federal patent laws have long permitted those who invent designs for manufactured articles to patent their de-

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Designs, LLC, et al. by *Perry J. Saidman*; for the Boston Patent Law Association by *Daniel A. Lev*; for Crocs, Inc., by *Joel D. Sayres*; for Intellectual Property Professors by *Mark D. Janis* and *Jason J. Du Mont*; for Nordock, Inc., by *Jeffrey S. Sokol*; for Roger Cleveland Golf Co., Inc., by *Allen M. Sokal*, *John Murphy*, and *Michael J. Kline*; for Tiffany & Co. et al. by *Michael J. Gottlieb* and *Jessica E. Phillips*; and for 113 Distinguished Industrial Design Professionals et al. by *Mark S. Davies* and *Rachel Wainer Apter*.

Briefs of *amici curiae* were filed for the Association of the Bar of the City of New York by *Aaron L. J. Pereira*, *Philip L. Hirschhorn*, and *Yin Huang*; for BSA | The Software Alliance by *Andrew Pincus* and *Paul W. Hughes*; for Nike, Inc., by *Howard S. Hogan*, *Lucas C. Townsend*, and

signs. See Patent Act of 1842, § 3, 5 Stat. 543–544. Patent protection is available for a "new, original and ornamental design for an article of manufacture." 35 U. S. C. § 171(a). A patentable design "gives a peculiar or distinctive appearance to the manufacture, or article to which it may be applied, or to which it gives form." *Gorham Co.* v. *White*, 14 Wall. 511, 525 (1872). This Court has explained that a design patent is infringed "if, in the eye of an ordinary observer, giving such attention as a purchaser usually gives, two designs are substantially the same." *Id.*, at 528.

In 1885, this Court limited the damages available for design patent infringement. The statute in effect at the time allowed a holder of a design patent to recover "the actual damages sustained" from infringement. Rev. Stat. § 4919. In *Dobson* v. *Hartford Carpet Co.*, 114 U. S. 439 (1885), the lower courts had awarded the holders of design patents on carpets damages in the amount of "the entire profit to the [patent holders], per yard, in the manufacture and sale of carpets of the patented designs, and not merely the value which the designs contributed to the carpets." *Id.*, at 443. This Court reversed the damages award and construed the statute to require proof that the profits were "due to" the design rather than other aspects of the carpets. *Id.*, at 444; see also *Dobson* v. *Dornan*, 118 U. S. 10, 17 (1886) ("The plaintiff must show what profits or damages are attributable to the use of the infringing design").

In 1887, in response to the *Dobson* cases, Congress enacted a specific damages remedy for design patent infringement. See S. Rep. No. 206, 49th Cong., 1st Sess., 1–2 (1886); H. R. Rep. No. 1966, 49th Cong., 1st Sess., 1–2 (1886). The new provision made it unlawful to manufacture or sell an article of manufacture to which a patented design or a colorable imitation thereof had been applied. An act to amend the law relating to patents, trademarks, and copyright, § 1, 24

Jeanine Hayes; and for the Industrial Designers Society of America by *Robert S. Katz.*

Stat. 387. It went on to make a design patent infringer "liable in the amount of" $250 or "the total profit made by him from the manufacture or sale . . . of the article or articles to which the design, or colorable imitation thereof, has been applied." *Ibid.*

The Patent Act of 1952 codified this provision in § 289. 66 Stat. 813. That codified language now reads, in relevant part:

> "Whoever during the term of a patent for a design, without license of the owner, (1) applies the patented design, or any colorable imitation thereof, to any article of manufacture for the purpose of sale, or (2) sells or exposes for sale any article of manufacture to which such design or colorable imitation has been applied shall be liable to the owner to the extent of his total profit, but not less than $250 . . . ." 35 U. S. C. § 289.

B

Apple Inc. released its first-generation iPhone in 2007. The iPhone is a smartphone, a "cell phone with a broad range of other functions based on advanced computing capability, large storage capacity, and Internet connectivity." *Riley* v. *California*, 573 U. S. 373, 379 (2014). Apple secured many design patents in connection with the release. Among those patents were the D618,677 patent, covering a black rectangular front face with rounded corners, the D593,087 patent, covering a rectangular front face with rounded corners and a raised rim, and the D604,305 patent, covering a grid of 16 colorful icons on a black screen. App. 530–578.

Samsung Electronics Co., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC (collectively, Samsung), also manufacture smartphones. After Apple released its iPhone, Samsung released a series of smartphones that resembled the iPhone. *Id.*, at 357–358.

Apple sued Samsung in 2011, alleging, as relevant here, that various Samsung smartphones infringed Apple's

D593,087, D618,677, and D604,305 design patents. A jury found that several Samsung smartphones did infringe those patents. See *id.*, at 273–276. All told, Apple was awarded $399 million in damages for Samsung's design patent infringement, the entire profit Samsung made from its sales of the infringing smartphones. See *id.*, at 277–280, 348–350.

The Federal Circuit affirmed the design patent infringement damages award.[1] In doing so, it rejected Samsung's argument "that the profits awarded should have been limited to the infringing 'article of manufacture' "—for example, the screen or case of the smartphone—"not the entire infringing product"—the smartphone. 786 F. 3d 983, 1002 (2015). It reasoned that "limit[ing] the damages" award was not required because the "innards of Samsung's smartphones were not sold separately from their shells as distinct articles of manufacture to ordinary purchasers." *Ibid.*

We granted certiorari, 577 U. S. 1215 (2016), and now reverse and remand.

II

Section 289 allows a patent holder to recover the total profit an infringer makes from the infringement. It does so by first prohibiting the unlicensed "appli[cation]" of a "patented design, or any colorable imitation thereof, to any article of manufacture for the purpose of sale" or the unlicensed sale or exposure to sale of "any article of manufacture to which [a patented] design or colorable imitation has been applied." 35 U. S. C. § 289. It then makes a person who violates that prohibition "liable to the owner to the extent of his total profit, but not less than $250." *Ibid.* "Total," of

[1] Samsung raised a host of challenges on appeal related to other claims in the litigation between Apple and Samsung. The Federal Circuit affirmed in part—with respect to the design patent infringement finding, the validity of two utility patent claims, and the design and utility patent infringement damages awards—and reversed and remanded in part—with respect to trade dress dilution. Only the design patent infringement award is at issue here.

course, means all. See American Heritage Dictionary 1836 (5th ed. 2011) ("[t]he whole amount of something; the entirety"). The "total profit" for which §289 makes an infringer liable is thus all of the profit made from the prohibited conduct, that is, from the manufacture or sale of the "article of manufacture to which [the patented] design or colorable imitation has been applied."

Arriving at a damages award under §289 thus involves two steps. First, identify the "article of manufacture" to which the infringed design has been applied. Second, calculate the infringer's total profit made on that article of manufacture.

This case requires us to address a threshold matter: the scope of the term "article of manufacture." The only question we resolve today is whether, in the case of a multicomponent product, the relevant "article of manufacture" must always be the end product sold to the consumer or whether it can also be a component of that product. Under the former interpretation, a patent holder will always be entitled to the infringer's total profit from the end product. Under the latter interpretation, a patent holder will sometimes be entitled to the infringer's total profit from a component of the end product.[2]

A

The text resolves this case. The term "article of manufacture," as used in §289, encompasses both a product sold to a consumer and a component of that product.

"Article of manufacture" has a broad meaning. An "article" is just "a particular thing." J. Stormonth, A Dictionary of the English Language 53 (1885) (Stormonth); see also

[2] In its petition for certiorari and in its briefing, Samsung challenged the decision below on a second ground. It argued that 35 U. S. C. §289 contains a causation requirement, which limits a §289 damages award to the total profit the infringer made *because of* the infringement. Samsung abandoned this theory at argument, and so we do not address it. See Tr. of Oral Arg. 6.

American Heritage Dictionary, at 101 ("[a]n individual thing or element of a class; a particular object or item"). And "manufacture" means "the conversion of raw materials by the hand, or by machinery, into articles suitable for the use of man" and "the articles so made." Stormonth 589; see also American Heritage Dictionary, at 1070 ("[t]he act, craft, or process of manufacturing products, especially on a large scale" or "[a] product that is manufactured"). An article of manufacture, then, is simply a thing made by hand or machine.

So understood, the term "article of manufacture" is broad enough to encompass both a product sold to a consumer as well as a component of that product. A component of a product, no less than the product itself, is a thing made by hand or machine. That a component may be integrated into a larger product, in other words, does not put it outside the category of articles of manufacture.

This reading of article of manufacture in § 289 is consistent with 35 U. S. C. § 171(a), which makes "new, original and ornamental design[s] for an article of manufacture" eligible for design patent protection.[3] The Patent Office and the courts have understood § 171 to permit a design patent for a design extending to only a component of a multicomponent product. See, *e. g.*, *Ex parte Adams*, 84 Off. Gaz. Pat. Office 311 (1898) ("The several articles of manufacture of peculiar shape which when combined produce a machine or structure having movable parts may each separately be patented as a design . . . "); *Application of Zahn*, 617 F. 2d 261, 268 (CCPA 1980) ("Sec-

[3] As originally enacted, the provision protected "any new and original design for a manufacture." § 3, 5 Stat. 544. The provision listed examples, including a design "worked into or worked on, or printed or painted or cast or otherwise fixed on, any article of manufacture" and a "shape or configuration of any article of manufacture." *Ibid.* A streamlined version enacted in 1902 protected "any new, original, and ornamental design for an article of manufacture." Ch. 783, 32 Stat. 193. The Patent Act of 1952 retained that language. See § 171, 66 Stat. 813.

tion 171 authorizes patents on ornamental designs for articles of manufacture. While the design must be *embodied* in some articles, the statute is not limited to designs for complete articles, or 'discrete' articles, and certainly not to articles separately sold . . . ").

This reading is also consistent with 35 U. S. C. § 101, which makes "any new and useful . . . manufacture . . . or any new and useful improvement thereof" eligible for utility patent protection. Cf. 8 D. Chisum, Patents § 23.03[2], pp. 23–12 to 23–13 (2014) (noting that "article of manufacture" in § 171 includes "what would be considered a 'manufacture' within the meaning of Section 101"). "[T]his Court has read the term 'manufacture' in § 101 . . . to mean 'the production of articles for use from raw or prepared materials by giving to these materials new forms, qualities, properties, or combinations, whether by hand-labor or by machinery.' " *Diamond* v. *Chakrabarty*, 447 U. S. 303, 308 (1980) (quoting *American Fruit Growers, Inc.* v. *Brogdex Co.*, 283 U. S. 1, 11 (1931)). The broad term includes "the parts of a machine considered separately from the machine itself." 1 W. Robinson, The Law of Patents for Useful Inventions § 183, p. 270 (1890).

B

The Federal Circuit's narrower reading of "article of manufacture" cannot be squared with the text of § 289. The Federal Circuit found that components of the infringing smartphones could not be the relevant article of manufacture because consumers could not purchase those components separately from the smartphones. See 786 F. 3d, at 1002 (declining to limit a § 289 award to a component of the smartphone because "[t]he innards of Samsung's smartphones were not sold separately from their shells as distinct articles of manufacture to ordinary purchasers"); see also *Nordock, Inc.* v. *Systems Inc.*, 803 F. 3d 1344, 1355 (CA Fed. 2015) (declining to limit a § 289 award to a design for a " 'lip and hinge plate' " because it was "welded together" with a leveler

and "there was no evidence" it was sold "separate[ly] from the leveler as a complete unit"). But, for the reasons given above, the term "article of manufacture" is broad enough to embrace both a product sold to a consumer and a component of that product, whether sold separately or not. Thus, reading "article of manufacture" in § 289 to cover only an end product sold to a consumer gives too narrow a meaning to the phrase.

The parties ask us to go further and resolve whether, for each of the design patents at issue here, the relevant article of manufacture is the smartphone, or a particular smartphone component. Doing so would require us to set out a test for identifying the relevant article of manufacture at the first step of the § 289 damages inquiry and to parse the record to apply that test in this case. The United States as *amicus curiae* suggested a test, see Brief for United States as *Amicus Curiae* 27–29, but Samsung and Apple did not brief the issue. We decline to lay out a test for the first step of the § 289 damages inquiry in the absence of adequate briefing by the parties. Doing so is not necessary to resolve the question presented in this case, and the Federal Circuit may address any remaining issues on remand.

III

The judgment of the United States Court of Appeals for the Federal Circuit is therefore reversed, and the case is remanded for further proceedings consistent with this opinion.

It is so ordered.

Syllabus

SHAW *v.* UNITED STATES

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 15–5991. Argued October 4, 2016—Decided December 12, 2016

Petitioner Shaw used identifying numbers of a bank account belonging to bank customer Hsu in a scheme to transfer funds from that account to accounts at other institutions from which Shaw was able to obtain Hsu's funds. Shaw was convicted of violating 18 U. S. C. § 1344(1), which makes it a crime to "knowingly execut[e] a scheme . . . to defraud a financial institution." The Ninth Circuit affirmed.

Held:

1. Subsection (1) of the bank fraud statute covers schemes to deprive a bank of money in a customer's deposit account. Shaw's arguments in favor of his claim that subsection (1) does not apply to him because he intended to cheat only a bank depositor, not a bank, are unpersuasive.

First, the bank did have property rights in Hsu's bank deposits: When a customer deposits funds, the bank ordinarily becomes the owner of the funds, which the bank has a right to use as a source of loans that help the bank earn profits. Sometimes, the contract between the customer and the bank provides that the customer retains ownership of the funds and the bank only assumes possession; even then, the bank has a property interest in the funds because its role is akin to that of a bailee. Hence, for purposes of the bank fraud statute, a scheme fraudulently to obtain funds from a bank depositor's account normally is also a scheme fraudulently to obtain property from a "financial institution," at least where, as here, the defendant knew that the bank held the deposits, the funds obtained came from the deposit account, and the defendant misled the bank in order to obtain those funds.

Second, Shaw may not have intended to cause the bank financial harm, but the statute, while insisting upon "a scheme to defraud," demands neither a showing that the bank suffered ultimate financial loss nor a showing that the defendant intended to cause such loss. This Court has found no case that interprets the statute as Shaw does. Cf. *Carpenter* v. *United States*, 484 U. S. 19, 26.

Third, that Shaw may have been ignorant of relevant bank-related property law is no defense to criminal prosecution for bank fraud. Shaw knew that the bank possessed Hsu's account, Shaw made false statements to the bank, Shaw believed that those false statements would lead the bank to release from that account funds that ultimately

and wrongfully ended up with Shaw, and the bank in fact possessed a property interest in the account. These facts are sufficient to show that Shaw knew that he was entering into a scheme to defraud the bank even if he was not aware of the niceties of bank-related property law. Cf. *Pasquantino* v. *United States*, 544 U. S. 349, 355–356.

Fourth, Shaw mistakenly contends that the statute requires the Government to prove not just that he acted with the *knowledge* that he would likely harm the bank's property interest but also that such was his *purpose*. This Court has found no relevant authority supporting the view that a statute making criminal the "*knowin[g]* execut[ion of] a scheme . . . to defraud" requires something more than knowledge. *Allison Engine Co.* v. *United States ex rel. Sanders*, 553 U. S. 662, 665–668; *Tanner* v. *United States*, 483 U. S. 107, 110–112; *United States* v. *Cohn*, 270 U. S. 339, 343; and *Bridges* v. *United States*, 346 U. S. 209, 221–222, distinguished.

Fifth, subsection (2) of the bank fraud statute, which makes criminal the use of "false or fraudulent pretenses" to obtain "property . . . under the custody or control of" a bank, may overlap with subsection (1), but it does not do so completely. Thus, it should not be read as excluding from subsection (1) applications that would otherwise fall within the scope of subsection (1), such as the conduct at issue in this case. See *Loughrin* v. *United States*, 573 U. S. 351, 358, n. 4.

Finally, because the bank fraud statute is clear enough, the rule of lenity is not implicated. Pp. 66–72.

2. With regard to the parties' dispute over whether the District Court improperly instructed the jury that a scheme to defraud a bank must be one to deceive the bank *or* deprive it of something of value, instead of one to deceive *and* deprive, the Ninth Circuit is left to determine whether that question was properly presented and, if so, whether the instruction given is lawful, and, if not, whether any error was harmless in this case. P. 72.

781 F. 3d 1130, vacated and remanded.

BREYER, J., delivered the opinion for a unanimous Court.

Koren L. Bell argued the cause for petitioner. With her on the briefs were *Hilary L. Potashner* and *James H. Locklin*.

Anthony A. Yang argued the cause for the United States. With him on the brief were *Acting Solicitor General Ger-*

shengorn, *Assistant Attorney General Caldwell*, *Deputy Solicitor General Dreeben*, and *Scott A. C. Meisler*.*

JUSTICE BREYER delivered the opinion of the Court.

A federal statute makes it a crime "knowingly [to] execut[e] a scheme . . . to defraud a financial institution," 18 U. S. C. § 1344(1), for example, a federally insured bank, 18 U. S. C. § 20. The petitioner, Lawrence Shaw, was convicted of violating this provision. He argues here that the provision does not apply to him because he intended to cheat only a bank depositor, not a bank. We do not accept his arguments.

I

The relevant criminal statute makes it a crime:

> "knowingly [to] execut[e] a scheme . . .
>
> "(1) to defraud a financial institution; or
>
> "(2) to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises." § 1344.

Shaw obtained the identifying numbers of a Bank of America account belonging to a bank customer, Stanley Hsu. Shaw used those numbers (and other related information) to transfer funds from Hsu's account to other accounts at other institutions from which Shaw could obtain (and eventually did obtain) Hsu's funds. Shaw was convicted of violating the first clause of the statute, namely, the prohibition against "defraud[ing] a financial institution." The Ninth Circuit affirmed his conviction. 781 F. 3d 1130 (2015). Shaw then filed a petition for certiorari arguing that the words "scheme to defraud a financial institution" require the Government to

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*A brief of *amicus curiae* was filed for the National Association of Criminal Defense Lawyers by *John D. Cline* and *Jeffrey L. Fisher*.

prove that the defendant had "a specific intent not only to deceive, but also to cheat, a *bank*," rather than "a *non-bank* third party." Pet. for Cert. i (emphasis added). We granted review.

II

Shaw makes several related arguments in favor of his basic claim, namely, that the statute does not cover schemes to deprive a bank of customer deposits. First, he says that subsection (1) requires "an intent to wrong a victim bank [a 'financial institution'] *in its property rights* . . . ." Brief for Petitioner 23. He adds that the property he took, money in Hsu's bank account, belonged to Hsu, the bank's customer, and that Hsu is not a "financial institution." *Id.*, at 25, 45. Hence Shaw's was a scheme "designed" to obtain only "a bank *customer's* property," not "a bank's *own* property." *Id.*, at 24–25.

The basic flaw in this argument lies in the fact that the bank, too, had property rights in Hsu's bank account. When a customer deposits funds, the bank ordinarily becomes the owner of the funds and consequently has the right to use the funds as a source of loans that help the bank earn profits (though the customer retains the right, for example, to withdraw funds). 5A Michie, Banks and Banking, ch. 9, § 1, pp. 1–7 (2014) (Michie); *id.*, § 4b, at 54–58; *id.*, § 38, at 162; *Phoenix Bank* v. *Risley*, 111 U. S. 125, 127 (1884). Sometimes, the contract between the customer and the bank provides that the customer retains ownership of the funds and the bank merely assumes possession. Michie, ch. 9, § 38, at 162; *Phoenix Bank*, *supra*, at 127. But even then the bank is like a bailee, say, a garage that stores a customer's car. Michie, ch. 9, § 38, at 162. And as bailee, the bank can assert the right to possess the deposited funds against all the world but for the bailor (or, say, the bailor's authorized agent). 8A Am. Jur. 2d, Bailment § 166, pp. 685–686 (2009). This right, too, is a property right. 2 W. Blackstone, Commentaries on the Laws of England 452–454 (1766) (referring to a bailee's

right in a bailment as a "special qualified property"). Thus, Shaw's scheme to cheat Hsu was also a scheme to deprive the bank of certain bank property rights.

Hence, for purposes of the bank fraud statute, a scheme fraudulently to obtain funds from a bank depositor's account normally is also a scheme fraudulently to obtain property from a "financial institution," at least where, as here, the defendant knew that the bank held the deposits, the funds obtained came from the deposit account, and the defendant misled the bank in order to obtain those funds.

Second, Shaw says he did not intend to cause the bank financial harm. Indeed, the parties appear to agree that, due to standard banking practices in place at the time of the fraud, no bank involved in the scheme ultimately suffered any monetary loss. Brief for Petitioner 4; Brief for United States 4, 27–28. But the statute, while insisting upon "a scheme to defraud," demands neither a showing of ultimate financial loss nor a showing of intent to cause financial loss. Many years ago Judge Learned Hand pointed out that "[a] man is none the less cheated out of his property, when he is induced to part with it by fraud," even if "he gets a quid pro quo of equal value." *United States* v. *Rowe*, 56 F. 2d 747, 749 (CA2 1932). That is because "[i]t may be impossible to measure his loss by the gross scales available to a court, but he has suffered a wrong; he has lost," for example, "his chance to bargain with the facts before him." *Ibid.* Cf. O. Holmes, The Common Law 132 (1881) ("[A] man is liable to an action for deceit if he makes a false representation to another, knowing it to be false, but intending that the other should believe and act upon it"); *Neder* v. *United States*, 527 U. S. 1, 21–25 (1999) (bank fraud statute's definition of fraud reflects the common law).

It is consequently not surprising that, when interpreting the analogous mail fraud statute, we have held it "sufficient" that the victim (here, the bank) be "deprived of its right" to use of the property, even if it ultimately did not suffer

unreimbursed loss. *Carpenter* v. *United States*, 484 U. S. 19, 26–27 (1987). Lower courts have explained that, where cash is taken from a bank "but the bank [is] fully insured[,] [t]he theft [is] complete when the cash [i]s taken; the fact that the bank ha[s] a contract with an insurance company enabling it to shift the loss to that company [is] immaterial." *United States* v. *Kucik*, 844 F. 2d 493, 495 (CA7 1988). And commentators have made clear that "on the criminal side, it is generally held that the lack of financial loss is no defense to false pretenses." 2 W. LaFave & A. Scott, Substantive Criminal Law § 8.7(i)(3), p. 404 (1986). We have found no case from this Court interpreting the bank fraud statute as requiring that the victim bank ultimately suffer financial harm, or that the defendant intend that the victim bank suffer such harm.

Third, Shaw appears to argue that, whatever the true state of property law, he did not *know* that the bank had a property interest in Hsu's account; hence he could not have intended to cheat the bank of its property. Shaw did know, however, that the bank possessed Hsu's account. He did make false statements to the bank. He did correctly believe that those false statements would lead the bank to release from that account funds that ultimately and wrongfully ended up in Shaw's pocket. And the bank did in fact possess a property interest in the account. These facts are sufficient to show that Shaw knew he was entering into a scheme to defraud the bank even if he was not aware of the niceties of bank-related property law. To require more, *i. e.*, to require actual knowledge of those bank-related property-law niceties, would free (or convict) equally culpable defendants depending upon their property-law expertise—an arbitrary result. We have found no case from this Court requiring legal knowledge of the kind Shaw suggests he lacked. But we have found cases in roughly similar fraud-related contexts where this Court has asked only whether the targeted property was in fact property in the hands of the victim, not

whether the defendant knew that the law would characterize the items at issue as "property." See *Pasquantino* v. *United States*, 544 U. S. 349, 355–356 (2005) (Canada's right to uncollected excise taxes on imported liquor counted as "property" for purposes of the wire fraud statute); *Carpenter*, *supra*, at 25–26 (a newspaper's interest in the confidentiality of the contents and timing of a news column counted as property for the purposes of the mail and wire fraud statutes). We conclude that the legal ignorance that Shaw claims here is no defense to criminal prosecution for bank fraud.

Fourth, Shaw argues that the bank fraud statute requires the Government to prove more than his simple *knowledge* that he would likely harm the bank's property interest; in his view, the Government must prove that such was his *purpose*. See *Voisine* v. *United States*, 579 U. S. 686, 691–692 (2016) ("knowingly" committing an assault requires an awareness " 'that [harm] is practically certain,' " whereas "purposefully" committing an assault is "to have that result as a 'conscious object' " (quoting ALI, Model Penal Code §§2.02(2)(a)–(b) (1962))). Shaw adds that his purpose was to take money from Hsu; taking property from the bank was not his *purpose*.

But the statute itself makes criminal the "*knowin[g]* execut[ion of] a scheme . . . to defraud." (Emphasis added.) To hold that something other than knowledge is required would assume that Congress intended to distinguish, in respect to states of mind, between (1) the fraudulent scheme, and (2) its fraudulent elements. Why would Congress wish to do so? Shaw refers us to a number of cases involving fraud against the Government and points to language in those cases suggesting that the relevant statutes required that the defendant's purpose be to harm the statutorily protected target and not a third party. Brief for Petitioner 25–29. But in two of those cases, the fraudulent statement was made not to the Government but to the third party—a cir-

cumstance not present here. See *Allison Engine Co.* v. *United States ex rel. Sanders*, 553 U. S. 662, 665–668 (2008); *Tanner* v. *United States*, 483 U. S. 107, 110–112 (1987). In the third, the relevant portion of the statute expressly required a false statement " 'for the *purpose* . . . of . . . defrauding the Government of the United States.' " *United States* v. *Cohn*, 270 U. S. 339, 343 (1926) (emphasis added). As for the fourth case, the language Shaw cites states the uncontroversial proposition that "defrauding or attempting to defraud the United States" means "fraud against the Government." *Bridges* v. *United States*, 346 U. S. 209, 221–222 (1953). In any event, these cases all involved crimes of fraud targeting the Government—an area of the law with its own special rules and protections. We have found no relevant authority in the area of mail fraud, wire fraud, financial frauds, or the like supporting Shaw's view.

Fifth, Shaw, reading the bank fraud statute as a whole, urges us to compare subsection (1) with subsection (2). *Supra*, at 65. Subsection (2), he points out, makes criminal the use of "false or fraudulent pretenses" to obtain "property . . . under the custody or control of" a bank. And in his view that fact means that we should read subsection (1) not to apply to those circumstances. That is to say, given the language of subsection (2), efforts such as his effort fraudulently to obtain money deposited in a bank account should not fall within the scope of the subsection (1) phrase "scheme . . . to defraud a financial institution." Brief for Petitioner 30–33.

As we read the two subsections, however, they do not demand that interpretation. The two subsections overlap substantially but not completely. Subsection (2) makes criminal the use of a scheme

> "to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises."

This language covers much that subsection (1) also covers, for example, making a false representation to a bank in order to obtain property belonging to that bank. See *Loughrin* v. *United States*, 573 U. S. 351, 358, n. 4 (2014) (recognizing the "substantial" overlap between the two subsections and noting that such overlap "is not uncommon in criminal statutes"). At the same time, it applies to a circumstance in which a shopper makes a false statement to a department store cashier in order to pay for goods with money "under the custody or control of a financial institution," say, Bank A. The shopper's false statement, though designed to obtain Bank A's property, might well not amount to an effort (under subsection (1)) to defraud Bank A (since the statement was made not to Bank A but to an agent of the department store). Given, on the one hand, the overlap and, on the other hand, a plausible reading of the language that applies it to circumstances significantly different from those at issue here, we have no good reason to read subsection (2) as excluding from subsection (1) applications that would otherwise fall within the scope of subsection (1), such as conduct of the kind before us.

Finally, Shaw asks us to apply the rule of lenity. Brief for Petitioner 40–41. We have said that the rule applies if "at the end of the process of construing what Congress has expressed," *Callanan* v. *United States*, 364 U. S. 587, 596 (1961), there is "'a grievous ambiguity or uncertainty in the statute,'" *Muscarello* v. *United States*, 524 U. S. 125, 138–139 (1998) (quoting *Staples* v. *United States*, 511 U. S. 600, 619, n. 17 (1994)). The statute is clear enough that we need not rely on the rule of lenity. As we have said, a deposit account at a bank counts as bank property for purposes of subsection (1). *Supra*, at 66–67. The defendant, in circumstances such as those present here, need not know that the deposit account is, as a legal matter, characterized as bank property. *Supra*, at 68–69. Moreover, in those circumstances, the Government need not prove that the defendant

intended that the bank ultimately suffer monetary loss. *Supra*, at 67–68. Finally, the statute as applied here requires a state of mind equivalent to knowledge, not purpose. *Supra*, at 69–70.

III

Shaw further argues that the instructions the District Court gave the jury were erroneous. He points out that the District Court told the jury that the

> "phrase 'scheme to defraud' means any deliberate plan of action or course of conduct by which someone intends to deceive, cheat, *or* deprive a financial institution of something of value." App. 18 (emphasis added).

This instruction, Shaw says, could be understood as permitting the jury to find him guilty if it found no more than that his scheme was one to deceive the bank but not to "*deprive*" the bank of anything of value. Brief for Petitioner 22–23 (emphasis added). The parties agree, as do we, that the scheme must be one to deceive the bank *and* deprive it of something of value.

For reasons previously pointed out, we have held that a plan to deprive a bank of money in a customer's deposit account is a plan to deprive the bank of "something of value" within the meaning of the bank fraud statute. The parties dispute whether the jury instruction is nonetheless ambiguous or otherwise improper. We leave to the Ninth Circuit to determine whether that question was fairly presented to that court and, if so, whether the instruction is lawful, and, if not, whether any error was harmless in this case.

For these reasons, the judgment of the Ninth Circuit is vacated, and the case is remanded for further proceedings consistent with this opinion.

It is so ordered.

Syllabus

WHITE ET AL. *v.* PAULY, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF PAULY, DECEASED, ET AL.

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

No. 16–67. Decided January 9, 2017

Officers Truesdale and Mariscal went to the residence of Daniel and Samuel Pauly to interview Daniel about a reported road-rage incident earlier that evening. Finding a house with the lights on, two men inside, and Daniel's truck parked outside, the officers covertly approached the house on foot and radioed Officer White to join them. The Paulys demanded to know who was outside. Officers Truesdale and Mariscal shouted several responses and Officer Truesdale identified them as "State Police." The Paulys heard yelling but did not hear the officers identify themselves as State Police. Just as Officer White arrived, he heard one brother exclaim, "We have guns." All three officers took cover. A few seconds later, Daniel stepped out of the back door and fired two shotgun blasts. After that, Samuel opened a front window and pointed a handgun in Officer White's direction. Officer Mariscal fired at Samuel but missed. Officer White then shot and killed Samuel. Samuel's estate and Daniel sued claiming, *inter alia*, that the officers were liable under 42 U. S. C. §1983 for violating Samuel's Fourth Amendment right to be free from excessive force. All three officers moved for summary judgment on qualified immunity grounds, which the District Court denied. A divided panel of the Tenth Circuit affirmed. On the issue of whether Samuel had a clearly established Fourth Amendment right to be free from deadly force under the circumstances, the panel majority analyzed Officer White's qualified immunity defense separately from the defense raised by the other officers given Officer White's later arrival on the scene. The panel majority denied qualified immunity to Officers Truesdale and Mariscal, concluding that reasonable officers in their position would have understood that the officers' conduct would cause the Paulys to defend their home and could result in the use of deadly force against Samuel. As to Officer White, the panel majority denied qualified immunity because, in the panel majority's view, clearly established law required a reasonable officer in Officer White's position to issue a warning prior to firing his weapon.

Held: On the record described by the Tenth Circuit panel, Officer White did not violate clearly established law. Qualified immunity attaches when an official's conduct " 'does not violate clearly established statutory

or constitutional rights of which a reasonable person would have known.'" *Mullenix* v. *Luna*, 577 U. S. 1, 11. Clearly established law should not be defined "at a high level of generality," *Ashcroft* v. *al-Kidd*, 563 U. S. 731, 742, but must be "particularized" to the facts of the case, *Anderson* v. *Creighton*, 483 U. S. 635, 640. The panel majority did not identify a case where an officer acting under similar circumstances as Officer White was held to have violated the Fourth Amendment. The panel majority instead relied on general excessive-force principles set forth in *Tennessee* v. *Garner*, 471 U. S. 1, and *Graham* v. *Connor*, 490 U. S. 386, which by themselves do not create clearly established law outside "an obvious case," *Brosseau* v. *Haugen*, 543 U. S. 194, 199. This is not a case where it is obvious that there was a violation of clearly established law as set forth in *Garner* and *Graham*. The Court expresses no opinion on the question whether—in light of the Court's holding today—Officers Truesdale and Mariscal are entitled to qualified immunity.

Certiorari granted; 814 F. 3d 1060, vacated and remanded.

PER CURIAM.

This case addresses the situation of an officer who—having arrived late at an ongoing police action and having witnessed shots being fired by one of several individuals in a house surrounded by other officers—shoots and kills an armed occupant of the house without first giving a warning.

According to the District Court and the Court of Appeals, the record, when viewed in the light most favorable to respondents, shows the following. Respondent Daniel Pauly was involved in a road-rage incident on a highway near Santa Fe, New Mexico. 814 F. 3d 1060, 1064–1065 (CA10 2016). It was in the evening, and it was raining. The two women involved called 911 to report Daniel as a "'drunk driver'" who was "'swerving all crazy.'" *Id.*, at 1065. The women then followed Daniel down the highway, close behind him and with their bright lights on. Daniel, feeling threatened, pulled his truck over at an off-ramp to confront them. After a brief, nonviolent encounter, Daniel drove a short distance to a secluded house where he lived with his brother, Samuel Pauly.

Sometime between 9 p.m. and 10 p.m., Officer Kevin Truesdale was dispatched to respond to the women's 911 call. Truesdale, arriving after Daniel had already left the scene, interviewed the two women at the off-ramp. The women told Truesdale that Daniel had been driving recklessly and gave his license plate number to Truesdale. The state police dispatcher identified the plate as being registered to the Pauly brothers' address.

After the women left, Officer Truesdale was joined at the off-ramp by Officers Ray White and Michael Mariscal. The three agreed there was insufficient probable cause to arrest Daniel. Still, the officers decided to speak with Daniel to (1) get his side of the story, (2) "'make sure nothing else happened,'" and (3) find out if he was intoxicated. *Ibid.* The officers split up. White stayed at the off-ramp in case Daniel returned. Truesdale and Mariscal drove in separate patrol cars to the Pauly brothers' address, less than a half mile away. Record 215. Neither officer turned on his flashing lights.

When Officers Mariscal and Truesdale arrived at the address they had received from the dispatcher, they found two different houses, the first with no lights on inside and a second one behind it on a hill. *Id.*, at 217, 246. Lights were on in the second one. The officers parked their cars near the first house. They examined a vehicle parked near that house but did not find Daniel's truck. *Id.*, at 310.

Officers Mariscal and Truesdale noticed the lights on in the second house and approached it in a covert manner to maintain officer safety. Both used their flashlights in an intermittent manner. Truesdale alone turned on his flashlight once they got close to the house's front door. Upon reaching the house, the officers found Daniel's pickup truck and spotted two men moving around inside the residence. Truesdale and Mariscal radioed White, who left the off-ramp to join them.

At approximately 11 p.m., the Pauly brothers became aware of the officers' presence and yelled out "'Who are

you?'" and "'What do you want?'" 814 F. 3d, at 1066. In response, Officers Mariscal and Truesdale laughed and responded: "'Hey, (expletive), we got you surrounded. Come out or we're coming in.'" *Ibid.* Truesdale shouted once: "'Open the door, State Police, open the door.'" *Ibid.* Mariscal also yelled: "'Open the door, open the door.'" *Ibid.*

The Pauly brothers heard someone yelling, "'We're coming in. We're coming in.'" *Ibid.* Neither Samuel nor Daniel heard the officers identify themselves as state police. Record 81–82. The brothers armed themselves, Samuel with a handgun and Daniel with a shotgun. One of the brothers yelled at the police officers that "'We have guns.'" 814 F. 3d, at 1066. The officers saw someone run to the back of the house, so Officer Truesdale positioned himself behind the house and shouted "'Open the door, come outside.'" *Ibid.*

Officer White had parked at the first house and was walking up to its front door when he heard shouting from the second house. He half-jogged, half-walked to the Paulys' house, arriving "just as one of the brothers said: 'We have guns.'" *Ibid.*; see also Civ. No. 12–1311 (D NM, Feb. 5, 2014), App. to Pet. for Cert. 75–78. When White heard that statement, he drew his gun and took cover behind a stone wall 50 feet from the front of the house. Officer Mariscal took cover behind a pickup truck.

Just "a few seconds" after the "We have guns" statement, Daniel stepped part way out of the back door and fired two shotgun blasts while screaming loudly. 814 F. 3d, at 1066–1067. A few seconds after those shots, Samuel opened the front window and pointed a handgun in Officer White's direction. Officer Mariscal fired immediately at Samuel but missed. "'Four to five seconds'" later, White shot and killed Samuel. *Id.*, at 1067.

The District Court denied the officers' motions for summary judgment, and the facts are viewed in the light most favorable to the Paulys. *Mullenix* v. *Luna*, 577 U. S. 7, 9, n. (2015) (*per curiam*). Because this case concerns

the defense of qualified immunity, however, the Court considers only the facts that were knowable to the defendant officers. *Kingsley* v. *Hendrickson*, 576 U. S. 389, 399 (2015).

Samuel's estate and Daniel filed suit against, *inter alios*, Officers Mariscal, Truesdale, and White. One of the claims was that the officers were liable under Rev. Stat. § 1979, 42 U. S. C. § 1983, for violating Samuel's Fourth Amendment right to be free from excessive force. All three officers moved for summary judgment on qualified immunity grounds. White in particular argued that the Pauly brothers could not show that White's use of force violated the Fourth Amendment and, regardless, that Samuel's Fourth Amendment right to be free from deadly force under the circumstances of this case was not clearly established.

The District Court denied qualified immunity. A divided panel of the Court of Appeals for the Tenth Circuit affirmed. As to Officers Mariscal and Truesdale, the court held that "[a]ccepting as true plaintiffs' version of the facts, a reasonable person in the officers' position should have understood their conduct would cause Samuel and Daniel Pauly to defend their home and could result in the commission of deadly force against Samuel Pauly by Officer White." 814 F. 3d, at 1076. The panel majority analyzed Officer White's claim separately from the other officers because "Officer White did not participate in the events leading up to the armed confrontation, nor was he there to hear the other officers ordering the brothers to 'Come out or we're coming in.'" *Ibid.* Despite the fact that "Officer White . . . arrived late on the scene and heard only 'We have guns' . . . before taking cover behind a stone wall," the majority held that a jury could have concluded that White's use of deadly force was not reasonable. *Id.*, at 1077, 1082. The majority also decided that this rule—that a reasonable officer in White's position would believe that a warning was required despite the threat of serious harm—was clearly established at the time of Samuel's death. The Court of Appeals' ruling relied on general

statements from this Court's case law that (1) "the reasonableness of an officer's use of force depends, in part, on whether the officer was in danger at the precise moment that he used force" and (2) "if the suspect threatens the officer with a weapon[,] deadly force may be used if necessary to prevent escape, and if[,] where feasible, some warning has been given." *Id.*, at 1083 (citing, *inter alia*, *Tennessee* v. *Garner*, 471 U. S. 1 (1985), and *Graham* v. *Connor*, 490 U. S. 386 (1989); emphasis deleted; internal quotation marks and alterations omitted). The court concluded that a reasonable officer in White's position would have known that, since the Paulys could not have shot him unless he moved from his position behind a stone wall, he could not have used deadly force without first warning Samuel Pauly to drop his weapon.

Judge Moritz dissented, contending that the "majority impermissibly second-guesses" Officer White's quick choice to use deadly force. 814 F. 3d, at 1084. Judge Moritz explained that the majority also erred by defining the clearly established law at too high a level of generality, in contravention of this Court's precedent.

The officers petitioned for rehearing en banc, which 6 of the 12 judges on the Court of Appeals voted to grant. In a dissent from denial of rehearing, Judge Hartz noted that he was "unaware of any clearly established law that suggests . . . that an officer . . . who faces an occupant pointing a firearm in his direction must refrain from firing his weapon but, rather, must identify himself and shout a warning while pinned down, kneeling behind a rock wall." 817 F. 3d 715, 718 (CA10 2016). Judge Hartz expressed his hope that "the Supreme Court can clarify the governing law." *Id.*, at 719.

The officers petitioned for certiorari. The petition is now granted, and the judgment is vacated: Officer White did not violate clearly established law on the record described by the Court of Appeals panel.

Qualified immunity attaches when an official's conduct "'does not violate clearly established statutory or constitu-

tional rights of which a reasonable person would have known.'" *Mullenix* v. *Luna*, 577 U. S., at 11. While this Court's case law "'do[es] not require a case directly on point'" for a right to be clearly established, "'existing precedent must have placed the statutory or constitutional question beyond debate.'" *Id.*, at 12. In other words, immunity protects "'all but the plainly incompetent or those who knowingly violate the law.'" *Ibid.*

In the last five years, this Court has issued a number of opinions reversing federal courts in qualified immunity cases. See, *e. g.*, *City and County of San Francisco* v. *Sheehan*, 575 U. S. 600, 611, n. 3 (2015) (collecting cases). The Court has found this necessary both because qualified immunity is important to "'society as a whole,'" *ibid.*, and because as "'an immunity from suit,'" qualified immunity "'is effectively lost if a case is erroneously permitted to go to trial,'" *Pearson* v. *Callahan*, 555 U. S. 223, 231 (2009).

Today, it is again necessary to reiterate the longstanding principle that "clearly established law" should not be defined "at a high level of generality." *Ashcroft* v. *al-Kidd*, 563 U. S. 731, 742 (2011). As this Court explained decades ago, the clearly established law must be "particularized" to the facts of the case. *Anderson* v. *Creighton*, 483 U. S. 635, 640 (1987). Otherwise, "[p]laintiffs would be able to convert the rule of qualified immunity . . . into a rule of virtually unqualified liability simply by alleging violation of extremely abstract rights." *Id.*, at 639.

The panel majority misunderstood the "clearly established" analysis: It failed to identify a case where an officer acting under similar circumstances as Officer White was held to have violated the Fourth Amendment. Instead, the majority relied on *Graham*, *Garner*, and their Court of Appeals progeny, which—as noted above—lay out excessive-force principles at only a general level. Of course, "general statements of the law are not inherently incapable of giving fair and clear warning" to officers, *United States* v. *Lanier*, 520

U. S. 259, 271 (1997), but "in the light of pre-existing law the unlawfulness must be apparent," *Anderson* v. *Creighton*, *supra*, at 640. For that reason, we have held that *Garner* and *Graham* do not by themselves create clearly established law outside "an obvious case." *Brosseau* v. *Haugen*, 543 U. S. 194, 199 (2004) (*per curiam*); see also *Plumhoff* v. *Rickard*, 572 U. S. 765, 779 (2014) (emphasizing that *Garner* and *Graham* "are 'cast at a high level of generality' ").

This is not a case where it is obvious that there was a violation of clearly established law under *Garner* and *Graham*. Of note, the majority did not conclude that White's conduct—such as his failure to shout a warning—constituted a run-of-the-mill Fourth Amendment violation. Indeed, it recognized that "this case presents a unique set of facts and circumstances" in light of White's late arrival on the scene. 814 F. 3d, at 1077. This alone should have been an important indication to the majority that White's conduct did not violate a "clearly established" right. Clearly established federal law does not prohibit a reasonable officer who arrives late to an ongoing police action in circumstances like this from assuming that proper procedures, such as officer identification, have already been followed. No settled Fourth Amendment principle requires that officer to second-guess the earlier steps already taken by his or her fellow officers in instances like the one White confronted here.

On the record described by the Court of Appeals, Officer White did not violate clearly established law. The Court notes, however, that respondents contend Officer White arrived on the scene only two minutes after Officers Truesdale and Mariscal and more than three minutes before Daniel's shots were fired. On the assumption that the conduct of Officers Truesdale and Mariscal did not adequately alert the Paulys that they were police officers, respondents suggest that a reasonable jury could infer that White witnessed the other officers' deficient performance and should have realized that corrective action was necessary before using deadly

force. Brief in Opposition 11, 22, n. 5. This Court expresses no position on this potential alternative ground for affirmance, as it appears that neither the District Court nor the Court of Appeals panel addressed it. The Court also expresses no opinion on the question whether this ground was properly preserved or whether—in light of this Court's holding today—Officers Truesdale and Mariscal are entitled to qualified immunity.

For the foregoing reasons, the petition for certiorari is granted; the judgment of the Court of Appeals is vacated; and the case is remanded for further proceedings consistent with this opinion.

It is so ordered.

JUSTICE GINSBURG, concurring.

I join the Court's opinion on the understanding that it does not foreclose the denial of summary judgment to Officers Truesdale and Mariscal. See 814 F. 3d 1060, 1068, 1073, 1074 (CA10 2016) (Court of Appeals emphasized, repeatedly, that fact disputes exist on question whether Truesdale and Mariscal "adequately identified themselves" as police officers before shouting "Come out or we're coming in" (internal quotation marks omitted)). Further, as to Officer White, the Court, as I comprehend its opinion, leaves open the propriety of denying summary judgment based on fact disputes over when Officer White arrived at the scene, what he may have witnessed, and whether he had adequate time to identify himself and order Samuel Pauly to drop his weapon before Officer White shot Pauly. Compare *id.*, at 1080, with *ante*, at 80 and this page. See also Civ. No. 12–1311 (D NM, Feb. 5, 2014), pp. 7, and n. 5, 9, App. to Pet. for Cert. 75–76, and n. 5, 77 (suggesting that Officer White may have been on the scene when Officers Truesdale and Mariscal threatened to invade the Pauly home).

Syllabus

LIGHTFOOT ET AL. *v.* CENDANT MORTGAGE CORP., DBA PHH MORTGAGE, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 14–1055. Argued November 8, 2016—Decided January 18, 2017

The Federal National Mortgage Association (Fannie Mae) is a federally chartered corporation that participates in the secondary mortgage market. By statute, Fannie Mae has the power "to sue and to be sued, and to complain and to defend, in any court of competent jurisdiction, State or Federal." 12 U. S. C. § 1723a(a). When petitioners Beverly Ann Hollis-Arrington and her daughter Crystal Lightfoot filed suit in state court alleging deficiencies in the refinancing, foreclosure, and sale of their home, Fannie Mae removed the case to federal court, relying on its sue-and-be-sued clause as the basis for jurisdiction. The District Court denied a motion to remand the case to state court and later entered judgment against petitioners. The Ninth Circuit affirmed. In concluding that the District Court had jurisdiction under Fannie Mae's sue-and-be-sued clause, the court relied on *American Nat. Red Cross* v. *S. G.*, 505 U. S. 247, which it read as establishing a rule that when a sue-and-be-sued clause in a federal charter expressly authorizes suit in federal court, it confers jurisdiction on the federal courts.

Held: Fannie Mae's sue-and-be-sued clause does not grant federal courts jurisdiction over all cases involving Fannie Mae. Pp. 88–99.

(a) This Court has addressed the jurisdictional reach of sue-and-be-sued clauses in five federal charters. Three clauses were held to grant jurisdiction—*Osborn* v. *Bank of United States*, 9 Wheat. 738; *D'Oench, Duhme & Co.* v. *FDIC*, 315 U. S. 447; *American Nat. Red Cross* v. *S. G.*, 505 U. S. 247—while two were found wanting—*Bank of United States* v. *Deveaux*, 5 Cranch 61; *Bankers Trust Co.* v. *Texas & Pacific R. Co.*, 241 U. S. 295. Describing the earlier decisions as this Court's "best efforts at divining congressional intent retrospectively," 505 U. S., at 252, the Court in *Red Cross* concluded that those decisions "support the rule that a congressional charter's 'sue and be sued' provision may be read to confer federal court jurisdiction if, but only if, it specifically mentions the federal courts," *id.*, at 255.

In specifically mentioning the federal courts, Fannie Mae's sue-and-be-sued clause resembles the three clauses this Court has held confer jurisdiction. But unlike those clauses, Fannie Mae's clause adds the qualification "any court of competent jurisdiction," 12 U. S. C. § 1723a(a).

Syllabus

Thus, the outcome here turns on the meaning of "court of competent jurisdiction."

A court of competent jurisdiction is a court with the power to adjudicate the case before it, Black's Law Dictionary 431, and a court's subject-matter jurisdiction defines its power to hear cases, see *Steel Co.* v. *Citizens for Better Environment*, 523 U. S. 83, 89. It follows that a court of competent jurisdiction is a court with a grant of subject-matter jurisdiction covering the case before it. This Court has understood that phrase as a reference to a court with an existing source of subject-matter jurisdiction. See, *e. g.*, *Ex parte Phenix Ins. Co.*, 118 U. S. 610. On this understanding, Fannie Mae's sue-and-be-sued clause is most naturally read not to grant federal courts subject-matter jurisdiction over all cases involving Fannie Mae but to permit suit in any state or federal court already endowed with subject-matter jurisdiction.

Red Cross does not require a different result. It did not set out a rule that an express reference to the federal courts suffices to make a sue-and-be-sued clause a grant of federal jurisdiction. Rather, it restated "the basic rule" of *Deveaux* and *Osborn* that a sue-and-be-sued clause conferring only a general right to sue does not grant jurisdiction to the federal courts. 505 U. S., at 253. Pp. 88–94.

(b) Fannie Mae's arguments against reading its sue-and-be-sued clause as merely capacity conferring are unpersuasive. Its alternative readings of "court of competent jurisdiction" are premised on the already rejected reading of *Red Cross.* The prior construction canon of statutory interpretation does not apply because none of the cases on which Fannie Mae relies suggest that Congress in 1954 would have surveyed the jurisprudential landscape and necessarily concluded that the courts had already settled the question whether a sue-and-be-sued clause containing the phrase "court of competent jurisdiction" confers jurisdiction on the federal courts. Finally, Fannie Mae's appeals to congressional purpose do not call into question the plain text reading of its sue-and-be-sued clause. Pp. 94–99.

769 F. 3d 681, reversed.

SOTOMAYOR, J., delivered the opinion for a unanimous Court.

E. Joshua Rosenkranz argued the cause for petitioners. With him on the briefs were *Thomas M. Bondy*, *Matthew L. Bush*, *Andrew H. Friedman*, and *Gregory D. Helmer.*

Ann O'Connell argued the cause for the United States as *amicus curiae.* With her on the brief were *Deputy Solicitor General Kneedler*, *Principal Deputy Assistant Attorney*

General Mizer, *Deputy Solicitor General Stewart*, and *Mark B. Stern*.

Brian P. Brooks argued the cause for respondents. With him on the brief were *Jonathan D. Hacker*, *Anton Metlitsky*, *Julie E. Katzman*, and *Mai Pham Robertson*.*

JUSTICE SOTOMAYOR delivered the opinion of the Court.

The corporate charter of the Federal National Mortgage Association, known as Fannie Mae, authorizes Fannie Mae "to sue and to be sued, and to complain and to defend, in any court of competent jurisdiction, State or Federal." 12 U. S. C. § 1723a(a). This case presents the question whether this sue-and-be-sued clause grants federal district courts jurisdiction over cases involving Fannie Mae. We hold that it does not.

I

A

During the Great Depression, the Federal Government worked to stabilize and strengthen the residential mortgage market. Among other things, it took steps to increase liquidity (reasonably available funding) in the mortgage market. These efforts included the creation of the Federal Home Loan Banks, which provide credit to member institutions to finance affordable housing and economic development projects, and the Federal Housing Administration (FHA), which insures residential mortgages. See Dept. of Housing and Urban Development, Background and History of the Federal National Mortgage Association 1–7, A4 (1966).

Also as part of these efforts, Title III of the National Housing Act (1934 Act) authorized the Administrator of the

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**Jeffrey R. White* filed a brief for the American Association for Justice as *amicus curiae* urging reversal.

Kenneth S. Geller and *Brian D. Netter* filed a brief for the American Red Cross as *amicus curiae*.

newly created FHA to establish "national mortgage associations" that could "purchase and sell [certain] first mortgages and such other first liens" and "borrow money for such purposes." §301(a), 48 Stat. 1252–1253. The associations were endowed with certain powers, including the power to "sue and be sued, complain and defend, in any court of law or equity, State or Federal." §301(c), *id.*, at 1253.

In 1938, the FHA Administrator exercised that authority and chartered the Federal National Mortgage Association. Avoiding a mouthful of an acronym (FNMA), it went by Fannie Mae. See, *e. g.*, Washington Post, July 14, 1940, p. P2 ("'Fanny May'"); N. Y. Times, Mar. 23, 1950, p. 48 ("'Fannie Mae'"). As originally chartered, Fannie Mae was wholly owned by the Federal Government and had three objectives: to "establish a market for [FHA-insured] first mortgages" covering new housing construction, to "facilitate the construction and financing of economically sound rental housing projects," and to "make [the bonds it issued] available to . . . investors." Fed. Nat. Mortgage Assn. Information Regarding the Activities of the Assn. 1 (Circular No. 1, 1938).

Fannie Mae was rechartered in 1954. Housing Act of 1954 (1954 Act), §201, 68 Stat. 613. No longer wholly Government owned, Fannie Mae had mixed ownership: Private shareholders held its common stock and the Department of the Treasury held its preferred stock. The 1954 Act required the Secretary of the Treasury to allow Fannie Mae to repurchase that stock. See *id.*, at 613–615. It expected that Fannie Mae would repurchase all of its preferred stock and that legislation would then be enacted to turn Fannie Mae over to the private stockholders. From then on, Fannie Mae's duties would "be carried out by a privately owned and privately financed corporation." *Id.*, at 615. Along with these structural changes, the 1954 Act replaced Fannie Mae's initial set of powers with a more detailed list. In doing so, it revised the sue-and-be-sued clause to give Fannie Mae the power "to sue and to be sued, and to complain and to defend,

in any court of competent jurisdiction, State or Federal." *Id.*, at 620.

In 1968, Fannie Mae became fully privately owned and relinquished part of its portfolio to its new spinoff, the Government National Mortgage Association (known as Ginnie Mae). See Housing and Urban Development Act of 1968 (1968 Act), 82 Stat. 536. Fannie Mae "continue[d] to operate the secondary market operations" but became "a Government-sponsored private corporation." 12 U. S. C. § 1716b. Ginnie Mae "remain[ed] in the Government" and took over "the special assistance functions and management and liquidating functions." *Ibid.* Ginnie Mae received the same set of powers as Fannie Mae. See § 1723(a); see also 1968 Act, § 802(z), 82 Stat. 540 (minor revisions to § 1723a(a)).

This general structure remains in place. Fannie Mae continues to participate in the secondary mortgage market. It purchases mortgages that meet its eligibility criteria, packages them into mortgage-backed securities, and sells those securities to investors, and it invests in mortgage-backed securities itself. One of those mortgage purchases led to Fannie Mae's entanglement in this case.

B

Beverly Ann Hollis-Arrington refinanced her mortgage with Cendant Mortgage Corporation (Cendant) in the summer of 1999. Fannie Mae then bought the mortgage, while Cendant continued to service it. Unable to make her payments, Hollis-Arrington pursued a forbearance arrangement with Cendant. No agreement materialized, and the home entered foreclosure. Around this time, Cendant repurchased the mortgage from Fannie Mae because it did not meet Fannie Mae's credit standards.

To stave off the foreclosure, Hollis-Arrington and her daughter, Crystal Lightfoot, pursued bankruptcy and transferred the property between themselves. These efforts failed, and the home was sold at a trustee's sale in 2001.

The two then took to the courts to try to undo the foreclosure and sale.

After two unsuccessful federal suits, the pair filed this suit in state court. They alleged that deficiencies in the refinancing, foreclosure, and sale of their home entitled them to relief against Fannie Mae. Their claims against other defendants are not relevant here.

Fannie Mae removed the case to federal court under 28 U. S. C. § 1441(a), which permits a defendant to remove from state to federal court "any civil action" over which the federal district courts "have original jurisdiction." It relied on its sue-and-be-sued clause as the basis for jurisdiction. The District Court denied a motion to remand the case to state court.

The District Court then dismissed the claims against Fannie Mae on claim preclusion grounds. After a series of motions, rulings, and appeals not related to the issue here, the District Court entered final judgment. Hollis-Arrington and Lightfoot immediately moved to set aside the judgment under Federal Rule of Civil Procedure 60(b), alleging "fraud upon the court." App. 95–110. The District Court denied the motion.

The Ninth Circuit affirmed the dismissal of the case and the denial of the Rule 60(b) motion. 465 Fed. Appx. 668 (2012). After Hollis-Arrington and Lightfoot sought rehearing, the Ninth Circuit withdrew its opinion and ordered briefing on the question whether the District Court had jurisdiction over the case under Fannie Mae's sue-and-be-sued clause. 769 F. 3d 681, 682–683 (2014).

A divided panel affirmed the District Court's judgment. The majority relied on *American Nat. Red Cross* v. *S. G.*, 505 U. S. 247 (1992). It read that decision to have established a "rule [that] resolves this case": When a sue-and-be-sued clause in a federal charter expressly authorizes suit in federal courts, it confers jurisdiction on the federal courts. 769 F. 3d, at 684. The dissent instead read *Red Cross* as setting out only a " 'default rule' " that provides a "starting point for

[the] analysis." 769 F. 3d, at 692 (opinion of Stein, J.). It read "any court of competent jurisdiction" in Fannie Mae's sue-and-be-sued clause to overcome that default rule by requiring an independent source for jurisdiction in cases involving Fannie Mae. *Ibid.*

Two Circuits have likewise concluded that the language in Fannie Mae's sue-and-be-sued clause grants jurisdiction to federal courts. See *Federal Home Loan Bank of Boston* v. *Moody's Corp.*, 821 F. 3d 102 (CA1 2016) (Federal Home Loan Bank of Boston's identical sue-and-be-sued clause); *Pirelli Armstrong Tire Corp. Retiree Medical Benefits Trust ex rel. Fed. Nat. Mortgage Assn.* v. *Raines*, 534 F. 3d 779 (CADC 2008) (Fannie Mae's sue-and-be-sued clause). Four Circuits have disagreed, finding that similar language did not grant jurisdiction. See *Western Securities Co.* v. *Derwinski*, 937 F. 2d 1276 (CA7 1991) (under 38 U. S. C. § 1820(a)(1) (1988 ed.), Secretary of Veterans Affairs' authority to "sue and be sued . . . in any court of competent jurisdiction, State or Federal"); *C. H. Sanders Co.* v. *BHAP Housing Development Fund Co.*, 903 F. 2d 114 (CA2 1990) (under 12 U. S. C. § 1702 (1988 ed.), Secretary of Housing and Urban Development's authority "in his official capacity, to sue and be sued in any court of competent jurisdiction, State or Federal"); *Industrial Indemnity, Inc.* v. *Landrieu*, 615 F. 2d 644 (CA5 1980) (*per curiam*) (similar); *Lindy* v. *Lynn*, 501 F. 2d 1367 (CA3 1974) (similar).

We granted certiorari, 579 U. S. 940 (2016), and now reverse.

II

Fannie Mae's sue-and-be-sued clause authorizes it "to sue and to be sued, and to complain and to defend, in any court of competent jurisdiction, State or Federal." 12 U. S. C. § 1723a(a). As in other federal corporate charters, this language serves the uncontroversial function of clarifying Fannie Mae's capacity to bring suit and to be sued. See *Bank of United States* v. *Deveaux*, 5 Cranch 61, 85–86 (1809). The

question here is whether Fannie Mae's sue-and-be-sued clause goes further and grants federal courts jurisdiction over all cases involving Fannie Mae.

A

In answering this question, "we do not face a clean slate." *Red Cross*, 505 U. S., at 252. This Court has addressed the jurisdictional reach of sue-and-be-sued clauses in five federal charters. Three clauses were held to grant jurisdiction, while two were found wanting.

The first discussion of sue-and-be-sued clauses came in a pair of opinions by Chief Justice Marshall. The charter of the first Bank of the United States allowed it "'to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record, or any other place whatsoever.'" *Deveaux*, 5 Cranch, at 85. Another provision allowed suits in federal court against certain bank officials, suggesting "the right to sue does not imply a right to sue in the courts of the union, unless it be expressed." *Id.*, at 86. In light of this language, the Court held that the first Bank of the United States had "no right . . . to sue in the federal courts." *Ibid.* The Court concluded that the second Bank of the United States was not similarly disabled. Its charter allowed it "'to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all State Courts having competent jurisdiction, and in any Circuit Court of the United States.'" *Osborn* v. *Bank of United States*, 9 Wheat. 738, 817 (1824). The Court took from *Deveaux* "that a general capacity in the Bank to sue, without mentioning the Courts of the Union, may not give a right to sue in those Courts." 9 Wheat., at 818. By contrast, the second Bank's charter did grant jurisdiction to the federal circuit courts because it used "words expressly conferring a right to sue in those Courts." *Ibid.*

A mortgage dispute between a railroad and its creditor led to the next consideration of this issue. The Texas and Pa-

cific Railway Company's federal charter authorized it "'to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity within the United States.'" *Bankers Trust Co.* v. *Texas & Pacific R. Co.*, 241 U. S. 295, 302 (1916). This Court held that the clause had "the same generality and natural import as" the clause in *Deveaux*. 241 U. S., at 304. Thus, "all that was intended was to render this corporation capable of suing and being sued by its corporate name in any court . . . whose jurisdiction as otherwise competently defined was adequate to the occasion." *Id.*, at 303.

Another lending dispute, involving defaulted bonds, led to the next statement on this issue. The Federal Deposit Insurance Corporation's (FDIC) sue-and-be-sued clause authorized it "[t]o sue and be sued, complain and defend, in any court of law or equity, State or Federal." 12 U. S. C. § 264(j) (1940 ed.). In *D'Oench, Duhme & Co.* v. *FDIC*, 315 U. S. 447, 455 (1942), this Court held that federal jurisdiction over the case was based on the FDIC's sue-and-be-sued clause. See *Red Cross*, 505 U. S., at 254 (expressing no "doubt that the Court held federal jurisdiction to rest on the" sue-and-be-sued clause).

This Court's most recent discussion of a sue-and-be-sued clause came in *Red Cross*, which involved a state-law tort suit related to a contaminated blood transfusion. It described the previous quartet of decisions as reflecting this Court's "best efforts at divining congressional intent retrospectively," efforts that had put "Congress on prospective notice of the language necessary and sufficient to confer jurisdiction." *Id.*, at 252. Those decisions "support the rule that a congressional charter's 'sue and be sued' provision may be read to confer federal court jurisdiction if, but only if, it specifically mentions the federal courts." *Id.*, at 255. Under that rule, the Court explained, the result was "clear." *Id.*, at 257. The Red Cross' sue-and-be-sued clause, which permits it to "sue and be sued in courts of law and equity,

State or Federal, within the jurisdiction of the United States," 36 U. S. C. § 300105(a)(5), confers jurisdiction. *Red Cross*, 505 U. S., at 257. "In expressly authorizing [suits] in federal courts, using language . . . in all relevant respects identical to [the clause in *D'Oench*] on which [the Court] based a holding of federal jurisdiction just five years before [its enactment], the provision extends beyond a mere grant of general corporate capacity to sue, and suffices to confer federal jurisdiction." *Ibid.*

Armed with these earlier cases, as synthesized by *Red Cross*, we turn to the sue-and-be-sued clause at issue here.

B

Fannie Mae's sue-and-be-sued clause resembles the clauses this Court has held confer jurisdiction in one important respect. In authorizing Fannie Mae "to sue and to be sued, and to complain and to defend, in any court of competent jurisdiction, State or Federal," 12 U. S. C. § 1723a(a), it "specifically mentions the federal courts." *Red Cross*, 505 U. S., at 255. This mention of the federal courts means that Fannie Mae's charter clears a hurdle that the clauses in *Deveaux* and *Bankers Trust* did not.

But Fannie Mae's clause differs in a material respect from the three clauses the Court has held sufficient to grant federal jurisdiction. Those clauses referred to suits in the federal courts without qualification. In contrast, Fannie Mae's sue-and-be-sued clause refers to "any *court of competent jurisdiction*, State or Federal." § 1723a(a) (emphasis added).

Because this sue-and-be-sued clause is not "in all relevant respects identical" to a clause already held to grant federal jurisdiction, *Red Cross*, 505 U. S., at 257, this case cannot be resolved by a simple comparison. The outcome instead turns on the meaning of "court of competent jurisdiction" in Fannie Mae's sue-and-be-sued clause.

A court of competent jurisdiction is a court with the power to adjudicate the case before it. See Black's Law Dictionary 431 (10th ed. 2014) ("[a] court that has the power and author-

ity to do a particular act; one recognized by law as possessing the right to adjudicate a controversy"). And a court's subject-matter jurisdiction defines its power to hear cases. See *Steel Co.* v. *Citizens for Better Environment*, 523 U. S. 83, 89 (1998) (Subject-matter jurisdiction is "the courts' statutory or constitutional power to adjudicate the case" (emphasis deleted)); *Wachovia Bank, N. A.* v. *Schmidt*, 546 U. S. 303, 316 (2006) ("Subject-matter jurisdiction . . . concerns a court's competence to adjudicate a particular category of cases"). It follows that a court of competent jurisdiction is a court with a grant of subject-matter jurisdiction covering the case before it. Cf. *Pennoyer* v. *Neff*, 95 U. S. 714, 733 (1878) ("[T]here must be a tribunal competent by its constitution—that is, by the law of its creation—to pass upon the subject-matter of the suit").

As a result, this Court has understood the phrase "court of competent jurisdiction" as a reference to a court with an existing source of subject-matter jurisdiction. *Ex parte Phenix Ins. Co.*, 118 U. S. 610 (1886), provides an example. There, the Court explained that a statute "providing for the transfer to a trustee of the interest of the owner in the vessel and freight, provides only that the trustee may 'be appointed by any court of competent jurisdiction,' leaving the question of such competency to depend on other provisions of law." *Id.*, at 617. See also *Shoshone Mining Co.* v. *Rutter*, 177 U. S. 505, 506–507 (1900) (statute authorizing suit " 'in a court of competent jurisdiction' . . . unquestionably meant that the competency of the court should be determined by rules theretofore prescribed in respect to the jurisdiction of the Federal courts"). *Califano* v. *Sanders*, 430 U. S. 99 (1977), provides another. It held that § 10 of the Administrative Procedure Act, codified in 5 U. S. C. §§ 701–704, did not contain "an implied grant of subject-matter jurisdiction to review agency actions." 430 U. S., at 105. In noting that "the actual text . . . nowhere contains an explicit grant of jurisdiction," the Court pointed to two clauses requiring "ju-

dicial review . . . to proceed 'in a court specified by statute' or 'in a court of competent jurisdiction' " and stated that both "seem to look to outside sources of jurisdictional authority." *Id.*, at 105–106, and n. 6.

On this understanding, Fannie Mae's sue-and-be-sued clause is most naturally read not to grant federal courts subject-matter jurisdiction over all cases involving Fannie Mae. In authorizing Fannie Mae to sue and be sued "in any court of competent jurisdiction, State or Federal," it permits suit in any state or federal court already endowed with subject-matter jurisdiction over the suit.

C

Red Cross does not require a different result. Some, including the lower courts here, have understood it to set out a rule that an express reference to the federal courts suffices to make a sue-and-be-sued clause a grant of federal jurisdiction. *Red Cross* contains no such rule.

By its own terms, the rule *Red Cross* restates is "the basic rule" drawn in *Deveaux* and *Osborn* that a sue-and-be-sued clause conferring only a general right to sue does not grant jurisdiction to the federal courts. *Red Cross*, 505 U. S., at 253. Each mention of a "rule" refers back to this principle. See *id.*, at 255 (reading this Court's sue-and-be-sued clause cases to "support the rule that a . . . 'sue and be sued' provision *may* be read to confer federal court jurisdiction if, but only if, it specifically mentions the federal courts" (emphasis added)); *id.*, at 256 (*Bankers Trust* applied "the rule thus established" to hold that the railroad's sue-and-be-sued clause did not confer jurisdiction); *id.*, at 257 (finding the result "clear" under the "rule established in these cases" because the charter "expressly authoriz[es]" suits in federal courts in a clause "in all relevant respects identical" to one already found to confer jurisdiction).

True enough, the dissent thought *Red Cross* established a broad rule. See *id.*, at 271–272 (opinion of Scalia, J.) (de-

scribing *Red Cross* as announcing a "rule . . . that any grant of a general capacity to sue with mention of federal courts will suffice to confer jurisdiction" (emphasis deleted)). The certainty of the dissent may explain the lower court decisions adopting a broader reading of *Red Cross*. But *Red Cross* itself establishes no such rule. And such a rule is hard to square with the opinion's thorough consideration of the contrary arguments based in text, purpose, and legislative history. See *id.*, at 258–263.

Nothing in *Red Cross* suggests that courts should ignore "the ordinary sense of the language used," *id.*, at 263, when confronted with a federal charter's sue-and-be-sued clause that expressly references the federal courts, but only those that are courts "of competent jurisdiction."

III

Fannie Mae, preferring to be in federal court, raises several arguments against reading its sue-and-be-sued clause as merely capacity conferring. None are persuasive.

A

Fannie Mae first offers several alternative readings of "court of competent jurisdiction." It suggests that the phrase might refer to a court with personal jurisdiction over the parties before it, a court of proper venue, or a court of general, rather than specialized, jurisdiction. Brief for Respondents 41–45.

At bottom, Fannie Mae's efforts on this front are premised on the reading of *Red Cross* rejected above. In its view, an express reference to the federal courts suffices to confer subject-matter jurisdiction on federal courts. It sees its only remaining task as explaining why that would not render "court of competent jurisdiction" superfluous. See Tr. of Oral Arg. 29–30. But the fact that a sue-and-be-sued clause references the federal courts does not resolve the jurisdictional question. Thus, arguments as to why the phrase

"court of competent jurisdiction" could still have meaning if it does not carry its ordinary meaning are beside the point.

Moreover, even if the phrase carries additional meaning, that would not further Fannie Mae's argument. Take its suggestion that a "court of competent jurisdiction" is a court with personal jurisdiction. A court must have the power to decide the claim before it (subject-matter jurisdiction) and power over the parties before it (personal jurisdiction) before it can resolve a case. See *Ruhrgas AG* v. *Marathon Oil Co.*, 526 U. S. 574, 583–585 (1999). Recognizing as much, this Court has stated that the phrase "court of competent jurisdiction," while "usually used to refer to subject-matter jurisdiction, has also been used on occasion to refer to a court's jurisdiction over the defendant's person." *United States* v. *Morton*, 467 U. S. 822, 828 (1984) (footnote omitted). See also *Blackmar* v. *Guerre*, 342 U. S. 512, 516 (1952). But nothing in Fannie Mae's sue-and-be-sued clause suggests that the reference to "court of competent jurisdiction" refers only to a court with personal jurisdiction over the parties before it. At most then, this point might support reading the phrase to refer to both subject-matter and personal jurisdiction. That does not help Fannie Mae. So long as the sue-and-be-sued clause refers to an outside source of subject-matter jurisdiction, it does not confer subject-matter jurisdiction.

B

Fannie Mae next claims that, by the time its sue-and-be-sued clause was enacted in 1954, courts had interpreted provisions containing the phrase "court of competent jurisdiction" to grant jurisdiction and that Congress was entitled to rely on those interpretations. This argument invokes the prior construction canon of statutory interpretation. The canon teaches that if courts have settled the meaning of an existing provision, the enactment of a new provision that mirrors the existing statutory text indicates, as a general

matter, that the new provision has that same meaning. See *Bragdon* v. *Abbott*, 524 U. S. 624, 645 (1998).

Fannie Mae points to cases discussing three types of statutory provisions that, in its view, show that the phrase "court of competent jurisdiction" had acquired a settled meaning by 1954.

The first pair addresses the FHA's sue-and-be-sued clause. See 12 U. S. C. § 1702 ("sue and be sued in any court of competent jurisdiction, State or Federal"). Two Court of Appeals decisions in the 1940's concluded that the FHA sue-and-be-sued clause overrode the general rule, today found in 28 U. S. C. §§ 1346(a)(2), 1491, that monetary claims against the United States exceeding $10,000 must be brought in the Court of Federal Claims, rather than the federal district courts. See *Ferguson* v. *Union Nat. Bank of Clarksburg*, 126 F. 2d 753, 755–757 (CA4 1942); *George H. Evans & Co.* v. *United States*, 169 F. 2d 500, 502 (CA3 1948). These courts did not state that their jurisdiction was founded on the sue-and-be-sued clause, as opposed to statutes governing the original jurisdiction of the federal district courts. See, *e. g.*, 28 U. S. C. § 41(a) (1946 ed.). Thus, even assuming that two appellate court cases can "'settl[e]'" an issue, A. Scalia & B. Garner, Reading Law 325 (2012), these two cases did not because they did not speak to the question here.

The second set of cases addresses provisions authorizing suit for a violation of a statute. One arose under the Fair Labor Standards Act of 1938, which authorizes employees to sue for violations of the Act in "any . . . court of competent jurisdiction." § 6(d)(1), 88 Stat. 61, 29 U. S. C. § 216(b). This Court, in its description of the facts, stated that "[j]urisdiction of the action was conferred by . . . 28 U. S. C. § 41(8), and . . . 29 U. S. C. § 216(b)." *Williams* v. *Jacksonville Terminal Co.*, 315 U. S. 386, 390 (1942). This brief, ambiguous statement did not settle the meaning of § 216(b), and thus did not settle the meaning of the phrase "court of competent jurisdiction." The other cases in this set dealt with

the Housing and Rent Act of 1947. As enacted, the statute permitted suit in "any Federal, State, or Territorial court of competent jurisdiction." § 206(b), 61 Stat. 199. Some courts read § 206 not to confer jurisdiction and instead assessed their jurisdiction under the federal-question jurisdiction statute. See, *e. g.*, *Schuman* v. *Greenberg*, 100 F. Supp. 187, 189 (NJ 1951) (collecting cases). At the time, that statute carried an amount-in-controversy requirement, 28 U. S. C. § 41(1) (1946 ed.), and so some cases were dismissed or remanded to state court for lack of federal jurisdiction. Congress later amended § 206 to permit suit "in any Federal court of competent jurisdiction regardless of the amount involved." Defense Production Act Amendments of 1951, § 204, 65 Stat. 147. Congress' elimination of the amount-in-controversy requirement suggests, if anything, it understood that "court of competent jurisdiction" could be read to require an outside source of jurisdiction.

The third set of cases interpreted provisions making federal jurisdiction over certain causes of action exclusive. Brief for Respondents 36–37. Those cases confirm that the provisions require suit to be brought in federal courts but do not discuss the basis for federal jurisdiction.

In sum, none of the cases on which Fannie Mae relies suggest that Congress in 1954 would have surveyed the jurisprudential landscape and necessarily concluded that the courts had already settled the question whether a sue-and-be-sued clause containing the phrase "court of competent jurisdiction" confers jurisdiction on the federal courts.

C

Fannie Mae ends with an appeal to congressional purpose, or, more accurately, a lack of congressional purpose.

It argues that its original sue-and-be-sued clause, enacted in 1934, granted jurisdiction to federal courts and that there is no indication that Congress wanted to change the status quo in 1954. The addition in 1954 of "court of competent

jurisdiction," a phrase that, as discussed, carries a clear meaning, means that the current sue-and-be-sued clause does not confer jurisdiction. An indication whether that meaning was understood as a change from the 1934 Act is not required.*

Fannie Mae next points to its sibling rival, the Federal Home Loan Mortgage Corporation, known as Freddie Mac. The two share parallel authority to compete in the secondary mortgage market. Compare 12 U. S. C. §§ 1717(b)(2)–(6) (Fannie Mae) with § 1454(a) (Freddie Mac). Suits involving Freddie Mac may be brought in federal court. See § 1452(c) ("to sue and be sued, complain and defend, in any State, Federal, or other court"); § 1452(f) (providing that Freddie Mac is a federal agency under 28 U. S. C. §§ 1345, 1442, that civil actions to which Freddie Mac is a party arise under federal law, and that Freddie Mac may remove cases to federal district court before trial).

Fannie Mae argues there is no good reason to think that Congress gave Freddie Mac fuller access to the federal courts than it has. Leaving aside the clear textual indications suggesting Congress did just that, a plausible reason does exist. In 1970, when Freddie Mac's sue-and-be-sued clause and related jurisdictional provisions were enacted, Freddie Mac was a Government-owned corporation. See Emergency Home Finance Act of 1970, § 304(a), 84 Stat. 454. Fannie Mae, on the other hand, had already transitioned into a privately owned corporation. Fannie Mae's argument on this front, moreover, contains a deeper flaw. The doors to federal court remain open to Fannie Mae through diversity

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*The legislative history of the 1934 Act provides some reason to question Fannie Mae's premise about Congress' view of the status quo under the 1934 Act. During debate on this provision, Senator Logan asked Senator Bulkley, the chair of the subcommittee with authority over the bill, about the original sue-and-be-sued clause. Senator Bulkley explained that it merely conferred a capacity to sue and be sued "and [did] not confe[r] a right to go into a Federal court where it would not otherwise exist." 78 Cong. Rec. 12008 (1934).

and federal-question jurisdiction. Fannie Mae provides no reason to think that in other cases, involving only state-law claims, access to the federal courts gives Freddie Mac an unintended competitive advantage over Fannie Mae that Congress would have wanted to avoid. Indeed, the usual assumption is that state courts are up to the task of adjudicating their own laws. Cf. *Gulf Offshore Co.* v. *Mobil Oil Corp.*, 453 U. S. 473, 483–484 (1981).

IV

The judgment of the Ninth Circuit is reversed.

It is so ordered.

Syllabus

BUCK *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 15–8049. Argued October 5, 2016—Decided February 22, 2017

Petitioner Duane Buck was convicted of capital murder in a Texas court. Under state law, the jury was permitted to impose a death sentence only if it found unanimously and beyond a reasonable doubt that Buck was likely to commit acts of violence in the future. Buck's attorney called a psychologist, Dr. Walter Quijano, to offer his opinion on that issue. Dr. Quijano had been appointed to evaluate Buck by the presiding judge and had prepared a report setting out his conclusions. To determine the likelihood that Buck would act violently in the future, Dr. Quijano had considered a number of statistical factors, including Buck's race. Although Dr. Quijano ultimately concluded that Buck was unlikely to be a future danger, his report also stated that Buck was statistically more likely to act violently because he is black. The report read, in relevant part: "**Race.** Black: Increased probability." App. 19a. Despite knowing the contents of the report, Buck's counsel called Dr. Quijano to the stand, where he testified that race is a factor "know[n] to predict future dangerousness." *Id.*, at 146a. Dr. Quijano's report was admitted into evidence at the close of his testimony. The prosecution questioned Dr. Quijano about his conclusions on race and violence during cross-examination, and it relied on his testimony in summation. During deliberations, the jury requested and received the expert reports admitted into evidence, including Dr. Quijano's. The jury returned a sentence of death.

Buck contends that his attorney's introduction of this evidence violated his Sixth Amendment right to the effective assistance of counsel. Buck failed to raise this claim in his first state postconviction proceeding. While that proceeding was pending, this Court received a petition for certiorari in *Saldano* v. *Texas*, 530 U. S. 1212, a case in which Dr. Quijano had testified that the petitioner's Hispanic heritage weighed in favor of a finding of future dangerousness. Texas confessed error on that ground, and this Court vacated the judgment below. Soon afterward, the Texas Attorney General issued a public statement identifying six similar cases in which Dr. Quijano had testified. Buck's was one of them. In the other five cases, the Attorney General confessed error

and consented to resentencing. But when Buck filed a second state habeas petition alleging that his attorney had been ineffective in introducing Dr. Quijano's testimony, the State did not confess error, and the court dismissed the petition as an abuse of the writ on the ground that Buck had failed to raise the claim in his first petition.

Buck then sought federal habeas relief under 28 U. S. C. § 2254. The State again declined to confess error, and Buck's ineffective assistance claim was held procedurally defaulted and unreviewable under *Coleman* v. *Thompson*, 501 U. S. 722. This Court's later decisions in *Martinez* v. *Ryan*, 566 U. S. 1, and *Trevino* v. *Thaler*, 569 U. S. 413, modified the rule of *Coleman*. Had they been decided before Buck filed his federal habeas petition, Buck's claim could have been heard on the merits provided he had demonstrated that (1) state postconviction counsel had been constitutionally ineffective in failing to raise the claim, and (2) the claim had some merit. Following the decision in *Trevino*, Buck sought to reopen his § 2254 case under Federal Rule of Civil Procedure 60(b)(6). To demonstrate the "extraordinary circumstances" required for relief, *Gonzalez* v. *Crosby*, 545 U. S. 524, 535, Buck cited the change in law effected by *Martinez* and *Trevino*, as well as ten other factors, including the introduction of expert testimony linking Buck's race to violence and the State's confession of error in similar cases. The District Court denied relief. Reasoning that "the introduction of any mention of race" during Buck's sentencing was "*de minimis*," the court concluded, first, that Buck had failed to demonstrate extraordinary circumstances; and second, that even if the circumstances were extraordinary, Buck had failed to demonstrate ineffective assistance under *Strickland* v. *Washington*, 466 U. S. 668. Buck sought a certificate of appealability (COA) from the Fifth Circuit to appeal the denial of his Rule 60(b)(6) motion. The Fifth Circuit denied his application, concluding that he had not shown extraordinary circumstances justifying relief from the District Court's judgment.

Held:

1. The Fifth Circuit exceeded the limited scope of the COA analysis. The COA statute sets forth a two-step process: an initial determination whether a claim is reasonably debatable, and, if so, an appeal in the normal course. 28 U. S. C. § 2253. At the first stage, the only question is whether the applicant has shown that "jurists of reason could disagree with the district court's resolution of his constitutional claims or . . . could conclude the issues presented are adequate to deserve encouragement to proceed further." *Miller-El* v. *Cockrell*, 537 U. S. 322, 327. Here, the Fifth Circuit phrased its determination in proper terms. But it reached its conclusion only after essentially deciding the case on the

merits, repeatedly faulting Buck for having failed to demonstrate extraordinary circumstances. The question for the Court of Appeals was not whether Buck had shown that his case is extraordinary; it was whether jurists of reason could debate that issue. The State points to the Fifth Circuit's thorough consideration of the merits to defend that court's approach, but this hurts rather than helps its case. Pp. 115–118.

2. Buck has demonstrated ineffective assistance of counsel under *Strickland*. Pp. 118–122.

(a) To satisfy *Strickland*, a defendant must first show that counsel performed deficiently. 466 U. S., at 687. Buck's trial counsel knew that Dr. Quijano's report reflected the view that Buck's race predisposed him to violent conduct and that the principal point of dispute during the penalty phase was Buck's future dangerousness. Counsel nevertheless called Dr. Quijano to the stand, specifically elicited testimony about the connection between race and violence, and put Dr. Quijano's report into evidence. No competent defense attorney would introduce evidence that his client is liable to be a future danger because of his race. Pp. 118–119.

(b) *Strickland* further requires a defendant to demonstrate prejudice—"a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." 466 U. S., at 694. It is reasonably probable that without Dr. Quijano's testimony on race and violence, at least one juror would have harbored a reasonable doubt on the question of Buck's future dangerousness. This issue required the jury to make a predictive judgment inevitably entailing a degree of speculation. But Buck's race was not subject to speculation, and according to Dr. Quijano, that immutable characteristic carried with it an increased probability of future violence. Dr. Quijano's testimony appealed to a powerful racial stereotype and might well have been valued by jurors as the opinion of a medical expert bearing the court's imprimatur. For these reasons, the District Court's conclusion that any mention of race during the penalty phase was *de minimis* is rejected. So is the State's argument that Buck was not prejudiced by Dr. Quijano's testimony because it was introduced by his own counsel, rather than the prosecution. Jurors understand that prosecutors seek convictions and may reasonably be expected to evaluate the government's evidence in light of its motivations. When damaging evidence is introduced by a defendant's own lawyer, it is in the nature of an admission against interest, more likely to be taken at face value. Pp. 119–122.

3. The District Court's denial of Buck's Rule 60(b)(6) motion was an abuse of discretion. Pp. 122–128.

(a) Relief under Rule 60(b)(6) is available only in "extraordinary circumstances." *Gonzalez*, 545 U. S., at 535. Determining whether

such circumstances are present may include consideration of a wide range of factors, including "the risk of injustice to the parties" and "the risk of undermining the public's confidence in the judicial process." *Liljeberg* v. *Health Services Acquisition Corp.*, 486 U. S. 847, 863–864. The District Court's denial of Buck's motion rested largely on its determination that race played only a *de minimis* role in his sentencing. But there is a reasonable probability that Buck was sentenced to death in part because of his race. This is a disturbing departure from the basic premise that our criminal law punishes people for what they do, not who they are. That it concerned race amplifies the problem. Relying on race to impose a criminal sanction "poisons public confidence" in the judicial process, *Davis* v. *Ayala*, 576 U. S. 257, 285, a concern that supports Rule 60(b)(6) relief. The extraordinary nature of this case is confirmed by the remarkable steps the State itself took in response to Dr. Quijano's testimony in other cases. Although the State attempts to justify its decision to treat Buck differently from the other five defendants identified in the Attorney General's public statement, its explanations for distinguishing Buck's case from *Saldano* have nothing to do with the Attorney General's stated reasons for confessing error in that case. Pp. 122–126.

(b) Unless *Martinez* and *Trevino*, rather than *Coleman*, would govern Buck's case were it reopened, his claim would remain unreviewable and Rule 60(b)(6) relief would be inappropriate. The State argues that *Martinez* and *Trevino* would not govern Buck's case because they announced a "new rule" under *Teague* v. *Lane*, 489 U. S. 288, that does not apply retroactively to cases (like Buck's) on collateral review. This argument, however, has been waived: The State failed to advance it in District Court, before the Fifth Circuit, or in its brief in opposition to Buck's petition for certiorari. Pp. 126–128.

623 Fed. Appx. 668, reversed and remanded.

ROBERTS, C. J., delivered the opinion of the Court, in which KENNEDY, GINSBURG, BREYER, SOTOMAYOR, and KAGAN, JJ., joined. THOMAS, J., filed a dissenting opinion, in which ALITO, J., joined, *post*, p. 128.

Christina A. Swarns argued the cause for petitioner. With her on the briefs were *Sherrilyn Ifill*, *Janai Nelson*, *Jin Hee Lee*, *Natasha M. Korgaonkar*, *Raymond Audain*, *Natasha Merle*, *Kathryn M. Kase*, *Katherine C. Black*, and *Samuel Spital*.

Scott A. Keller, Solicitor General of Texas, argued the cause for respondent. With him on the brief were *Ken Pax-*

ton, Attorney General, *Jeffrey C. Mateer*, First Assistant Attorney General, *J. Campbell Barker*, Deputy Solicitor General, and *Bill Davis* and *Ari Cuenin*, Assistant Solicitors General.*

CHIEF JUSTICE ROBERTS delivered the opinion of the Court.

A Texas jury convicted petitioner Duane Buck of capital murder. Under state law, the jury could impose a death sentence only if it found that Buck was likely to commit acts of violence in the future. Buck's attorney called a psychologist to offer his opinion on that issue. The psychologist testified that Buck probably would not engage in violent conduct. But he also stated that one of the factors pertinent in assessing a person's propensity for violence was his race, and that Buck was statistically more likely to act violently because he is black. The jury sentenced Buck to death.

Buck contends that his attorney's introduction of this evidence violated his Sixth Amendment right to the effective assistance of counsel. This claim has never been heard on the merits in any court, because the attorney who represented Buck in his first state postconviction proceeding failed to raise it. In 2006, a Federal District Court relied on that failure—properly, under then-governing law—to hold that Buck's claim was procedurally defaulted and unreviewable.

In 2014, Buck sought to reopen that 2006 judgment by filing a motion under Federal Rule of Civil Procedure 60(b)(6).

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*Briefs of *amici curiae* urging reversal were filed for Constitutional Accountability Center by *Elizabeth B. Wydra*, *Brianne J. Gorod*, *David H. Gans*, and *Brian R. Frazelle*; for Former Prosecutors by *Michael J. Gottlieb* and *Randall W. Jackson*; for the Lawyers' Committee for Civil Rights Under Law by *Brian J. Murray*, *Kenton J. Skarin*, *Kristen Clarke*, *Jon Greenbaum*, and *Charlotte H. Taylor*; for the National Association of Criminal Defense Lawyers et al. by *Hilary Sheard* and *Barbara E. Bergman*; for the National Black Law Students Association by *Deborah N. Archer* and *Aderson B. Francois*; and for David Boyle by *Mr. Boyle*, *pro se*.

He argued that this Court's decisions in *Martinez* v. *Ryan*, 566 U. S. 1 (2012), and *Trevino* v. *Thaler*, 569 U. S. 413 (2013), had changed the law in a way that provided an excuse for his procedural default, permitting him to litigate his claim on the merits. In addition to this change in the law, Buck's motion identified ten other factors that, he said, constituted the "extraordinary circumstances" required to justify reopening the 2006 judgment under the Rule. See *Gonzalez* v. *Crosby*, 545 U. S. 524, 535 (2005).

The District Court below denied the motion, and the Fifth Circuit declined to issue the certificate of appealability (COA) requested by Buck to appeal that decision. We granted certiorari, and now reverse.

I

A

On the morning of July 30, 1995, Duane Buck arrived at the home of his former girlfriend, Debra Gardner. He was carrying a rifle and a shotgun. Buck entered the home, shot Phyllis Taylor, his stepsister, and then shot Gardner's friend Kenneth Butler. Gardner fled the house, and Buck followed. So did Gardner's young children. While Gardner's son and daughter begged for their mother's life, Buck shot Gardner in the chest. Gardner and Butler died of their wounds. Taylor survived.

Police officers arrived soon after the shooting and placed Buck under arrest. An officer would later testify that Buck was laughing at the scene. He remained "happy" and "upbeat" as he was driven to the police station, "[s]miling and laughing" in the back of the patrol car. App. 134a–135a, 252a.

Buck was tried for capital murder, and the jury convicted. During the penalty phase of the trial, the jury was charged with deciding two issues. The first was what the parties term the "future dangerousness" question. At the time of Buck's trial, a Texas jury could impose the death penalty

only if it found—unanimously and beyond a reasonable doubt—"a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society." Tex. Code Crim. Proc. Ann., Art. 37.071, § 2(b)(1) (Vernon Cum. Supp. 1998). The second issue, to be reached only if the jury found Buck likely to be a future danger, was whether mitigating circumstances nevertheless warranted a sentence of life imprisonment instead of death. See § 2(e).

The parties focused principally on the first question. The State called witnesses who emphasized the brutality of Buck's crime and his evident lack of remorse in its aftermath. The State also called another former girlfriend, Vivian Jackson. She testified that, during their relationship, Buck had routinely hit her and had twice pointed a gun at her. Finally, the State introduced evidence of Buck's criminal history, including convictions for delivery of cocaine and unlawfully carrying a weapon. App. 125a–127a, 185a.

Defense counsel answered with a series of lay witnesses, including Buck's father and stepmother, who testified that they had never known him to be violent. Counsel also called two psychologists to testify as experts. The first, Dr. Patrick Lawrence, observed that Buck had previously served time in prison and had been held in minimum custody. From this he concluded that Buck "did not present any problems in the prison setting." Record in No. 4:04–cv–03965 (SD Tex.), Doc. 5–116, pp. 12–13. Dr. Lawrence further testified that murders within the Texas penal system tend to be gang related (there was no evidence Buck had ever been a member of a gang) and that Buck's offense had been a "crime of passion" occurring within the context of a romantic relationship. *Id.*, at 4, 19, 21. Based on these considerations, Dr. Lawrence determined that Buck was unlikely to be a danger if he were sentenced to life in prison. *Id.*, at 20–21.

Buck's second expert, Dr. Walter Quijano, had been appointed by the presiding judge to conduct a psychological evaluation. Dr. Quijano had met with Buck in prison prior to trial and shared a report of his findings with defense counsel.

Like Dr. Lawrence, Dr. Quijano thought it significant that Buck's prior acts of violence had arisen from romantic relationships with women; Buck, of course, would not form any such relationships while incarcerated. And Dr. Quijano likewise considered Buck's behavioral record in prison a good indicator that future violence was unlikely. App. 36a, 39a–40a.

But there was more to the report. In determining whether Buck was likely to pose a danger in the future, Dr. Quijano considered seven "statistical factors." The fourth factor was "race." His report read, in relevant part: "4. **Race.** Black: Increased probability. There is an overrepresentation of Blacks among the violent offenders." *Id.*, at 19a.

Despite knowing Dr. Quijano's view that Buck's race was competent evidence of an increased probability of future violence, defense counsel called Dr. Quijano to the stand and asked him to discuss the "statistical factors" he had "looked at in regard to this case." *Id.*, at 145a–146a. Dr. Quijano responded that certain factors were "know[n] to predict future dangerousness" and, consistent with his report, identified race as one of them. *Id.*, at 146a. "It's a sad commentary," he testified, "that minorities, Hispanics and black people, are over represented in the Criminal Justice System." *Ibid.* Through further questioning, counsel elicited testimony concerning factors Dr. Quijano thought favorable to Buck, as well as his ultimate opinion that Buck was unlikely to pose a danger in the future. At the close of Dr. Quijano's testimony, his report was admitted into evidence. *Id.*, at 150a–152a.

After opening cross-examination with a series of general questions, the prosecutor likewise turned to the report. She asked first about the statistical factors of past crimes and age, then questioned Dr. Quijano about the roles of sex and race: "You have determined that the sex factor, that a male is more violent than a female because that's just the way it is, and that the race factor, black, increases the future dangerousness for various complicated reasons; is that correct?" *Id.*, at 170a. Dr. Quijano replied, "Yes." *Ibid.*

During closing arguments, defense counsel emphasized that Buck had proved to be "controllable in the prison population," and that his crime was one of "jealousy, . . . passion and emotion" unlikely to be repeated in jail. *Id.*, at 189a–191a. The State stressed the crime's brutal nature and Buck's lack of remorse, along with the inability of Buck's own experts to guarantee that he would not act violently in the future—a point it supported by reference to Dr. Quijano's testimony. See *id.*, at 198a–199a ("You heard from Dr. Quijano, . . . who told you that . . . the probability did exist that [Buck] would be a continuing threat to society.").

The jury deliberated over the course of two days. During that time it sent out four notes, one of which requested the "psychology reports" that had been admitted into evidence. *Id.*, at 209a. These reports—including Dr. Quijano's—were provided. The jury returned a sentence of death.

B

Buck's conviction and sentence were affirmed on direct appeal. *Buck* v. *State*, No. 72,810 (Tex. Crim. App., Apr. 28, 1999). His case then entered a labyrinth of state and federal collateral review, where it has wandered for the better part of two decades.

Buck filed his first petition for a writ of habeas corpus in Texas state court in 1999. The four claims advanced in his petition, however, were all frivolous or noncognizable. See *Ex parte Buck*, No. 699684–A (Dist. Ct. Harris Cty., Tex.,

July 11, 2003), pp. 6–7. The petition failed to mention defense counsel's introduction of expert testimony that Buck's race increased his propensity for violence.

But Dr. Quijano had testified in other cases, too, and in 1999, while Buck's first habeas petition was pending, one of those cases reached this Court. The petitioner, Victor Hugo Saldano, argued that his death sentence had been tainted by Dr. Quijano's testimony that Saldano's Hispanic heritage "was a factor weighing in the favor of future dangerousness." App. 302a. Texas confessed error on that ground and asked this Court to grant Saldano's petition for certiorari, vacate the state court judgment, and remand the case. In June 2000, the Court did so. *Saldano* v. *Texas*, 530 U. S. 1212.

Within days, the Texas Attorney General, John Cornyn, issued a public statement concerning the cases in which Dr. Quijano had testified. The statement affirmed that "it is inappropriate to allow race to be considered as a factor in our criminal justice system." App. 213a. In keeping with that principle, the Attorney General explained that his office had conducted a "thorough audit" and "identified eight more cases in which testimony was offered by Dr. Quijano that race should be a factor for the jury to consider in making its determination about the sentence in a capital murder trial." *Ibid.* Six of those cases were "similar to that of Victor Hugo Saldano"; in those cases, letters had been sent to counsel apprising them of the Attorney General's findings. *Id.*, at 213a–214a. The statement closed by identifying the defendants in those six cases. Buck was one of them. *Id.*, at 215a–217a. By the close of 2002, the Attorney General had confessed error, waived any available procedural defenses, and consented to resentencing in the cases of five of those six defendants. See *Alba* v. *Johnson*, 232 F. 3d 208 (CA5 2000) (Table); Memorandum and Order in *Blue* v. *Johnson*, No. 4:99–cv–00350 (SD Tex.), pp. 15–17; Order in *Garcia* v. *Johnson*, No. 1:99–cv–00134 (ED Tex.), p. 1; Order in *Broxton* v. *Johnson*, No. 4:00–cv–01034 (SD Tex.), pp. 10–11; Final

Judgment in *Gonzales* v. *Cockrell*, No. 7:99–cv–00072 (WD Tex.), p. 1.

Not, however, in Buck's. In 2002, Buck's attorney filed a new state habeas petition alleging that trial counsel had rendered ineffective assistance by introducing Dr. Quijano's testimony. The State was not represented by the Attorney General in this proceeding—the Texas Attorney General represents state respondents in federal habeas cases, but not state habeas cases—and it did not confess error. Because Buck's petition was successive, the Texas Court of Criminal Appeals dismissed it as an abuse of the writ. *Ex parte Buck*, Nos. 57,004–01, 57,004–02 (Oct. 15, 2003) (*per curiam*).

Buck turned to the federal courts. He filed a petition for habeas corpus under 28 U. S. C. § 2254 in October 2004, by which time Attorney General Cornyn had left office. See *Buck* v. *Dretke*, 2006 WL 8411481, *2 (SD Tex., July 24, 2006). Buck sought relief on the ground that trial counsel's introduction of Dr. Quijano's testimony was constitutionally ineffective. The State responded that the state court had dismissed Buck's ineffective assistance claim because Buck had failed to press it in his first petition, raising it for the first time in a procedurally improper second petition. The State argued that such reliance on an established state rule of procedure was an adequate and independent state ground precluding federal review. Texas acknowledged that it had waived similar procedural defenses in Saldano's case. But it argued that Buck's case was different because "[i]n Saldano's case Dr. Quijano *testified for the State*"; in Buck's, "it was Buck who called Dr. Quijano to testify." Answer and Motion for Summary Judgment in No. 4:04–cv–03965 (SD Tex.), p. 20.

Buck countered that, notwithstanding his procedural default, the District Court should reach the merits of his claim because a failure to do so would result in a miscarriage of justice. Buck did not argue that his default should be excused on a showing of "cause" and "prejudice"—that is, cause for the default, and prejudice from the denial of a federal

right. And for good reason: At the time Buck filed his § 2254 petition, our decision in *Coleman* v. *Thompson*, 501 U. S. 722, 752–753 (1991), made clear that an attorney's failure to raise an ineffective assistance claim during state postconviction review could not constitute cause. The District Court rejected Buck's miscarriage of justice argument and held that, because of his procedural default, his ineffective assistance claim was unreviewable. *Buck* v. *Dretke*, 2006 WL 8411481, *8. Buck unsuccessfully sought review of the District Court's ruling. See *Buck* v. *Thaler*, 345 Fed. Appx. 923 (CA5 2009) (*per curiam*) (denying application for a COA), cert. denied, 559 U. S. 1072 (2010).

In 2011, Buck sought to reopen his case, arguing that the prosecution had violated the Equal Protection and Due Process Clauses by asking Dr. Quijano about the relationship between race and future violence on cross-examination and referring to his testimony during summation. Buck also argued that the State's decision to treat him differently from the other defendants affected by Dr. Quijano's testimony justified relieving him of the District Court's adverse judgment. The Fifth Circuit disagreed, see *Buck* v. *Thaler*, 452 Fed. Appx. 423, 427–428 (CA5 2011) (*per curiam*), and we denied certiorari, *Buck* v. *Thaler*, 565 U. S. 1022 (2011). Buck, still barred by *Coleman* from avoiding the consequences of his procedural default, did not pursue his ineffective assistance claim.

C

In 2012, this Court "modif[ied] the unqualified statement in *Coleman* that an attorney's ignorance or inadvertence in a postconviction proceeding does not qualify as cause to excuse a procedural default." *Martinez*, 566 U. S., at 9. We held that when a State formally limits the adjudication of claims of ineffective assistance of trial counsel to collateral review, a prisoner may establish cause for procedural default if (1) "the state courts did not appoint counsel in the initial-review collateral proceeding," or "appointed counsel in [that]

proceeding . . . was ineffective under the standards of *Strickland* v. *Washington*, 466 U. S. 668 (1984)"; and (2) "the underlying . . . claim is a substantial one, which is to say that . . . the claim has some merit." *Id.*, at 14.

By its terms, *Martinez* did not bear on Buck's ineffective assistance claim. At the time of Buck's conviction and appeal, Texas did not formally require criminal defendants to reserve such claims for collateral review. In *Trevino*, however, the Court concluded that the exception announced in *Martinez* extended to state systems that, as a practical matter, deny criminal defendants "a meaningful opportunity" to press ineffective assistance claims on direct appeal. 569 U. S., at 428. The Court further concluded that the system in Texas, where petitioner had been convicted, was such a system. *Ibid.* The upshot: Had *Martinez* and *Trevino* been decided before Buck filed his § 2254 petition, a federal court could have reviewed Buck's ineffective assistance claim if he demonstrated that (1) state postconviction counsel had been constitutionally ineffective in failing to raise it, and (2) the claim had "some merit." *Martinez*, 566 U. S., at 14.

D

When *Trevino* was decided, Buck's third state habeas petition was pending in Texas court. That petition was denied in November 2013. *Ex parte Buck*, 418 S. W. 3d 98 (Tex. Crim. App. 2013) (*per curiam*). Two months later, Buck returned to federal court, where he filed a motion to reopen his § 2254 case under Federal Rule of Civil Procedure 60(b)(6). Rule 60(b) enumerates specific circumstances in which a party may be relieved of the effect of a judgment, such as mistake, newly discovered evidence, fraud, and the like. The Rule concludes with a catchall category—subdivision (b)(6)—providing that a court may lift a judgment for "any other reason that justifies relief." Relief is available under subdivision (b)(6), however, only in "extraordinary circumstances," and the Court has explained that "[s]uch cir-

cumstances will rarely occur in the habeas context." *Gonzalez*, 545 U. S., at 535.

In his motion, Buck identified 11 factors that, in his view, justified reopening the judgment. These included his attorney's introduction of expert testimony linking Buck's race to violence, the central issue at sentencing; the prosecution's questions about race and violence on cross-examination and reliance on Dr. Quijano's testimony in summation; the State's confession of error in other cases in which Dr. Quijano testified, but its refusal to concede error in Buck's case; and the change in law effected by *Martinez* and *Trevino*, which, if they had been decided earlier, would have permitted federal review of Buck's defaulted claim. App. 283a–285a.

The District Court denied relief on two grounds. First, the court concluded that Buck had failed to demonstrate extraordinary circumstances. To that end, the court observed that a change in decisional law is rarely extraordinary by itself. *Buck* v. *Stephens*, 2014 WL 11310152, *4 (SD Tex., Aug. 29, 2014). It further determined that the State's "promise" not to oppose resentencing did not count for much, reasoning that "Buck's case is different in critical respects from the cases in which Texas confessed error" in that Buck's lawyer, not the prosecutor, had first elicited the objectionable testimony. *Id.*, at *4–*5. The court also dismissed the contention that the nature of Dr. Quijano's testimony argued for reopening the case. Although "the introduction of any mention of race was," in the court's view, "ill[ ]advised at best and repugnant at worst," it was also "*de minimis*": Dr. Quijano had discussed the connection between race and violence only twice. *Id.*, at *5. The court accordingly concluded that Buck had failed to make out the predicate for Rule 60(b)(6) relief.

Second, the court determined that—even if the circumstances *were* extraordinary—Buck's claim would fail on the merits. The court noted that under *Strickland*, Buck was obliged to show that counsel's performance was both defi-

cient and prejudicial. The court held that Buck's lawyer had indeed performed deficiently in calling Dr. Quijano to give testimony that "len[t] credence to any potential latent racial prejudice held by the jury." 2014 WL 11310152, *6. But, the court concluded, Buck had failed to demonstrate prejudice. It observed that Buck's crime had been "horrific." *Ibid.* And the court had already concluded that "the introduction of any mention of race was . . . *de minimis*." *Id.*, at *5. For those reasons, it held, Buck had failed to show a reasonable probability that he would not have been sentenced to death but for Dr. Quijano's testimony about race and violence.

Buck sought to appeal the denial of his Rule 60(b)(6) motion. He accordingly filed an application for a COA with the Fifth Circuit. To obtain a COA, Buck was required to make "a substantial showing of the denial of a constitutional right."* 28 U. S. C. § 2253(c)(2).

The Fifth Circuit denied a COA, concluding that Buck's case was "not extraordinary at all in the habeas context." *Buck* v. *Stephens*, 623 Fed. Appx. 668, 673 (2015). The panel agreed with the District Court that *Martinez* and *Trevino* were not significant factors in the analysis. It characterized most of the other factors Buck had identified as "variations on the merits" of his claim, which was "at least unremarkable as far as [ineffective assistance] claims go." 623 Fed. Appx., at 673. The panel likewise rejected Buck's argument that he was entitled to relief because the State had issued a press release indicating that his case would be treated like Saldano's, and then had confessed error in the other cases identified as similar in the statement, but not in Buck's. *Id.*, at 674. Because Buck had "not shown extraordinary circum-

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*The Federal Courts of Appeals appear to disagree over whether a COA is needed to appeal the denial of a Rule 60(b) motion. See *Gonzalez* v. *Crosby*, 545 U. S. 524, 535, and n. 7 (2005). In keeping with the approach adopted by the Fifth Circuit below and by the parties in their briefs, we assume without deciding that a COA is required here.

stances that would permit relief under Federal Rule of Civil Procedure 60(b)(6)," the panel "den[ied] the application for a COA." *Id.*, at 669.

Buck's motion for rehearing en banc was denied over two dissenting votes. *Buck* v. *Stephens*, 630 Fed. Appx. 251 (CA5 2015) (*per curiam*). We granted certiorari. *Buck* v. *Stephens*, 578 U. S. 1022 (2016).

II

A state prisoner whose petition for a writ of habeas corpus is denied by a federal district court does not enjoy an absolute right to appeal. Federal law requires that he first obtain a COA from a circuit justice or judge. 28 U. S. C. § 2253(c)(1). A COA may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." § 2253(c)(2). Until the prisoner secures a COA, the court of appeals may not rule on the merits of his case. *Miller-El* v. *Cockrell*, 537 U. S. 322, 336 (2003).

The COA inquiry, we have emphasized, is not coextensive with a merits analysis. At the COA stage, the only question is whether the applicant has shown that "jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." *Id.*, at 327. This threshold question should be decided without "full consideration of the factual or legal bases adduced in support of the claims." *Id.*, at 336. "When a court of appeals sidesteps [the COA] process by first deciding the merits of an appeal, and then justifying its denial of a COA based on its adjudication of the actual merits, it is in essence deciding an appeal without jurisdiction." *Id.*, at 336–337.

The court below phrased its determination in proper terms—that jurists of reason would not debate that Buck should be denied relief, 623 Fed. Appx., at 674—but it reached that conclusion only after essentially deciding the

case on the merits. As the court put it in the second sentence of its opinion: "Because [Buck] has not shown extraordinary circumstances that would permit relief under Federal Rule of Civil Procedure 60(b)(6), we deny the application for a COA." *Id.*, at 669. The balance of the Fifth Circuit's opinion reflects the same approach. The change in law effected by *Martinez* and *Trevino*, the panel wrote, was "not an extraordinary circumstance." 623 Fed. Appx., at 674. Even if Texas initially indicated to Buck that he would be resentenced, its "decision not to follow through" was "not extraordinary." *Ibid.* Buck "ha[d] not shown why" the State's alleged broken promise "would justify relief from the judgment." *Ibid.*

But the question for the Fifth Circuit was not whether Buck had "shown extraordinary circumstances" or "shown why [Texas's broken promise] would justify relief from the judgment." *Id.*, at 669, 674. Those are ultimate merits determinations the panel should not have reached. We reiterate what we have said before: A "court of appeals should limit its examination [at the COA stage] to a threshold inquiry into the underlying merit of [the] claims," and ask "only if the District Court's decision was debatable." *Miller-El*, 537 U. S., at 327, 348.

The dissent does not accept this established rule, arguing that a reviewing court that deems a claim nondebatable "must necessarily conclude that the claim is meritless." *Post*, at 129 (opinion of THOMAS, J.). Of course when a court of appeals properly applies the COA standard and determines that a prisoner's claim is not even debatable, that necessarily means the prisoner has failed to show that his claim is meritorious. But the converse is not true. That a prisoner has failed to make the ultimate showing that his claim is meritorious does not logically mean he failed to make a preliminary showing that his claim was debatable. Thus, when a reviewing court (like the Fifth Circuit here) inverts the statutory order of operations and "first decid[es] the mer-

its of an appeal, . . . then justif[ies] its denial of a COA based on its adjudication of the actual merits," it has placed too heavy a burden on the prisoner *at the COA stage*. *Miller-El*, 537 U. S., at 336–337. *Miller-El* flatly prohibits such a departure from the procedure prescribed by § 2253. *Ibid.*

The State defends the Fifth Circuit's approach by arguing that the court's consideration of an application for a COA is often quite thorough. The court "occasionally hears oral argument when considering whether to grant a COA in a capital case." Brief for Respondent 50. Indeed, in one recent case, it "received nearly 200 pages of initial briefing, permitted a reply brief, considered the parties' supplemental authorities, invited supplemental letter briefs from both sides, and heard oral argument before denying the request for a COA." *Id.*, at 50–51.

But this hurts rather than helps the State's case. "[A] claim can be debatable even though every jurist of reason might agree, after the COA has been granted and the case has received full consideration, that petitioner will not prevail." *Miller-El*, 537 U. S., at 338. The statute sets forth a two-step process: an initial determination whether a claim is reasonably debatable, and then—if it is—an appeal in the normal course. We do not mean to specify what procedures may be appropriate in every case. But whatever procedures are employed at the COA stage should be consonant with the limited nature of the inquiry.

Given the approach of the court below, it is perhaps understandable that the parties have essentially briefed and argued the underlying merits at length. See, *e. g.*, Brief for Petitioner 32 ("[T]rial counsel rendered deficient performance under *Strickland*."); *id.*, at 39 ("[T]here is a reasonable probability that Dr. Quijano's race-as-dangerousness opinion swayed the judgment of jurors in favor of death." (internal quotation marks and alteration omitted)); *id.*, at 59 (Buck "has demonstrated his entitlement to relief under Rule 60(b)(6)"); Brief for Respondent 40 ("The particular facts of

petitioner's case do not establish extraordinary circumstances justifying relief from the judgment." (boldface type deleted)). With respect to this Court's review, § 2253 does not limit the scope of our consideration of the underlying merits, and at this juncture we think it proper to meet the decision below and the arguments of the parties on their own terms.

III

Buck's request for a COA raised two separate questions for the Fifth Circuit, one substantive and one procedural: first, whether reasonable jurists could debate the District Court's conclusion that Buck was not denied his right to effective assistance of counsel under *Strickland*; and second, whether reasonable jurists could debate the District Court's procedural holding that Buck had not made the necessary showing to reopen his case under Rule 60(b)(6).

A

We begin with the District Court's determination (not specifically addressed by the Fifth Circuit) that Buck's constitutional claim failed on the merits. The Sixth Amendment right to counsel "is the right to the effective assistance of counsel." *Strickland*, 466 U. S., at 686 (quoting *McMann* v. *Richardson*, 397 U. S. 759, 771, n. 14 (1970)). A defendant who claims to have been denied effective assistance must show both that counsel performed deficiently and that counsel's deficient performance caused him prejudice. 466 U. S., at 687.

1

Strickland's first prong sets a high bar. A defense lawyer navigating a criminal proceeding faces any number of choices about how best to make a client's case. The lawyer has discharged his constitutional responsibility so long as his decisions fall within the "wide range of professionally competent assistance." *Id.*, at 690. It is only when the lawyer's errors were "so serious that counsel was not functioning as the

'counsel' guaranteed . . . by the Sixth Amendment" that *Strickland*'s first prong is satisfied. *Id.*, at 687.

The District Court determined that, in this case, counsel's performance fell outside the bounds of competent representation. We agree. Counsel knew that Dr. Quijano's report reflected the view that Buck's race disproportionately predisposed him to violent conduct; he also knew that the principal point of dispute during the trial's penalty phase was whether Buck was likely to act violently in the future. Counsel nevertheless (1) called Dr. Quijano to the stand; (2) specifically elicited testimony about the connection between Buck's race and the likelihood of future violence; and (3) put into evidence Dr. Quijano's expert report that stated, in reference to factors bearing on future dangerousness, "**Race.** Black: Increased probability." App. 19a, 145a–146a.

Given that the jury had to make a finding of future dangerousness before it could impose a death sentence, Dr. Quijano's report said, in effect, that the color of Buck's skin made him more deserving of execution. It would be patently unconstitutional for a State to argue that a defendant is liable to be a future danger because of his race. See *Zant* v. *Stephens*, 462 U. S. 862, 885 (1983) (identifying race among factors that are "constitutionally impermissible or totally irrelevant to the sentencing process"). No competent defense attorney would introduce such evidence about his own client. See *Buck* v. *Thaler*, 565 U. S., at 1022 (statement of ALITO, J., joined by Scalia and BREYER, JJ., respecting denial of certiorari) (Buck's case "concerns bizarre and objectionable testimony").

2

To satisfy *Strickland*, a litigant must also demonstrate prejudice—"a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." 466 U. S., at 694. Accordingly, the question before the District Court was whether Buck had demonstrated a reasonable probability that, without Dr. Qui-

jano's testimony on race, at least one juror would have harbored a reasonable doubt about whether Buck was likely to be violent in the future. The District Court concluded that Buck had not made such a showing. We disagree.

In arguing that the jury would have imposed a death sentence even if Dr. Quijano had not offered race-based testimony, the State primarily emphasizes the brutality of Buck's crime and his lack of remorse. A jury may conclude that a crime's vicious nature calls for a sentence of death. See *Wong* v. *Belmontes*, 558 U. S. 15 (2009) (*per curiam*). In this case, however, several considerations convince us that it is reasonably probable—notwithstanding the nature of Buck's crime and his behavior in its aftermath—that the proceeding would have ended differently had counsel rendered competent representation.

Dr. Quijano testified on the key point at issue in Buck's sentencing. True, the jury was asked to decide two issues—whether Buck was likely to be a future danger, and, if so, whether mitigating circumstances nevertheless justified a sentence of life imprisonment. But the focus of the proceeding was on the first question. Much of the penalty phase testimony was directed to future dangerousness, as were the summations for both sides. The jury, consistent with the focus of the parties, asked during deliberations to see the expert reports on dangerousness. See App. 187a–196a, 198a–203a, 209a.

Deciding the key issue of Buck's dangerousness involved an unusual inquiry. The jurors were not asked to determine a historical fact concerning Buck's conduct, but to render a predictive judgment inevitably entailing a degree of speculation. Buck, all agreed, had committed acts of terrible violence. Would he do so again?

Buck's prior violent acts had occurred outside of prison, and within the context of romantic relationships with women. If the jury did not impose a death sentence, Buck would be sentenced to life in prison, and no such romantic relationship

would be likely to arise. A jury could conclude that those changes would minimize the prospect of future dangerousness.

But one thing would never change: the color of Buck's skin. Buck would always be black. And according to Dr. Quijano, that immutable characteristic carried with it an "[i]ncreased probability" of future violence. *Id.*, at 19a. Here was hard statistical evidence—from an expert—to guide an otherwise speculative inquiry.

And it was potent evidence. Dr. Quijano's testimony appealed to a powerful racial stereotype—that of black men as "violence prone." *Turner* v. *Murray*, 476 U. S. 28, 35 (1986) (plurality opinion). In combination with the substance of the jury's inquiry, this created something of a perfect storm. Dr. Quijano's opinion coincided precisely with a particularly noxious strain of racial prejudice, which itself coincided precisely with the central question at sentencing. The effect of this unusual confluence of factors was to provide support for making a decision on life or death on the basis of race.

This effect was heightened due to the source of the testimony. Dr. Quijano took the stand as a medical expert bearing the court's imprimatur. The jury learned at the outset of his testimony that he held a doctorate in clinical psychology, had conducted evaluations in some 70 capital murder cases, and had been appointed by the trial judge (at public expense) to evaluate Buck. App. 138a–141a. Reasonable jurors might well have valued his opinion concerning the central question before them. See *Satterwhite* v. *Texas*, 486 U. S. 249, 259 (1988) (testimony from "a medical doctor specializing in psychiatry" on the question of future dangerousness may have influenced the sentencing jury).

For these reasons, we cannot accept the District Court's conclusion that "the introduction of any mention of race" during the penalty phase was "*de minimis*." 2014 WL 11310152, *5. There were only "two references to race in Dr. Quijano's testimony"—one during direct examination, the other on cross. *Ibid.* But when a jury hears expert

testimony that expressly makes a defendant's race directly pertinent on the question of life or death, the impact of that evidence cannot be measured simply by how much air time it received at trial or how many pages it occupies in the record. Some toxins can be deadly in small doses.

The State acknowledges, as it must, that introducing "race or ethnicity as evidence of criminality" can in some cases prejudice a defendant. Brief for Respondent 31. But it insists that this is not such a case, because Buck's own counsel, not the prosecution, elicited the offending testimony. We are not convinced. In fact, the distinction could well cut the other way. A prosecutor is seeking a conviction. Jurors understand this and may reasonably be expected to evaluate the government's evidence and arguments in light of its motivations. When a defendant's own lawyer puts in the offending evidence, it is in the nature of an admission against interest, more likely to be taken at face value.

The effect of Dr. Quijano's testimony on Buck's sentencing cannot be dismissed as "*de minimis*." Buck has demonstrated prejudice.

B

1

We now turn to the lower courts' procedural holding: that Buck failed to demonstrate that he was entitled to have the judgment against him reopened under Rule 60(b)(6). We have held that a litigant seeking a COA must demonstrate that a procedural ruling barring relief is itself debatable among jurists of reason; otherwise, the appeal would not "deserve encouragement to proceed further." *Slack* v. *McDaniel*, 529 U. S. 473, 484 (2000) (quoting *Barefoot* v. *Estelle*, 463 U. S. 880, 893, n. 4 (1983)).

The Rule 60(b)(6) holding Buck challenges would be reviewed for abuse of discretion during a merits appeal, see 11 C. Wright, A. Miller, & M. Kane, Federal Practice and Proce-

dure § 2857 (3d ed. 2012), and the parties agree that the COA question is therefore whether a reasonable jurist could conclude that the District Court abused its discretion in declining to reopen the judgment. See Brief for Petitioner 54–57; Brief for Respondent 34.

Buck brought his Rule 60(b) motion under the Rule's catchall category, subdivision (b)(6), which permits a court to reopen a judgment for "any other reason that justifies relief." Rule 60(b) vests wide discretion in courts, but we have held that relief under Rule 60(b)(6) is available only in "extraordinary circumstances." *Gonzalez*, 545 U. S., at 535. In determining whether extraordinary circumstances are present, a court may consider a wide range of factors. These may include, in an appropriate case, "the risk of injustice to the parties" and "the risk of undermining the public's confidence in the judicial process." *Liljeberg* v. *Health Services Acquisition Corp.*, 486 U. S. 847, 864 (1988).

In the circumstances of this case, the District Court abused its discretion in denying Buck's Rule 60(b)(6) motion. The District Court's conclusion that Buck "ha[d] failed to demonstrate that this case presents extraordinary circumstances" rested in large measure on its determination that "the introduction of any mention of race"—though "ill[ ]advised at best and repugnant at worst"—played only a "*de minimis*" role in the proceeding. 2014 WL 11310152, *5. The Fifth Circuit, for its part, failed even to mention the racial evidence in concluding that Buck's claim was "at least unremarkable as far as [ineffective assistance] claims go." 623 Fed. Appx., at 673. But our holding on prejudice makes clear that Buck may have been sentenced to death in part because of his race. As an initial matter, this is a disturbing departure from a basic premise of our criminal justice system: Our law punishes people for what they do, not who they are. Dispensing punishment on the basis of an immutable characteristic flatly contravenes this guiding principle. As petitioner correctly puts it, "[i]t stretches credulity to char-

acterize Mr. Buck's [ineffective assistance of counsel] claim as run-of-the-mill." Brief for Petitioner 57.

This departure from basic principle was exacerbated because it concerned race. "Discrimination on the basis of race, odious in all aspects, is especially pernicious in the administration of justice." *Rose* v. *Mitchell*, 443 U. S. 545, 555 (1979). Relying on race to impose a criminal sanction "poisons public confidence" in the judicial process. *Davis* v. *Ayala*, 576 U. S. 257, 285 (2015). It thus injures not just the defendant, but "the law as an institution, . . . the community at large, and . . . the democratic ideal reflected in the processes of our courts." *Rose*, 443 U. S., at 556 (internal quotation marks omitted). Such concerns are precisely among those we have identified as supporting relief under Rule 60(b)(6). See *Liljeberg*, 486 U. S., at 864.

The extraordinary nature of this case is confirmed by what the State itself did in response to Dr. Quijano's testimony. When the case of Victor Hugo Saldano came before this Court, Texas confessed error and consented to resentencing. The State's response to Saldano's petition for certiorari succinctly expressed the injustice Saldano had suffered: "the infusion of race as a factor for the jury to weigh in making its determination violated his constitutional right to be sentenced without regard to the color of his skin." App. 306a.

The Attorney General's public statement, issued shortly after we vacated the judgment in Saldano's case, reflected this sentiment. It explained that the State had responded to Saldano's troubling petition by conducting a "thorough audit" of criminal cases, finding six similar to Saldano's "in which testimony was offered by Dr. Quijano that race should be a factor for the jury to consider." *Id.*, at 213a. The statement affirmed that "it is inappropriate to allow race to be considered as a factor in our criminal justice system." *Ibid.* Consistent with this position—and to its credit—the State confessed error in the cases of five of the six defendants identified in the Attorney General's statement, waiv-

ing all available procedural defenses and consenting to resentencing.

These were remarkable steps. It is not every day that a State seeks to vacate the sentences of five defendants found guilty of capital murder. But then again, these were—as the State itself put it at oral argument here—"extraordinary" cases. Tr. of Oral Arg. 41; see *Buck* v. *Thaler*, 565 U. S., at 1030 (SOTOMAYOR, J., joined by KAGAN, J., dissenting from denial of certiorari) ("Especially in light of the capital nature of this case and the express recognition by a Texas attorney general that the relevant testimony was inappropriately race charged, Buck has presented issues that 'deserve encouragement to proceed further.' " (quoting *Miller-El*, 537 U. S., at 327)).

To be sure, the State has repeatedly attempted to justify its decision to treat Buck differently from the other five defendants identified in the Attorney General's statement, including on asserted factual grounds that the State has been required to abjure. See Brief for Respondent 46, n. 10 (the State's initial opposition to Buck's habeas petition "erroneously" argued that Buck was treated differently because defense counsel, not the State, called Dr. Quijano as a witness; that was also true of two of the other defendants). The State continues its efforts before this Court, arguing that Buck's was the only one of the six cases in which defense counsel, not the prosecution, first elicited Dr. Quijano's opinion on race. See also *post*, at 135 (opinion of THOMAS, J.).

But this is beside the point. The State's various explanations for distinguishing Buck's case have nothing to do with the Attorney General's stated reasons for confessing error in *Saldano* and the cases acknowledged as similar. Regardless of which party first broached the subject, race was in all these cases put to the jury "as a factor . . . to weigh in making its determination." App. 306a. The statement that "it is inappropriate to allow race to be considered as a factor in our criminal justice system" is equally applicable whether

the prosecution or ineffective defense counsel initially injected race into the proceeding. *Id.*, at 213a. The terms of the State's announcement provide every reason for originally including Buck on the list of defendants situated similarly to Saldano, and no reason for later taking him off.

In opposition, the State reminds us of the importance of preserving the finality of judgments. Brief for Respondent 34. But the "whole purpose" of Rule 60(b) "is to make an exception to finality." *Gonzalez*, 545 U. S., at 529. And in this case, the State's interest in finality deserves little weight. When Texas recognized that the infusion of race into proceedings similar to Saldano's warranted confession of error, it effectively acknowledged that the people of Texas lack an interest in enforcing a capital sentence obtained on so flawed a basis. In concluding that the value of finality does not demand that we leave the District Court's judgment in place, we do no more than acknowledge what Texas itself recognized 17 years ago.

2

Our Rule 60(b)(6) analysis has thus far omitted one significant element. When Buck first sought federal habeas relief in 2004, *Coleman* barred the District Court from hearing his claim. Today, however, a claim of ineffective assistance of trial counsel defaulted in a Texas postconviction proceeding may be reviewed in federal court if state habeas counsel was constitutionally ineffective in failing to raise it, and the claim has "some merit." *Martinez*, 566 U. S., at 14; see *Trevino*, 569 U. S., at 427–428. Buck cannot obtain relief unless he is entitled to the benefit of this rule—that is, unless *Martinez* and *Trevino*, not *Coleman*, would govern his case were it reopened. If they would not, his claim would remain unreviewable, and Rule 60(b)(6) relief would be inappropriate. See 11 Wright & Miller, Federal Practice and Procedure § 2857 (showing "a good claim or defense" is a precondition of Rule 60(b)(6) relief).

Until merits briefing in this Court, both parties litigated this matter on the assumption that *Martinez* and *Trevino* would apply if Buck reopened his case. See Pet. for Cert. 27–28; Brief in Opposition 11–13; Amended Application for Certificate of Appealability and Brief in Support 26, Respondent-Appellee's Opposition to Pet. for En Banc Rehearing 9–11, and Respondent's Opposition to Application for Certificate of Appealability 15–17 in No. 14–70030 (CA5); Amended Response to Motion for Relief from Judgment in No. 4:04–cv–03965 (SD Tex.), pp. 11–13. But the State's brief adopts a new position on this issue. The State now argues that those cases announced a "new rule" that, under *Teague* v. *Lane*, 489 U. S. 288 (1989) (plurality opinion), does not apply retroactively to cases (like Buck's) on collateral review. Brief for Respondent 38–40. Buck responds that *Teague* analysis applies only to new rules of criminal procedure that govern trial proceedings—not new rules of habeas procedure that govern collateral proceedings—and that the State has in any event waived its *Teague* argument. Reply Brief 20.

We agree that the argument has been waived. See *Danforth* v. *Minnesota*, 552 U. S. 264, 289 (2008) ("States can waive a *Teague* defense . . . by failing to raise it in a timely manner . . . ."). It was not advanced in District Court, before the Fifth Circuit, or in the State's brief in opposition to Buck's petition for certiorari. Although we may reach the issue in our discretion, we have observed before that a State's failure to raise a *Teague* argument at the petition stage is particularly "significant" in deciding whether such an exercise of discretion is appropriate. *Schiro* v. *Farley*, 510 U. S. 222, 228–229 (1994). When "a legal issue appears to warrant review, we grant certiorari in the expectation of being able to decide that issue." *Id.*, at 229. If we were to entertain the State's eleventh-hour *Teague* argument and find it persuasive, Buck's *Strickland* and Rule 60(b)(6) contentions—the issues we thought worthy of review—would be

insulated from our consideration. We therefore decline to reach the *Teague* question and conclude that *Martinez* and *Trevino* apply to Buck's claim. We reach no broader determination concerning the application of these cases.

C

For the foregoing reasons, we conclude that Buck has demonstrated both ineffective assistance of counsel under *Strickland* and an entitlement to relief under Rule 60(b)(6). It follows that the Fifth Circuit erred in denying Buck the COA required to pursue these claims on appeal.

The judgment of the United States Court of Appeals for the Fifth Circuit is reversed, and the case is remanded for further proceedings consistent with this opinion.

It is so ordered.

JUSTICE THOMAS, with whom JUSTICE ALITO joins, dissenting.

Having settled on a desired outcome, the Court bulldozes procedural obstacles and misapplies settled law to justify it. But the majority's focus on providing relief to petitioner in this particular case has at least one upside: Today's decision has few ramifications, if any, beyond the highly unusual facts presented here. The majority leaves entirely undisturbed the black-letter principles of collateral review, ineffective assistance of counsel, and Rule 60(b)(6) law that govern day-to-day operations in federal courts.

I

In reversing the judgment below, the majority relies on three grounds: that the Fifth Circuit misapplied the standard for granting a certificate of appealability (COA); that the District Court erroneously rejected petitioner's Sixth Amendment ineffective-assistance-of-counsel claim; and that the District Court abused its discretion in rejecting petition-

er's Federal Rule of Civil Procedure 60(b)(6) motion to reopen the court's earlier judgment denying habeas relief. On each ground, the majority simply disagrees with the courts below over the *application* of the governing standard. The majority does not announce any new standards or suggest that the District Court or the Fifth Circuit applied the wrong standards altogether. See, *e. g.*, *ante*, at 115 ("The court below phrased its determination in proper terms . . . "). I agree with the majority that the courts below identified the correct standards for all three of these inquiries. Contrary to the majority's conclusion, however, I would hold that they correctly applied those standards, too.

A

At the outset, the Court wrongly criticizes the Fifth Circuit for its application of the COA standard. A COA is warranted only if the district court's ruling is "debatable amongst jurists of reason." *Miller-El* v. *Cockrell*, 537 U. S. 322, 336 (2003). To answer this question, a court must conduct a "general assessment" of the merits of a defendant's claim. *Ibid.* The majority faults the Fifth Circuit for concluding outright that petitioner "'has not shown extraordinary circumstances that would permit relief under [Rule] 60(b)(6).'" *Ante*, at 116 (quoting *Buck* v. *Stephens*, 623 Fed. Appx. 668, 669 (CA5 2015)). In the majority's view, the existence of extraordinary circumstances represents an "ultimate merits determinatio[n] the panel should not have reached." *Ante*, at 116. Instead, according to the majority, the panel should have limited itself to the threshold question whether the merits were debatable.

The majority's criticism of the Fifth Circuit is misplaced. A court may grant a COA even if it might ultimately conclude that the underlying claim is meritless, so long as the claim is debatable. *Miller-El*, *supra*, at 336. But to deny a COA, a court must necessarily conclude that the claim is meritless. A reviewing court cannot determine that a claim is in-

disputably meritless (that is, nondebatable) without first deciding that it *is* meritless. See *Slack* v. *McDaniel*, 529 U. S. 473, 484 (2000) ("Where a plain procedural bar is present and the district court *is correct* to invoke it to dispose of the case," the claim is not debatable (emphasis added)); *Weeks* v. *Angelone*, 528 U. S. 225, 231, 234 (2000) (affirming denial of COA after determining that petitioner's claim was meritless).

In concluding that petitioner's claims were indisputably meritless as a prelude to denying the COA, the Fifth Circuit thus adopted the approach that courts must take in denying a COA. The majority might disagree with the conclusion that petitioner's claims are indisputably meritless, but its criticism of the Fifth Circuit's approach is most certainly misguided. The majority's contrary approach would prevent a court of appeals from denying a COA in any case, an outcome that Congress and our precedents have plainly foreclosed. See 28 U. S. C. § 2253(c)(2) (COA warranted only if petitioner makes "a substantial showing of the denial of a constitutional right"); *Miller-El*, *supra*, at 337 (The "issuance of a COA must not be *pro forma* or a matter of course"). The majority's comment that "[u]ntil the prisoner secures a COA, the court of appeals may not rule on the merits of his case," *ante*, at 115, should not be taken at face value.

In any event, after chastising the Court of Appeals for making an end run around the COA standard in order to reach the merits of petitioner's Rule 60(b) claim, the Court does precisely that. See *ante*, at 128 ("[W]e conclude that Buck has demonstrated . . . an entitlement to relief under Rule 60(b)(6)"). Astonishingly, the Court also decides the merits of petitioner's Sixth Amendment claim—an issue that was not even "addressed by the Fifth Circuit." *Ante*, at 118; see *ante*, at 128 ("Buck has demonstrated . . . ineffective assistance of counsel under *Strickland* [v. *Washington*, 466 U. S. 668 (1984)]").

After reaching out to adjudicate the merits, the Court relies on its merits disposition to justify reversing the Fifth

Circuit's denial of a COA. *Ante*, at 128 ("*It follows that* the Fifth Circuit erred in denying Buck the COA required to pursue these claims on appeal" (emphasis added)). This unapologetic course reversal—made without so much as a hint of the irony—is striking. The majority also has things just backwards. It criticizes the Fifth Circuit for undertaking a merits inquiry to deny a COA (when such an inquiry is required) and then it conducts a merits inquiry to decide that petitioner's claim is debatable (when such an inquiry is inappropriate).

B

The Court's application of the standard in *Strickland* v. *Washington*, 466 U. S. 668 (1984), is similarly misguided. In particular, the Court erroneously finds that petitioner's claim satisfies *Strickland*'s second prong, which requires a defendant to show that his counsel's mistake materially prejudiced his defense. Prejudice exists only when correcting the alleged error would have produced a "substantial" likelihood of a different result. *Harrington* v. *Richter*, 562 U. S. 86, 111–112 (2011). Here, the sentence of death hinged on the jury's finding that petitioner posed a threat of future dangerousness. Texas' standard for making such a finding is not difficult to satisfy: "The facts of the offense alone may be sufficient to sustain the jury's finding of future dangerousness," and "[a] jury may also infer a defendant's future dangerousness from evidence showing a lack of remorse." *Buntion* v. *State*, 482 S. W. 3d 58, 66–67 (Tex. Crim. App. 2016).

The majority neglects even to mention the relevant legal standard in Texas, relying instead on rhetoric and speculation to craft a finding of prejudice. But the prosecution's evidence of both the heinousness of petitioner's crime and his complete lack of remorse was overwhelming. Accordingly, Dr. Quijano's "*de minimis*" racial testimony, *Buck* v. *Stephens*, 2014 WL 11310152, *5 (SD Tex., Aug. 29, 2014), did not prejudice petitioner.

First, the facts leave no doubt that this crime was premeditated and cruel. The Court recites defense testimony describing the killing spree here as a "crime of passion," *ante*, at 106 (internal quotation marks omitted), but the record belies that characterization. The rampage occurred at the home of Debra Gardner, petitioner's ex-girlfriend. Prior to the shooting, petitioner called her house. His stepsister, Phyllis Taylor, answered, and petitioner asked to speak with Gardner. Gardner declined, and petitioner hung up. Petitioner then retrieved a shotgun and rifle, loaded both guns, and drove *28 miles* to Gardner's house. Upon arrival, he broke down the door and opened fire without provocation. The shooting did not occur in the heat of the moment.

In addition to describing this as a crime of passion, the majority also parrots defense testimony that petitioner's violence was limited to "the context of romantic relationships." *Ante*, at 120. But this assertion is also quite wrong. Upon entering Gardner's house, petitioner first shot at an acquaintance, Harold Ebnezer. He next approached his stepsister, Taylor, who was seated on the couch. He said, "'I'm going to shoot your ass too.'" App. 82a. She begged him, "'Duane, please don't shoot me. I'm your sister. I don't deserve to be shot. Remember I do have children.'" *Id.*, at 83a. Petitioner ignored her pleas, placed the gun on her chest, and shot her. Petitioner does not claim that he was in a romantic relationship with either Ebnezer or Taylor.

After shooting Taylor, petitioner cornered one of Gardner's friends, Kenneth Butler, and shot him, as well. He then exited the house and chased Gardner into the middle of the street. She turned to him and pleaded, "'Please don't shoot me. Please don't shoot me. Why are you doing this in front of my kids?'" *Id.*, at 104a. Her son, Devon, watched from the sidewalk. Her daughter, Shennel, begged petitioner to spare her mother and even attempted to restrain him. Petitioner pointed the gun at Gardner and said, "'I'm going to shoot you. I'm going to shoot your A[ss].'"

Id., at 117a. He then did so. The flight path of the bullet suggests that Gardner was on her knees when petitioner shot her.

Second, the evidence of petitioner's lack of remorse, largely ignored by the majority, is startling. After shooting Gardner, petitioner walked back to his car and placed the firearms in the trunk. He then returned to taunt Gardner where she lay mortally wounded and bleeding in the street. He said, "'It ain't funny now. You ain't laughing now.'" *Id.*, at 106a. Police arrived shortly thereafter and arrested him. In the patrol car, petitioner was "laughing and joking and taunting." *Id.*, at 71a. He continued to smile and laugh during the drive to the police station. When one of the officers informed petitioner that he did not find the situation humorous, petitioner replied that "'[t]he bitch got what she deserved.'" *Id.*, at 135a. He remained happy and upbeat for the remainder of the drive, even commenting that he was going to heaven because God had already forgiven him.

C

Finally, the majority incorrectly concludes that the District Court erred in denying petitioner's motion under Rule 60(b)(6), which permits district courts to reopen otherwise final judgments only in "extraordinary circumstances." *Ackermann* v. *United States*, 340 U. S. 193, 199 (1950). Although the majority pays lipservice to the fact that the District Court's decision on this point is subject to "limited and deferential appellate review," *Gonzalez* v. *Crosby*, 545 U. S. 524, 535 (2005); see *ante*, at 122–123, it proceeds to conduct a *de novo* review. Indeed, the majority references the District Court's analysis only once in the entire section of its opinion addressing Rule 60(b)(6). But the question is not whether *this* Court thinks the circumstances are extraordinary; the question is whether reasonable jurists would debate that the District Court abused its discretion in reaching the equitable, highly factbound conclusion that they are not.

Particularly in light of our admonition that such circumstances "will rarely occur in the habeas context," 545 U. S., at 535, I think it is not debatable that the District Court acted within its discretion in denying Rule 60(b)(6) relief here.

In reversing the Fifth Circuit, the centerpiece of the Court's analysis is its observation that "'[d]iscrimination on the basis of race, odious in all aspects, is especially pernicious in the administration of justice.'" *Ante*, at 124 (quoting *Rose* v. *Mitchell*, 443 U. S. 545, 555 (1979)). I agree that racial classifications are categorically impermissible under the Equal Protection Clause—but petitioner is not raising an equal protection claim. The many precedents the Court cites interpreting *that* Clause are therefore beside the point. Instead, petitioner is claiming that his case presents extraordinary circumstances under Rule 60(b)(6). The majority identifies no precedents regarding race in the Rule 60(b)(6) context. And certainly nothing in the text or history of Rule 60(b)(6)—unlike the text and history of the Equal Protection Clause—suggests that race-based claims demand unique solicitude in this context. At the very least, the District Court did not abuse its discretion in determining that they do not.[1]

In a similar vein, the majority suggests that the use of race in petitioner's capital proceeding injured the public's confidence in the integrity of our judicial system. *Ante*, at 124. This argument cannot be squared with the District Court's finding that the challenged racial testimony was "*de minimis*." 2014 WL 11310152, *5. It also ignores the fact that petitioner's *own counsel* elicited the testimony. The majority obscures this point by citing cases concerning al-

[1] That is especially true given that Dr. Quijano's testimony is relevant to the Rule 60(b)(6) inquiry, under the majority's reasoning, only insofar as it was prejudicial. See *ante*, at 123 ("[O]ur holding on prejudice makes clear that Buck may have been sentenced to death in part because of his race"). As I have explained, the testimony was not prejudicial.

leged racial discrimination by an agent of the state. See *ante*, at 124 (citing, *e. g.*, *Davis* v. *Ayala*, 576 U. S. 257 (2015) (addressing the *prosecutor's* use of peremptory strikes and holding that any constitutional error was harmless)). There, the injury to public confidence derives from the fact that the government itself is discriminating against the defendant. The same cannot be said, however, when defense counsel introduces harmful testimony or makes a bad strategic choice.[2]

In conjunction with its observations about race, the Court notes that the Texas attorney general, in response to similar testimony from Dr. Quijano in another case, issued a press release decrying the use of race in the justice system and subsequently waived all procedural obstacles to resentencing in several cases in which Dr. Quijano testified. But Texas had good reason for treating this case differently from the others. Of those cases, this is the only one where "it can be said that the responsibility for eliciting the offensive testimony lay squarely with the defense." *Buck* v. *Thaler*, 565 U. S. 1022, 1025 (2011) (ALITO, J., statement respecting denial of certiorari).

Lastly, the Court belittles Texas' claimed interest in finality. In the majority's view, Texas effectively forfeited its finality interest when it waived its procedural defenses in purportedly similar cases. See *ante*, at 126. But Texas did not waive its procedural defenses in this case, and, in any event, Texas is not alone in possessing an interest in the finality of petitioner's sentence. Society at large has the same interest. Finality advances values "essential to the operation of our criminal justice system." *Teague* v. *Lane*, 489 U. S. 288, 309 (1989) (plurality opinion). It promotes the law's deterrent effect; it provides peace of mind to a wrong-

[2] Although the prosecution on cross-examination asked Dr. Quijano a single question about his views on race, the question arose in the course of canvassing his expert report, and did not extend beyond the testimony already elicited by the defense. App. 170a.

doer's victims; it promotes public confidence in the justice system; it conserves limited public resources; and it ensures the clarity of legal rights and statuses.

The Court's finality analysis also ignores the lengthy passage of time (nearly eight years) between the District Court's original rejection of habeas relief in this case and petitioner's filing of the instant Rule 60(b)(6) motion. See *Gonzalez*, 545 U. S., at 542, n. 4 (Stevens, J., dissenting) ("In cases where significant time has elapsed between a habeas judgment and the relevant change in procedural law, it would be within a district court's discretion to leave such a judgment in repose"). Permitting a defendant to file a Rule 60(b) motion years after the fact functionally eviscerates the statute of limitations contained in the Antiterrorism and Effective Death Penalty Act of 1996, thereby undermining its purpose of "lend[ing] finality to state court judgments within a reasonable time." *Day* v. *McDonough*, 547 U. S. 198, 205–206 (2006) (internal quotation marks omitted).

II

Despite its errors, today's opinion should have little effect on the broader law, for two reasons. For one thing, the Court's reasoning is highly factbound, and the facts presented here are unlikely to arise again. For another, although the majority misapplies settled principles, it does not purport to actually alter any of those principles.

A

This is an unusual case, and the majority's single-minded focus on according relief to *this* petitioner on *these* facts naturally limits the reach of its decision. In cases presenting different facts, today's decision will provide little guidance. The Court's ultimate conclusion relies on the convergence of three critical factors that will rarely, if ever, recur. See *ante*, at 121 (describing this case as involving an "unusual confluence of factors" that together create a "perfect storm").

First, the Court places special weight on the fact that this is a capital case. See, *e. g.*, *ante*, at 125 (noting "the capital nature of this case" as a factor favoring Rule 60(b)(6) relief (internal quotation marks omitted)). Second, the Court notes that the testimony at issue was expressly racial and suggested that petitioner was more deserving of the death penalty because he is black. See, *e. g.*, *ante*, at 123 ("Buck may have been sentenced to death in part because of his race. . . . [T]his is a disturbing departure from a basic premise of our criminal justice system").[3] Third, the Court explains that the state attorney general took the "remarkable steps," *ante*, at 125, of publicly declaring that Dr. Quijano's testimony in this case was inappropriate and waiving all procedural defenses to resentencing in similar cases. See, *e. g.*, *ante*, at 124 ("The extraordinary nature of this case is confirmed by what the State itself did in response to Dr. Quijano's testimony").

B

The effect of today's decision is also limited for a second reason. Although the majority misapplies many existing doctrines, it refrains from announcing any new principles of law. In particular, it leaves untouched—and courts should accordingly continue to apply as usual—established principles governing collateral review, ineffective-assistance-of-counsel claims, and Rule 60(b)(6) motions.

At the outset, the opinion leaves intact *Miller-El*'s well-worn COA standard for habeas petitions: Courts of appeals should deny applications when the district court's ruling is not "debatabl[y]" wrong. 537 U. S., at 336; see *ante*, at 115. "A prisoner seeking a COA must prove something more than

[3] Dr. Quijano also testified that petitioner was more likely to be dangerous in the future because he is male. Petitioner does not claim that this testimony renders his case extraordinary, and the Court does not so hold. Any such claim would find no support in today's decision, given the importance of the *racial* nature of the testimony at issue to the Court's reasoning.

the absence of frivolity or the existence of mere good faith on his or her part." 537 U. S., at 338 (internal quotation marks omitted). Courts have substantial discretion in deciding how to structure this inquiry. See *ante*, at 117 ("We do not mean to specify what procedures may be appropriate in every case").

The Court also reaffirms the "'highly deferential'" character of the *Strickland* standard. *Harrington*, 562 U. S., at 105 (quoting *Strickland*, 466 U. S., at 689); see, *e. g.*, *ante*, at 118 (first prong of *Strickland* "sets a high bar"). Courts applying *Strickland* must respect "the constitutionally protected independence of counsel and the wide latitude counsel must have in making tactical decisions." *Cullen* v. *Pinholster*, 563 U. S. 170, 195 (2011) (internal quotation marks and alteration omitted). Counsel should be "strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." *Id.*, at 189 (internal quotation marks omitted). And a defendant can show prejudice only if the likelihood of a different result would have been "substantial, not just conceivable." *Harrington*, *supra*, at 112.

Perhaps most significantly, the test for reopening judgments under Rule 60(b)(6) remains the same. A "'very strict interpretation of Rule 60(b) is essential if the finality of judgments is to be preserved.'" *Gonzalez*, *supra*, at 535 (quoting *Liljeberg* v. *Health Services Acquisition Corp.*, 486 U. S. 847, 873 (1988) (Rehnquist, C. J., dissenting)). A district court may grant relief only if the movant can show "extraordinary circumstances," which "will rarely occur in the habeas context." 545 U. S., at 535 (internal quotation marks omitted); see *ante*, at 112–113. A change in law alone is not enough. See 545 U. S., at 536–537. And a district court's decision to deny relief is subject to only "limited and deferential" appellate review. *Id.*, at 535.

Although petitioner argues that the change in law effected by *Martinez* v. *Ryan*, 566 U. S. 1 (2012), and *Trevino* v. *Tha-*

ler, 569 U. S. 413 (2013), is central to the Rule 60(b)(6) inquiry, see Brief for Petitioner 56; Reply Brief 19, the Court does not even count those decisions in its tally of extraordinary circumstances. Instead, it treats a potentially viable *Martinez* claim as a "precondition" to relief. *Ante*, at 126. This makes sense: Unless petitioner has the ability to invoke *Martinez* and *Trevino*, reopening the judgment would be futile. For those in petitioner's position, the absence of a potentially valid *Martinez* claim is disqualifying, but the presence of one does nothing to demonstrate the existence of extraordinary circumstances.

III

Finally, the Court's opinion does not require the lower courts to reflexively accord relief to petitioner on remand. In order to succeed under *Martinez* and *Trevino*, petitioner must establish that his state habeas counsel was constitutionally ineffective for failing to raise a *Strickland* claim as to his trial counsel. Today's decision does not address that showing, and the court on remand should not treat it as a foregone conclusion.

I respectfully dissent.

Syllabus

LIFE TECHNOLOGIES CORP. ET AL. *v.* PROMEGA CORP.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

No. 14–1538. Argued December 6, 2016—Decided February 22, 2017

Respondent Promega Corporation sublicensed the Tautz patent, which claims a toolkit for genetic testing, to petitioner Life Technologies Corporation and its subsidiaries (collectively Life Technologies) for the manufacture and sale of the kits for use in certain licensed law enforcement fields worldwide. One of the kit's five components, an enzyme known as the *Taq* polymerase, was manufactured by Life Technologies in the United States and then shipped to the United Kingdom, where the four other components were made, for combination there. When Life Technologies began selling the kits outside the licensed fields of use, Promega sued, claiming that patent infringement liability was triggered under § 271(f)(1) of the Patent Act, which prohibits the supply from the United States of "all or a substantial portion of the components of a patented invention" for combination abroad. The jury returned a verdict for Promega, but the District Court granted Life Technologies' motion for judgment as a matter of law, holding that § 271(f)(1)'s phrase "all or a substantial portion" did not encompass the supply of a single component of a multicomponent invention. The Federal Circuit reversed. It determined that a single important component could constitute a "substantial portion" of the components of an invention under § 271(f)(1) and found the *Taq* polymerase to be such a component.

Held: The supply of a single component of a multicomponent invention for manufacture abroad does not give rise to § 271(f)(1) liability. Pp. 145–152.

(a) Section 271(f)(1)'s phrase "substantial portion" refers to a quantitative measurement. Although the Patent Act itself does not define the term "substantial," and the term's ordinary meaning may refer either to qualitative importance or to quantitatively large size, the statutory context points to a quantitative meaning. Neighboring words "all" and "portion" convey a quantitative meaning, and nothing in the neighboring text points to a qualitative interpretation. Moreover, a qualitative reading would render the modifying phrase "of the components" unnecessary the first time it is used in § 271(f)(1). Only the quantitative approach thus gives meaning to each statutory provision.

Promega's proffered "case-specific approach," which would require a factfinder to decipher whether the components at issue are a "substan-

tial portion" under either a qualitative or a quantitative test, is rejected. Tasking juries with interpreting the statute's meaning on an ad hoc basis would only compound, not resolve, the statute's ambiguity. And Promega's proposal to adopt an analytical framework that accounts for both the components' quantitative and qualitative aspects is likely to complicate rather than aid the factfinder's review. Pp. 145–149.

(b) Under a quantitative approach, a single component cannot constitute a "substantial portion" triggering § 271(f)(1) liability. This conclusion is reinforced by § 271(f)'s text, context, and structure. Section 271(f)(1) consistently refers to the plural "components," indicating that multiple components make up the substantial portion. Reading § 271(f)(1) to cover any single component would also leave little room for § 271(f)(2), which refers to "any component," and would undermine § 271(f)(2)'s express reference to a single component "especially made or especially adapted for use in the invention." The better reading allows the two provisions to work in tandem and gives each provision its unique application. Pp. 149–151.

(c) The history of § 271(f) further bolsters this conclusion. Congress enacted § 271(f) in response to *Deepsouth Packing Co.* v. *Laitram Corp.*, 406 U. S. 518, to fill a gap in the enforceability of patent rights by reaching components that are manufactured in the United States but assembled overseas. Consistent with Congress' intent, a supplier may be liable under § 271(f)(1) for supplying from the United States all or a substantial portion of the components of the invention or under § 271(f)(2) for supplying a single component if it is especially made or especially adapted for use in the invention and not a staple article or commodity. But, as here, when a product is made abroad and all components but a single commodity article are supplied from abroad, the activity is outside the statute's scope. Pp. 151–152.

773 F. 3d 1338, reversed and remanded.

SOTOMAYOR, J., delivered the opinion of the Court, in which KENNEDY, GINSBURG, BREYER, and KAGAN, JJ., joined, and in which THOMAS and ALITO, JJ., joined as to all but Part II–C. ALITO, J., filed an opinion concurring in part and concurring in the judgment, in which THOMAS, J., joined, *post*, p. 152. ROBERTS, C. J., took no part in the decision of the case.

Carter G. Phillips argued the cause for petitioners. With him on the briefs was *Robert N. Hochman*.

Zachary D. Tripp argued the cause for the United States as *amicus curiae* urging reversal. With him on the brief

were *Acting Solicitor General Gershengorn*, *Principal Deputy Assistant Attorney General Mizer*, *Deputy Solicitor General Stewart*, *Mark R. Freeman*, *Sarah T. Harris*, *Thomas W. Krause*, *Scott C. Weidenfeller*, and *Monica B. Lateef*.

Seth P. Waxman argued the cause for respondent. With him on the brief were *Thomas G. Saunders*, *Mark C. Fleming*, and *Eric F. Fletcher*.*

JUSTICE SOTOMAYOR delivered the opinion of the Court.

This case concerns the intersection of international supply chains and federal patent law. Section 271(f)(1) of the Patent Act of 1952 prohibits the supply from the United States of "all or a substantial portion" of the components of a patented invention for combination abroad. 35 U. S. C. § 271(f)(1). We granted certiorari to determine whether a party that supplies a single component of a multicomponent invention for manufacture abroad can be held liable for infringement under § 271(f)(1). 579 U. S. 927 (2016). We hold that a single component does not constitute a substantial portion of the components that can give rise to liability under § 271(f)(1). Because only a single component of the patented invention at issue here was supplied from the United States, we reverse and remand.

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*Briefs of *amici curiae* urging reversal were filed for Agilent Technologies, Inc., by *John M. Griem, Jr.*, *Judith M. Wallace*, and *Bradford Paul Schmidt*; for the Bundesverband der Deutschen Industrie e. V. et al. by *Ronald J. Mann*; and for Intellectual Property Professors by *Timothy R. Holbrook*, *pro se*.

Briefs of *amici curiae* urging affirmance were filed for the New York Intellectual Property Law Association by *Irena Royzman*, *Walter E. Hanley, Jr.*, *Robert J. Rando*, and *Robert M. Isackson*; and for the Wisconsin Alumni Research Foundation by *Jennifer L. Gregor* and *Shane Delsman*.

Briefs of *amici curiae* were filed for the American Intellectual Property Law Association by *Doris Johnson Hines*, *Denise W. DeFranco*, and *Pier D. DeRoo;* and for the Intellectual Property Owners Association by *Paul H. Berghoff*, *Kevin H. Rhodes*, and *Steven W. Miller*.

I

A

We begin with an overview of the patent in dispute. Although the science behind the patent is complex, a basic understanding suffices to resolve the question presented by this case.

The Tautz patent, U. S. Reissue Patent No. RE 37,984, claims a toolkit for genetic testing.[1] The kit is used to take small samples of genetic material—in the form of nucleotide sequences that make up the molecule deoxyribonucleic acid (commonly referred to as "DNA")—and then synthesize multiple copies of a particular nucleotide sequence. This process of copying, known as amplification, generates DNA profiles that can be used by law enforcement agencies for forensic identification and by clinical and research institutions around the world. For purposes of this litigation, the parties agree that the kit covered by the Tautz patent contains five components: (1) a mixture of primers that mark the part of the DNA strand to be copied; (2) nucleotides for forming replicated strands of DNA; (3) an enzyme known as *Taq* polymerase; (4) a buffer solution for the amplification; and (5) control DNA.[2]

Respondent Promega Corporation was the exclusive licensee of the Tautz patent. Petitioner Life Technologies Corporation manufactured genetic testing kits.[3] During the

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[1] The Tautz patent expired in 2015. The litigation thus concerns past acts of infringement only.

[2] Because the parties here agree that the patented invention is made up of only these five components, we do not consider how to identify the "components" of a patent or whether and how that inquiry relates to the elements of a patent claim.

[3] Applied Biosystems, LLC, and Invitrogen IP Holdings, Inc., are also petitioners in this proceeding and are wholly owned subsidiaries of Life Technologies Corporation. The agreement at issue here was originally between Promega and Applied Biosystems. 773 F. 3d 1338, 1344, n. 3 (CA Fed. 2014).

timeframe relevant here, Promega sublicensed the Tautz patent to Life Technologies for the manufacture and sale of the kits for use in certain licensed law enforcement fields worldwide. Life Technologies manufactured all but one component of the kits in the United Kingdom. It manufactured that component—the *Taq* polymerase—in the United States. Life Technologies shipped the *Taq* polymerase to its United Kingdom facility, where it was combined with the other four components of the kit.

Four years into the agreement, Promega sued Life Technologies on the grounds that Life Technologies had infringed the patent by selling the kits outside the licensed fields of use to clinical and research markets. As relevant here, Promega alleged that Life Technologies' supply of the *Taq* polymerase from the United States to its United Kingdom manufacturing facilities triggered liability under § 271(f)(1).

B

At trial, the parties disputed the scope of § 271(f)(1)'s prohibition against supplying all or a substantial portion of the components of a patented invention from the United States for combination abroad. Section 271(f)(1)'s full text reads:

> "Whoever without authority supplies or causes to be supplied in or from the United States all or a substantial portion of the components of a patented invention, where such components are uncombined in whole or in part, in such manner as to actively induce the combination of such components outside of the United States in a manner that would infringe the patent if such combination occurred within the United States, shall be liable as an infringer."

The jury returned a verdict for Promega, finding that Life Technologies had willfully infringed the patent. Life Technologies then moved for judgment as a matter of law, contending that § 271(f)(1) did not apply to its conduct because the

phrase "all or a substantial portion" does not encompass the supply of a single component of a multicomponent invention.

The District Court granted Life Technologies' motion. The court agreed that there could be no infringement under § 271(f)(1) because Promega's evidence at trial "showed at most that *one* component of all of the accused products, [the *Taq*] polymerase, was supplied from the United States." 2012 WL 12862829, *3 (WD Wis., Sept. 13, 2012) (Crabb, J.). Section 271(f)(1)'s reference to "a substantial portion of the components," the District Court ruled, does not embrace the supply of a single component. *Id.*, at *5.

The Court of Appeals for the Federal Circuit reversed and reinstated the jury's verdict finding Life Technologies liable for infringement.[4] 773 F. 3d 1338, 1353 (2014). As relevant here, the court held that "there are circumstances in which a party may be liable under § 271(f)(1) for supplying or causing to be supplied a single component for combination outside the United States." *Ibid.* The Federal Circuit concluded that the dictionary definition of "substantial" is "important" or "essential," which it read to suggest that a single important component can be a "'substantial portion of the components'" of a patented invention. *Ibid.* Relying in part on expert trial testimony that the *Taq* polymerase is a "'main'" and "'major'" component of the kits, the court ruled that the single *Taq* polymerase component was a substantial component as the term is used in § 271(f)(1). *Id.*, at 1356.

II

The question before us is whether the supply of a single component of a multicomponent invention is an infringing act under 35 U. S. C. § 271(f)(1). We hold that it is not.

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[4] Chief Judge Prost dissented from the majority's conclusion with respect to the "active inducement" element of 35 U. S. C. § 271(f)(1). 773 F. 3d, at 1358–1360. Neither that question, nor any of the Federal Circuit's conclusions regarding Life Technologies' liability under § 271(a) or infringement of four additional Promega patents, see *id.*, at 1341, is before us. See 579 U. S. 927 (2016).

A

The threshold determination to be made is whether § 271(f)(2)'s requirement of "a substantial portion" of the components of a patented invention refers to a quantitative or qualitative measurement. Life Technologies and the United States argue that the text of § 271(f)(1) establishes a quantitative threshold, and that the threshold must be greater than one. Promega defends the Federal Circuit's reading of the statute, arguing that a "substantial portion" of the components includes a single component if that component is sufficiently important to the invention.

We look first to the text of the statute. *Sebelius* v. *Cloer*, 569 U. S. 369, 376 (2013). The Patent Act itself does not define the term "substantial," and so we turn to its ordinary meaning. *Ibid.* Here we find little help. All agree the term is ambiguous and, taken in isolation, might refer to an important portion or to a large portion. Brief for Petitioners 16; Brief for Respondent 18; Brief for United States as *Amicus Curiae* 12. "Substantial," as it is commonly understood, may refer either to qualitative importance or to quantitatively large size. See, *e. g.*, Webster's Third New International Dictionary 2280 (defs. 1c, 2c) (1981) (Webster's Third) ("important, essential," or "considerable in amount, value, or worth"); 17 Oxford English Dictionary 67 (defs. 5a, 9) (2d ed. 1989) (OED) ("That is, constitutes, or involves an essential part, point, or feature; essential, material," or "Of ample or considerable amount, quantity, or dimensions").

The context in which "substantial" appears in the statute, however, points to a quantitative meaning here. Its neighboring terms are the first clue. "[A] word is given more precise content by the neighboring words with which it is associated." *United States* v. *Williams*, 553 U. S. 285, 294 (2008). Both "all" and "portion" convey a quantitative meaning. "All" means the entire quantity, without reference to relative importance. See, *e. g.*, Webster's Third 54 (defs. 1a, 2a, 3) ("that is the whole amount or quantity of,"

or "every member or individual component of," or "the whole number or sum of"); 1 OED 324 (def. 2) ("The entire number of; the individual components of, without exception"). "Portion" likewise refers to some quantity less than all. Webster's Third 1768 (defs. 1, 3a) ("an individual's part or share of something," or "a part of a whole"); 12 OED 154, 155 (defs. 1a, 5a) ("The part (of anything) allotted or belonging to one person," or "A part of any whole"). Conversely, there is nothing in the neighboring text to ground a qualitative interpretation.

Moreover, the phrase "substantial portion" is modified by "of the components of a patented invention." It is the supply of all or a substantial portion "of the components" of a patented invention that triggers liability for infringement. But if "substantial" has a qualitative meaning, then the more natural way to write the opening clause of the provision would be to not reference "the components" at all. Instead, the opening clause of § 271(f)(1) could have triggered liability for the supply of "all or a substantial portion of . . . a patented invention, where [its] components are uncombined in whole or in part." A qualitative reading would render the phrase "of the components" unnecessary the first time it is used in § 271(f)(1). Whenever possible, however, we should favor an interpretation that gives meaning to each statutory provision. See *Hibbs* v. *Winn*, 542 U. S. 88, 101 (2004). Only the quantitative approach does so here. Thus, "substantial," in the context of § 271(f)(1), is most reasonably read to connote a quantitative measure.

Promega argues that a quantitative approach is too narrow, and invites the Court to instead adopt a "case-specific" approach that would require a factfinder to decipher whether the components at issue are a "substantial portion" under *either* a qualitative or quantitative test. Brief for Respondent 17, 42. We decline to do so. Having determined the phrase "substantial portion" is ambiguous, our task is to resolve that ambiguity, not to compound it by tasking juries across the Nation with interpreting the meaning of the stat-

ute on an ad hoc basis. See, *e. g.*, *Robinson* v. *Shell Oil Co.*, 519 U. S. 337, 345–346 (1997).

As a more general matter, moreover, we cannot accept Promega's suggestion that the Court adopt a different analytical framework entirely—one that accounts for both the quantitative *and* qualitative aspects of the components. Promega reads § 271(f)(1) to mean that the answer to whether a given portion of the components is "substantial" depends not only on the number of components involved but also on their qualitative importance to the invention overall. At first blush, there is some appeal to the idea that, in close cases, a subjective analysis of the qualitative importance of a component may help determine whether it is a "substantial portion" of the components of a patent. But, for the reasons discussed above, the statute's structure provides little support for a qualitative interpretation of the term.[5]

Nor would considering the qualitative importance of a component necessarily help resolve close cases. To the contrary, it might just as easily complicate the factfinder's review. Surely a great many components of an invention (if not every component) are important. Few inventions, including the one at issue here, would function at all without any one of their components. Indeed, Promega has not identified any component covered by the Tautz patent that would not satisfy Promega's "importance" litmus test.[6] How are courts—or, for that matter, market participants attempting to avoid liability—to determine the relative importance of

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[5] The examples Promega provides of other statutes' use of the terms "substantial" or "significant" are inapposite. See Brief for Respondent 19–20. The text of these statutes, which arise in different statutory schemes with diverse purposes and structures, differs in material ways from the text of § 271(f)(1). The Tax Code, for instance, refers to "a substantial portion of a return," 26 U. S. C. § 7701(a)(36)(A), not to "a substantial portion *of the entries* of a return."

[6] Life Technologies' expert described the *Taq* polymerase as a "main" component. App. 160. The expert also described two other components the same way. *Ibid.*

the components of an invention? Neither Promega nor the Federal Circuit offers an easy way to make this decision. Accordingly, we conclude that a quantitative interpretation hews most closely to the text of the statute and provides an administrable construction.

B

Having determined that the term "substantial portion" refers to a quantitative measurement, we must next decide whether, as a matter of law, a single component can ever constitute a "substantial portion" so as to trigger liability under § 271(f)(1). The answer is no.

As before, we begin with the text of the statute. Section 271(f)(1) consistently refers to "components" in the plural. The section is targeted toward the supply of all or a substantial portion "of the *components*," where "such *components*" are uncombined, in a manner that actively induces the combination of "such *components*" outside the United States. Text specifying a substantial portion of "components," plural, indicates that multiple components constitute the substantial portion.

The structure of § 271(f) reinforces this reading. Section 271(f)(2), which is § 271(f)(1)'s companion provision, reads as follows:

> "Whoever without authority supplies or causes to be supplied in or from the United States any component of a patented invention that is especially made or especially adapted for use in the invention and not a staple article or commodity of commerce suitable for substantial noninfringing use, where such component is uncombined in whole or in part, knowing that such component is so made or adapted and intending that such component will be combined outside of the United States in a manner that would infringe the patent if such combination occurred within the United States, shall be liable as an infringer."

Reading § 271(f)(1) to refer to more than one component allows the two provisions to work in tandem. Whereas § 271(f)(1) refers to "components," plural, § 271(f)(2) refers to "any component," singular. And, whereas § 271(f)(1) speaks to whether the components supplied by a party constitute a substantial portion of the components, § 271(f)(2) speaks to whether a party has supplied "any" noncommodity component "especially made or especially adapted for use in the invention."

We do not disagree with the Federal Circuit's observation that the two provisions concern different scenarios. See 773 F. 3d, at 1354. As this Court has previously observed, §§ 271(f)(1) and (f)(2) "differ, among other things, on the quantity of components that must be 'supplie[d] . . . from the United States' for liability to attach." *Microsoft Corp.* v. *AT&T Corp.*, 550 U. S. 437, 454, n. 16 (2007). But we do not draw the Federal Circuit's conclusion from these different but related provisions. Reading § 271(f)(1) to cover *any* single component would not only leave little room for § 271(f)(2) but would also undermine § 271(f)(2)'s express reference to a single component "especially made or especially adapted for use in the invention."[7] Our conclusion that § 271(f)(1) prohibits the supply of components, plural, gives each subsection its unique application.[8] See, *e. g.*, *Cloer*, 569 U. S., at 376.

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[7] This Court's opinion in *Microsoft Corp.* v. *AT&T Corp.*, 550 U. S. 437, 447 (2007), is not to the contrary. The holding in that case turned not on the number of components involved, but rather on whether the software at issue was a component at all.

[8] Promega argues that the important distinction between these provisions is that § 271(f)(1), unlike § 271(f)(2), requires a showing of specific intent for active inducement. Brief for Respondent 34–41. But cf. *Global-Tech Appliances, Inc.* v. *SEB S. A.*, 563 U. S. 754, 765–766 (2011) (substantially equating the intent requirements for §§ 271(b) and (c), on which Promega asserts §§ 271(f)(1) and (f)(2) were modeled). But, to repeat, whatever intent subsection (f)(1) may require, it also imposes liability only on a party who supplies a "substantial portion of the components"

Taken alone, § 271(f)(1)'s reference to "components" might plausibly be read to encompass "component" in the singular. See 1 U. S. C. § 1 (instructing that "words importing the plural include the singular," "unless the context indicates otherwise"). But § 271(f)'s text, context, and structure leave us to conclude that when Congress said "components," plural, it meant plural, and when it said "component," singular, it meant singular.

We do not today define how close to "all" of the components "a substantial portion" must be. We hold only that one component does not constitute "all or a substantial portion" of a multicomponent invention under § 271(f)(1). This is all that is required to resolve the question presented.

C

The history of § 271(f) bolsters our conclusion. The Court has previously observed that Congress enacted § 271(f) in response to our decision in *Deepsouth Packing Co.* v. *Laitram Corp.*, 406 U. S. 518 (1972). See *Microsoft Corp.*, 550 U. S., at 444. In *Deepsouth*, the Court determined that, under patent law as it existed at the time, it was "not an infringement to make or use a patented product outside of the United States." 406 U. S., at 527. The new § 271(f) "expand[ed] the definition of infringement to include supplying from the United States a patented invention's components," as outlined in subsections (f)(1) and (f)(2). *Microsoft*, 550 U. S., at 444–445.

The effect of this provision was to fill a gap in the enforceability of patent rights by reaching components that are manufactured in the United States but assembled overseas

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of the invention. Thus, even assuming that subsection (f)(1)'s "active inducement" requirement is different from subsection (f)(2)'s "knowing" and "intending" element—a question we do not reach today—that difference between the two provisions does not read the "substantial portion" language out of the statute.

and that were beyond the reach of the statute in its prior formulation. Our ruling today comports with Congress' intent. A supplier may be liable under § 271(f)(1) for supplying from the United States all or a substantial portion of the components (plural) of the invention, even when those components are combined abroad. The same is true even for a single component under § 271(f)(2) if it is especially made or especially adapted for use in the invention and not a staple article or commodity. We are persuaded, however, that when as in this case a product is made abroad and all components but a single commodity article are supplied from abroad, this activity is outside the scope of the statute.

III

We hold that the phrase "substantial portion" in 35 U. S. C. § 271(f)(1) has a quantitative, not a qualitative, meaning. We hold further that § 271(f)(1) does not cover the supply of a single component of a multicomponent invention. The judgment of the Court of Appeals for the Federal Circuit is therefore reversed, and the case is remanded for further proceedings consistent with this opinion.

It is so ordered.

THE CHIEF JUSTICE took no part in the decision of this case.

JUSTICE ALITO, with whom JUSTICE THOMAS joins, concurring in part and concurring in the judgment.

I join all but Part II–C of the Court's opinion. It is clear from the text of 35 U. S. C. § 271(f) that Congress intended not only to fill the gap created by *Deepsouth Packing Co.* v. *Laitram Corp.*, 406 U. S. 518 (1972)—where all of the components of the invention were manufactured in the United States, *id.*, at 524—but to go at least a little further. How much further is the question in this case, and the genesis of § 271(f) sheds no light on that question.

I note, in addition, that while the Court holds that a single component cannot constitute a substantial portion of an invention's components for § 271(f)(1) purposes, I do not read the opinion to suggest that *any* number greater than one is sufficient. In other words, today's opinion establishes that more than one component is necessary, but does not address *how much* more.

Syllabus

FRY ET VIR, AS NEXT FRIENDS OF MINOR E. F. *v.* NAPOLEON COMMUNITY SCHOOLS ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

No. 15–497. Argued October 31, 2016—Decided February 22, 2017

The Individuals with Disabilities Education Act (IDEA) offers federal funds to States in exchange for a commitment to furnish a "free appropriate public education" (FAPE) to children with certain disabilities, 20 U. S. C. § 1412(a)(1)(A), and establishes formal administrative procedures for resolving disputes between parents and schools concerning the provision of a FAPE. Other federal statutes also protect the interests of children with disabilities, including Title II of the Americans with Disabilities Act (ADA) and § 504 of the Rehabilitation Act. In *Smith* v. *Robinson*, 468 U. S. 992, this Court considered the interaction between those other laws and the IDEA, holding that the IDEA was "the exclusive avenue" through which a child with a disability could challenge the adequacy of his education. *Id.*, at 1009. Congress responded by passing the Handicapped Children's Protection Act of 1986, overturning *Smith*'s preclusion of non-IDEA claims and adding a carefully defined exhaustion provision. Under that provision, a plaintiff bringing suit under the ADA, the Rehabilitation Act, or similar laws "seeking relief that is also available under [the IDEA]" must first exhaust the IDEA's administrative procedures. § 1415(*l*).

Petitioner E. F. is a child with a severe form of cerebral palsy; a trained service dog named Wonder assists her with various daily life activities. When E. F.'s parents, petitioners Stacy and Brent Fry, sought permission for Wonder to join E. F. in kindergarten, officials at Ezra Eby Elementary School refused. The officials reasoned that the human aide provided as part of E. F.'s individualized education program rendered the dog superfluous. In response, the Frys removed E. F. from Ezra Eby and began homeschooling her. They also filed a complaint with the Department of Education's Office for Civil Rights (OCR), claiming that the exclusion of E. F.'s service animal violated her rights under Title II and § 504. OCR agreed, and school officials invited E. F. to return to Ezra Eby with Wonder. But the Frys, concerned about resentment from school officials, instead enrolled E. F. in a different school that welcomed the service dog. The Frys then filed this suit in federal court against Ezra Eby's local and regional school districts and principal (collectively, the school districts), alleging that they violated

Title II and § 504 and seeking declaratory and monetary relief. The District Court granted the school districts' motion to dismiss the suit, holding that § 1415(*l*) required the Frys to first exhaust the IDEA's administrative procedures. The Sixth Circuit affirmed, reasoning that § 1415(*l*) applies whenever a plaintiff's alleged harms are "educational" in nature.

Held:

1. Exhaustion of the IDEA's administrative procedures is unnecessary where the gravamen of the plaintiff's suit is something other than the denial of the IDEA's core guarantee of a FAPE. Pp. 165–174.

(a) The language of § 1415(*l*) compels exhaustion when a plaintiff seeks "relief" that is "available" under the IDEA. Establishing the scope of § 1415(*l*), then, requires identifying the circumstances in which the IDEA enables a person to obtain redress or access a benefit. That inquiry immediately reveals the primacy of a FAPE in the statutory scheme. The IDEA's stated purpose and specific commands center on ensuring a FAPE for children with disabilities. And the IDEA's administrative procedures test whether a school has met this obligation: Any decision by a hearing officer on a request for substantive relief "shall" be "based on a determination of whether the child received a free appropriate public education." § 1415(f)(3)(E)(i). Accordingly, § 1415(*l*)'s exhaustion rule hinges on whether a lawsuit seeks relief for the denial of a FAPE. If a lawsuit charges such a denial, the plaintiff cannot escape § 1415(*l*) merely by bringing the suit under a statute other than the IDEA. But if the remedy sought in a suit brought under a different statute is not for the denial of a FAPE, then exhaustion of the IDEA's procedures is not required. Pp. 165–169.

(b) In determining whether a plaintiff seeks relief for the denial of a FAPE, what matters is the gravamen of the plaintiff's complaint, setting aside any attempts at artful pleading. That inquiry makes central the plaintiff's own claims, as § 1415(*l*) explicitly requires in asking whether a lawsuit in fact "seeks" relief available under the IDEA. But examination of a plaintiff's complaint should consider substance, not surface: Section 1415(*l*) requires exhaustion when the gravamen of a complaint seeks redress for a school's failure to provide a FAPE, even if not phrased or framed in precisely that way. In addressing whether a complaint fits that description, a court should attend to the diverse means and ends of the statutes covering persons with disabilities. The IDEA guarantees individually tailored educational services for children with disabilities, while Title II and § 504 promise nondiscriminatory access to public institutions for people with disabilities of all ages. That is not to deny some overlap in coverage: The same conduct might violate

all three statutes. But still, these statutory differences mean that a complaint brought under Title II and § 504 might instead seek relief for simple discrimination, irrespective of the IDEA's FAPE obligation. One clue to the gravamen of a complaint can come from asking a pair of hypothetical questions. First, could the plaintiff have brought essentially the same claim if the alleged conduct had occurred at a public facility that was not a school? Second, could an adult at the school have pressed essentially the same grievance? When the answer to those questions is yes, a complaint that does not expressly allege the denial of a FAPE is also unlikely to be truly about that subject. But when the answer is no, then the complaint probably does concern a FAPE. A further sign of the gravamen of a suit can emerge from the history of the proceedings. Prior pursuit of the IDEA's administrative remedies may provide strong evidence that the substance of a plaintiff's claim concerns the denial of a FAPE, even if the complaint never explicitly uses that term. Pp. 169–174.

2. This case is remanded to the Court of Appeals for a proper analysis of whether the gravamen of E. F.'s complaint charges, and seeks relief for, the denial of a FAPE. The Frys' complaint alleges only disability-based discrimination, without making any reference to the adequacy of the special education services E. F.'s school provided. Instead, the Frys have maintained that the school districts infringed E. F.'s right to equal access—even if their actions complied in full with the IDEA's requirements. But the possibility remains that the history of these proceedings might suggest something different. The parties have not addressed whether the Frys initially pursued the IDEA's administrative remedies, and the record is cloudy as to the relevant facts. On remand, the court below should establish whether (or to what extent) the Frys invoked the IDEA's dispute resolution process before filing suit. And if the Frys started down that road, the court should decide whether their actions reveal that the gravamen of their complaint is indeed the denial of a FAPE, thus necessitating further exhaustion. Pp. 174–176.

788 F. 3d 622, vacated and remanded.

KAGAN, J., delivered the opinion of the Court, in which ROBERTS, C. J., and KENNEDY, GINSBURG, BREYER, and SOTOMAYOR, JJ., joined. ALITO, J., filed an opinion concurring in part and concurring in the judgment, in which THOMAS, J., joined, *post,* p. 176.

Samuel R. Bagenstos argued the cause for petitioners. With him on the briefs were *Steven R. Shapiro, Jill M.*

Wheaton, *James F. Hermon*, *Michael J. Steinberg*, and *Claudia Center*.

Roman Martinez argued the cause for the United States as *amicus curiae* urging reversal. With him on the brief were *Acting Solicitor General Gershengorn*, *Principal Deputy Assistant General Gupta*, *Irving Gornstein*, *Sharon M. McGowan*, *Jennifer Levin Eichhorn*, *James Cole, Jr.*, *Francisco Lopez*, and *Rhonda Weiss*.

Neal Kumar Katyal argued the cause for respondents. With him on the brief were *Eugene A. Sokoloff*, *Thomas P. Schmidt*, *Timothy J. Mullins*, and *Kenneth B. Chapie*.*

JUSTICE KAGAN delivered the opinion of the Court.

The Individuals with Disabilities Education Act (IDEA or Act), 84 Stat. 175, as amended, 20 U. S. C. § 1400 *et seq.*, ensures that children with disabilities receive needed special education services. One of its provisions, § 1415(*l*), addresses the Act's relationship with other laws protecting those children. Section 1415(*l*) makes clear that nothing in the IDEA "restrict[s] or limit[s] the rights [or] remedies" that other federal laws, including antidiscrimination statutes, confer on children with disabilities. At the same time, the

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*Briefs of *amici curiae* urging reversal were filed for the State of Illinois et al. by *Lisa Madigan*, Attorney General of Illinois, *David L. Franklin*, Solicitor General, *Brett E. Legner*, Deputy Solicitor General, *Meghan P. Carter*, Assistant Attorney General, and *Lori Swanson*, Attorney General of Minnesota; for Autism Speaks by *Gary Mayerson*, *Jean Marie Brescia*, *Dan Unumb*, and *Caroline J. Heller*; for the Council of Parent Attorneys and Advocates et al. by *Selene Almazan-Altobelli*, *Alexis Casillas*, *Alice K. Nelson*, and *Catherine Merino Reisman*; for the National Disability Rights Network et al. by *Tauna M. Szymanski*, *Ronald M. Hager*, *Cliff Zucker*, and *Laura J. Miller*; for Psychiatric Service Dog Partners, Inc., et al. by *John J. Ensminger*; for Thomas Hehir et al. by *Aaron M. Panner* and *Ira A. Burnim*; and for the Honorable Lowell P. Weicker, Jr., by *Sasha Samberg-Champion* and *Arlene B. Mayerson*.

Thomas B. Allen and *Francisco M. Negrón, Jr.*, filed a brief for the National School Boards Association et al. as *amici curiae* urging affirmance.

section states that if a suit brought under such a law "seek[s] relief that is also available under" the IDEA, the plaintiff must first exhaust the IDEA's administrative procedures. In this case, we consider the scope of that exhaustion requirement. We hold that exhaustion is not necessary when the gravamen of the plaintiff's suit is something other than the denial of the IDEA's core guarantee—what the Act calls a "free appropriate public education." § 1412(a)(1)(A).

I

A

The IDEA offers federal funds to States in exchange for a commitment: to furnish a "free appropriate public education"—more concisely known as a FAPE—to all children with certain physical or intellectual disabilities. *Ibid.*; see § 1401(3)(A)(i) (listing covered disabilities). As defined in the Act, a FAPE comprises "special education and related services"—both "instruction" tailored to meet a child's "unique needs" and sufficient "supportive services" to permit the child to benefit from that instruction. §§ 1401(9), (26), (29); see *Board of Ed. of Hendrick Hudson Central School Dist., Westchester Cty.* v. *Rowley*, 458 U. S. 176, 203 (1982). An eligible child, as this Court has explained, acquires a "substantive right" to such an education once a State accepts the IDEA's financial assistance. *Smith* v. *Robinson*, 468 U. S. 992, 1010 (1984).

Under the IDEA, an "individualized education program," called an IEP for short, serves as the "primary vehicle" for providing each child with the promised FAPE. *Honig* v. *Doe*, 484 U. S. 305, 311 (1988); see § 1414(d). (Welcome to—and apologies for—the acronymic world of federal legislation.) Crafted by a child's "IEP Team"—a group of school officials, teachers, and parents—the IEP spells out a personalized plan to meet all of the child's "educational needs." §§ 1414(d)(1)(A)(i)(II)(bb), (d)(1)(B). Most notably, the IEP documents the child's current "levels of academic achieve-

ment," specifies "measurable annual goals" for how she can "make progress in the general education curriculum," and lists the "special education and related services" to be provided so that she can "advance appropriately toward [those] goals." §§ 1414(d)(1)(A)(i)(I), (II), (IV)(aa).

Because parents and school representatives sometimes cannot agree on such issues, the IDEA establishes formal procedures for resolving disputes. To begin, a dissatisfied parent may file a complaint as to any matter concerning the provision of a FAPE with the local or state educational agency (as state law provides). See § 1415(b)(6). That pleading generally triggers a "[p]reliminary meeting" involving the contending parties, § 1415(f)(1)(B)(i); at their option, the parties may instead (or also) pursue a full-fledged mediation process, see § 1415(e). Assuming their impasse continues, the matter proceeds to a "due process hearing" before an impartial hearing officer. § 1415(f)(1)(A); see § 1415(f)(3)(A)(i). Any decision of the officer granting substantive relief must be "based on a determination of whether the child received a [FAPE]." § 1415(f)(3)(E)(i). If the hearing is initially conducted at the local level, the ruling is appealable to the state agency. See § 1415(g). Finally, a parent unhappy with the outcome of the administrative process may seek judicial review by filing a civil action in state or federal court. See § 1415(i)(2)(A).

Important as the IDEA is for children with disabilities, it is not the only federal statute protecting their interests. Of particular relevance to this case are two antidiscrimination laws—Title II of the Americans with Disabilities Act (ADA), 42 U. S. C. § 12131 *et seq.*, and § 504 of the Rehabilitation Act, 29 U. S. C. § 794—which cover both adults and children with disabilities, in both public schools and other settings. Title II forbids any "public entity" from discriminating based on disability; § 504 applies the same prohibition to any federally funded "program or activity." 42 U. S. C. §§ 12131–12132; 29 U. S. C. § 794(a). A regulation implementing Title II re-

quires a public entity to make "reasonable modifications" to its "policies, practices, or procedures" when necessary to avoid such discrimination. 28 CFR § 35.130(b)(7) (2016); see, *e. g.*, *Alboniga* v. *School Bd. of Broward Cty.*, 87 F. Supp. 3d 1319, 1345 (SD Fla. 2015) (requiring an accommodation to permit use of a service animal under Title II). In similar vein, courts have interpreted § 504 as demanding certain "reasonable" modifications to existing practices in order to "accommodate" persons with disabilities. *Alexander* v. *Choate*, 469 U. S. 287, 299–300 (1985); see, *e. g.*, *Sullivan* v. *Vallejo City Unified School Dist.*, 731 F. Supp. 947, 961–962 (ED Cal. 1990) (requiring an accommodation to permit use of a service animal under § 504). And both statutes authorize individuals to seek redress for violations of their substantive guarantees by bringing suits for injunctive relief or money damages. See 29 U. S. C. § 794a(a)(2); 42 U. S. C. § 12133.

This Court first considered the interaction between such laws and the IDEA in *Smith* v. *Robinson*, 468 U. S. 992.[1] The plaintiffs there sought "to secure a 'free appropriate public education' for [their] handicapped child." *Id.*, at 994. But instead of bringing suit under the IDEA alone, they appended "virtually identical" claims (again alleging the denial of a "free appropriate public education") under § 504 of the Rehabilitation Act and the Fourteenth Amendment's Equal Protection Clause. *Id.*, at 1009; see *id.*, at 1016. The Court held that the IDEA altogether foreclosed those additional claims: With its "comprehensive" and "carefully tailored" provisions, the Act was "the exclusive avenue" through which a child with a disability (or his parents) could challenge the adequacy of his education. *Id.*, at 1009; see *id.*, at 1013, 1016, 1021.

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[1] At the time (and until 1990), the IDEA was called the Education of the Handicapped Act, or EHA. See § 901(a), 104 Stat. 1141–1142 (renaming the statute). To avoid confusion—and acronym overload—we refer throughout this opinion only to the IDEA.

Congress was quick to respond. In the Handicapped Children's Protection Act of 1986, 100 Stat. 796, it overturned *Smith*'s preclusion of non-IDEA claims while also adding a carefully defined exhaustion requirement. Now codified at 20 U. S. C. § 1415(*l*), the relevant provision of that statute reads:

> "Nothing in [the IDEA] shall be construed to restrict or limit the rights, procedures, and remedies available under the Constitution, the [ADA], title V of the Rehabilitation Act [including § 504], or other Federal laws protecting the rights of children with disabilities, except that before the filing of a civil action under such laws seeking relief that is also available under [the IDEA], the [IDEA's administrative procedures] shall be exhausted to the same extent as would be required had the action been brought under [the IDEA]."

The first half of § 1415(*l*) (up until "except that") "reaffirm[s] the viability" of federal statutes like the ADA or Rehabilitation Act "as separate vehicles," no less integral than the IDEA, "for ensuring the rights of handicapped children." H. R. Rep. No. 99–296, p. 4 (1985); see *id.*, at 6. According to that opening phrase, the IDEA does not prevent a plaintiff from asserting claims under such laws even if, as in *Smith* itself, those claims allege the denial of an appropriate public education (much as an IDEA claim would). But the second half of § 1415(*l*) (from "except that" onward) imposes a limit on that "anything goes" regime, in the form of an exhaustion provision. According to that closing phrase, a plaintiff bringing suit under the ADA, the Rehabilitation Act, or similar laws must in certain circumstances—that is, when "seeking relief that is also available under" the IDEA—first exhaust the IDEA's administrative procedures. The reach of that requirement is the issue in this case.

B

Petitioner E. F. is a child with a severe form of cerebral palsy, which "significantly limits her motor skills and mobil-

ity." App. to Brief in Opposition 6, Complaint ¶19.[2] When E. F. was five years old, her parents—petitioners Stacy and Brent Fry—obtained a trained service dog for her, as recommended by her pediatrician. The dog, a goldendoodle named Wonder, "help[s E. F.] to live as independently as possible" by assisting her with various life activities. *Id.*, at 2, ¶3. In particular, Wonder aids E. F. by "retrieving dropped items, helping her balance when she uses her walker, opening and closing doors, turning on and off lights, helping her take off her coat, [and] helping her transfer to and from the toilet." *Id.*, at 7, ¶27.

But when the Frys sought permission for Wonder to join E. F. in kindergarten, officials at Ezra Eby Elementary School refused the request. Under E. F.'s existing IEP, a human aide provided E. F. with one-on-one support throughout the day; that two-legged assistance, the school officials thought, rendered Wonder superfluous. In the words of one administrator, Wonder should be barred from Ezra Eby because all of E. F.'s "physical and academic needs [were] being met through the services/programs/accommodations" that the school had already agreed to. *Id.*, at 8, ¶33. Later that year, the school officials briefly allowed Wonder to accompany E. F. to school on a trial basis; but even then, "the dog was required to remain in the back of the room during classes, and was forbidden from assisting [E. F.] with many tasks he had been specifically trained to do." *Ibid.*, ¶35. And when the trial period concluded, the administrators again informed the Frys that Wonder was not welcome. As a result, the Frys removed E. F. from Ezra Eby and began homeschooling her.

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[2] Because this case comes to us on review of a motion to dismiss E. F.'s suit, we accept as true all facts pleaded in her complaint. See *Leatherman* v. *Tarrant County Narcotics Intelligence and Coordination Unit*, 507 U. S. 163, 164 (1993).

In addition, the Frys filed a complaint with the U. S. Department of Education's Office for Civil Rights (OCR), charging that Ezra Eby's exclusion of E. F.'s service animal violated her rights under Title II of the ADA and § 504 of the Rehabilitation Act. Following an investigation, OCR agreed. The office explained in its decision letter that a school's obligations under those statutes go beyond providing educational services: A school could offer a FAPE to a child with a disability but still run afoul of the laws' ban on discrimination. See App. 30–32. And here, OCR found, Ezra Eby had indeed violated that ban, even if its use of a human aide satisfied the FAPE standard. See *id.*, at 35–36. OCR analogized the school's conduct to "requir[ing] a student who uses a wheelchair to be carried" by an aide or "requir[ing] a blind student to be led [around by a] teacher" instead of permitting him to use a guide dog or cane. *Id.*, at 35. Regardless whether those—or Ezra Eby's—policies denied a FAPE, they violated Title II and § 504 by discriminating against children with disabilities. See *id.*, at 35–36.

In response to OCR's decision, school officials at last agreed that E. F. could come to school with Wonder. But after meeting with Ezra Eby's principal, the Frys became concerned that the school administration "would resent [E. F.] and make her return to school difficult." App. to Brief in Opposition 10, ¶48. Accordingly, the Frys found a different public school, in a different district, where administrators and teachers enthusiastically received both E. F. and Wonder.

C

The Frys then filed this suit in federal court against the local and regional school districts in which Ezra Eby is located, along with the school's principal (collectively, the school districts). The complaint alleged that the school dis-

tricts violated Title II of the ADA and § 504 of the Rehabilitation Act by "denying [E. F.] equal access" to Ezra Eby and its programs, "refus[ing] to reasonably accommodate" E. F.'s use of a service animal, and otherwise "discriminat[ing] against [E. F.] as a person with disabilities." *Id.*, at 15, ¶68, 17–18, ¶¶82–83. According to the complaint, E. F. suffered harm as a result of that discrimination, including "emotional distress and pain, embarrassment, [and] mental anguish." *Id.*, at 11–12, ¶51. In their prayer for relief, the Frys sought a declaration that the school districts had violated Title II and § 504, along with money damages to compensate for E. F.'s injuries.

The District Court granted the school districts' motion to dismiss the suit, holding that § 1415(*l*) required the Frys to first exhaust the IDEA's administrative procedures. See App. to Pet. for Cert. 50. A divided panel of the Court of Appeals for the Sixth Circuit affirmed on the same ground. In that court's view, § 1415(*l*) applies if "the injuries [alleged in a suit] relate to the specific substantive protections of the IDEA." 788 F. 3d 622, 625 (2015). And that means, the court continued, that exhaustion is necessary whenever "the genesis and the manifestations" of the complained-of harms were "educational" in nature. *Id.*, at 627 (quoting *Charlie F.* v. *Board of Ed. of Skokie School Dist. 68*, 98 F. 3d 989, 993 (CA7 1996)). On that understanding of § 1415(*l*), the Sixth Circuit held, the Frys' suit could not proceed: Because the harms to E. F. were generally "educational"—most notably, the court reasoned, because "Wonder's absence hurt her sense of independence and social confidence at school"—the Frys had to exhaust the IDEA's procedures. 788 F. 3d, at 627. Judge Daughtrey dissented, emphasizing that in bringing their Title II and § 504 claims, the Frys "did not allege the denial of a FAPE" or "seek to modify [E. F.'s] IEP in any way." *Id.*, at 634.

We granted certiorari to address confusion in the Courts of Appeals as to the scope of § 1415(*l*)'s exhaustion requirement.

579 U. S. 940 (2016).[3] We now vacate the Sixth Circuit's decision.

II

Section 1415(*l*) requires that a plaintiff exhaust the IDEA's procedures before filing an action under the ADA, the Rehabilitation Act, or similar laws when (but only when) her suit "seek[s] relief that is also available" under the IDEA. We first hold that to meet that statutory standard, a suit must seek relief for the denial of a FAPE, because that is the only "relief" the IDEA makes "available." We next conclude that in determining whether a suit indeed "seeks" relief for such a denial, a court should look to the substance, or gravamen, of the plaintiff's complaint.[4]

A

In this Court, the parties have reached substantial agreement about what "relief" the IDEA makes "available" for children with disabilities—and about how the Sixth Circuit went wrong in addressing that question. The Frys maintain

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[3] See *Payne* v. *Peninsula School Dist.*, 653 F. 3d 863, 874 (CA9 2011) (en banc) (cataloguing different Circuits' understandings of § 1415(*l*)). In particular, the Ninth Circuit has criticized an approach similar to the Sixth Circuit's for "treat[ing] § 1415(*l*) as a quasi-preemption provision, requiring administrative exhaustion for any case that falls within the general 'field' of educating disabled students." *Id.*, at 875.

[4] In reaching these conclusions, we leave for another day a further question about the meaning of § 1415(*l*): Is exhaustion required when the plaintiff complains of the denial of a FAPE, but the specific remedy she requests—here, money damages for emotional distress—is not one that an IDEA hearing officer may award? The Frys, along with the Solicitor General, say the answer is no. See Reply Brief 2–3; Brief for United States as *Amicus Curiae* 16. But resolution of that question might not be needed in this case because the Frys also say that their complaint is not about the denial of a FAPE, see Reply Brief 17—and, as later explained, we must remand that distinct issue to the Sixth Circuit, see *infra*, at 174–176. Only if that court rejects the Frys' view of their lawsuit, using the analysis we set out below, will the question about the effect of their request for money damages arise.

that such a child can obtain remedies under the IDEA for decisions that deprive her of a FAPE, but none for those that do not. So in the Frys' view, § 1415(*l*)'s exhaustion requirement can come into play only when a suit concerns the denial of a FAPE—and not, as the Sixth Circuit held, when it merely has some articulable connection to the education of a child with a disability. See Reply Brief 13–15. The school districts, for their part, also believe that the Sixth Circuit's exhaustion standard "goes too far" because it could mandate exhaustion when a plaintiff is "seeking relief that is *not* in substance available" under the IDEA. Brief for Respondents 30. And in particular, the school districts acknowledge that the IDEA makes remedies available only in suits that "directly implicate[ ]" a FAPE—so that only in those suits can § 1415(*l*) apply. Tr. of Oral Arg. 46. For the reasons that follow, we agree with the parties' shared view: The only relief that an IDEA officer can give—hence the thing a plaintiff must seek in order to trigger § 1415(*l*)'s exhaustion rule—is relief for the denial of a FAPE.

We begin, as always, with the statutory language at issue, which (at risk of repetition) compels exhaustion when a plaintiff seeks "relief" that is "available" under the IDEA. The ordinary meaning of "relief" in the context of a lawsuit is the "redress[ ] or benefit" that attends a favorable judgment. Black's Law Dictionary 1161 (5th ed. 1979). And such relief is "available," as we recently explained, when it is "accessible or may be obtained." *Ross* v. *Blake*, 578 U. S. 632, 642 (2016) (quoting Webster's Third New International Dictionary 150 (1993)). So to establish the scope of § 1415(*l*), we must identify the circumstances in which the IDEA enables a person to obtain redress (or, similarly, to access a benefit).

That inquiry immediately reveals the primacy of a FAPE in the statutory scheme. In its first section, the IDEA declares as its first purpose "to ensure that all children with disabilities have available to them a free appropriate public education." § 1400(d)(1)(A). That principal purpose then

becomes the Act's principal command: A State receiving federal funding under the IDEA must make such an education "available to all children with disabilities." § 1412(a)(1)(A). The guarantee of a FAPE to those children gives rise to the bulk of the statute's more specific provisions. For example, the IEP—"the centerpiece of the statute's education delivery system"—serves as the "vehicle" or "means" of providing a FAPE. *Honig*, 484 U. S., at 311; *Rowley*, 458 U. S., at 181; see *supra*, at 158. And finally, as all the above suggests, the FAPE requirement provides the yardstick for measuring the adequacy of the education that a school offers to a child with a disability: Under that standard, this Court has held, a child is entitled to "meaningful" access to education based on her individual needs. *Rowley*, 458 U. S., at 192.[5]

The IDEA's administrative procedures test whether a school has met that obligation—and so center on the Act's FAPE requirement. As noted earlier, any decision by a hearing officer on a request for substantive relief "shall" be "based on a determination of whether the child received a free appropriate public education." § 1415(f)(3)(E)(i); see *supra*, at 159.[6] Or said in Latin: In the IDEA's administrative process, a FAPE denial is the *sine qua non*. Suppose that a parent's complaint protests a school's failure to provide some accommodation for a child with a disability. If that accommodation is needed to fulfill the IDEA's FAPE requirement, the hearing officer must order relief. But if it is not, he cannot—even though the dispute is between a child with a disability and the school she attends. There might be good reasons, unrelated to a FAPE, for the school to make the

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[5] A case now before this Court, *Endrew F.* v. *Douglas County School Dist. RE–1*, No. 15–827, presents unresolved questions about the precise content of the FAPE standard. [Reporter's Note: See *post*, p. 386.]

[6] Without finding the denial of a FAPE, a hearing officer may do nothing more than order a school district to comply with the Act's various procedural requirements, see § 1415(f)(3)(E)(iii)—for example, by allowing parents to "examine all records" relating to their child, § 1415(b)(1).

requested accommodation. Indeed, another federal law (like the ADA or Rehabilitation Act) might *require* the accommodation on one of those alternative grounds. See *infra*, at 170–171. But still, the hearing officer cannot provide the requested relief. His role, under the IDEA, is to enforce the child's "substantive right" to a FAPE. *Smith*, 468 U. S., at 1010. And that is all.[7]

For that reason, § 1415(*l*)'s exhaustion rule hinges on whether a lawsuit seeks relief for the denial of a FAPE. If a lawsuit charges such a denial, the plaintiff cannot escape § 1415(*l*) merely by bringing her suit under a statute other than the IDEA—as when, for example, the plaintiffs in *Smith* claimed that a school's failure to provide a FAPE also violated the Rehabilitation Act.[8] Rather, that plaintiff must first submit her case to an IDEA hearing officer, experienced in addressing exactly the issues she raises. But if, in a suit brought under a different statute, the remedy sought is not for the denial of a FAPE, then exhaustion of the IDEA's procedures is not required. After all, the plaintiff could not get any relief from those procedures: A hearing officer, as just explained, would have to send her away empty-handed. And that is true even when the suit arises directly from a school's treatment of a child with a disability—and so could be said to relate in some way to her education. A school's conduct toward such a child—say, some refusal to make an accommodation—might injure her in ways unrelated to a FAPE, which are addressed in statutes other than the

[7] Similarly, a court in IDEA litigation may provide a substantive remedy only when it determines that a school has denied a FAPE. See *School Comm. of Burlington* v. *Department of Ed. of Mass.*, 471 U. S. 359, 369 (1985). Without such a finding, that kind of relief is (once again) unavailable under the Act.

[8] Once again, we do not address here (or anywhere else in this opinion) a case in which a plaintiff, although charging the denial of a FAPE, seeks a form of remedy that an IDEA officer cannot give—for example, as in the Frys' complaint, money damages for resulting emotional injury. See n. 4, *supra*.

IDEA. A complaint seeking redress for those other harms, independent of any FAPE denial, is not subject to § 1415(*l*)'s exhaustion rule because, once again, the only "relief" the IDEA makes "available" is relief for the denial of a FAPE.

B

Still, an important question remains: How is a court to tell when a plaintiff "seeks" relief for the denial of a FAPE and when she does not? Here, too, the parties have found some common ground: By looking, they both say, to the "substance" of, rather than the labels used in, the plaintiff's complaint. Brief for Respondents 20; Reply Brief 7–8. And here, too, we agree with that view: What matters is the crux—or, in legal-speak, the gravamen—of the plaintiff's complaint, setting aside any attempts at artful pleading.

That inquiry makes central the plaintiff's own claims, as § 1415(*l*) explicitly requires. The statutory language asks whether a lawsuit in fact "seeks" relief available under the IDEA—not, as a stricter exhaustion statute might, whether the suit "could have sought" relief available under the IDEA (or, what is much the same, whether any remedies "are" available under that law). See Brief for United States as *Amicus Curiae* 20 (contrasting § 1415(*l*) with the exhaustion provision in the Prison Litigation Reform Act, 42 U. S. C. § 1997e(a)). In effect, § 1415(*l*) treats the plaintiff as "the master of the claim": She identifies its remedial basis—and is subject to exhaustion or not based on that choice. *Caterpillar Inc.* v. *Williams*, 482 U. S. 386, 392, and n. 7 (1987). A court deciding whether § 1415(*l*) applies must therefore examine whether a plaintiff's complaint—the principal instrument by which she describes her case—seeks relief for the denial of an appropriate education.

But that examination should consider substance, not surface. The use (or non-use) of particular labels and terms is not what matters. The inquiry, for example, does not ride on whether a complaint includes (or, alternatively, omits) the

precise words(?) "FAPE" or "IEP." After all, § 1415(*l*)'s premise is that the plaintiff is suing under a statute *other than* the IDEA, like the Rehabilitation Act; in such a suit, the plaintiff might see no need to use the IDEA's distinctive language—even if she is in essence contesting the adequacy of a special education program. And still more critically, a "magic words" approach would make § 1415(*l*)'s exhaustion rule too easy to bypass. Just last Term, a similar worry led us to hold that a court's jurisdiction under the Foreign Sovereign Immunities Act turns on the "gravamen," or "essentials," of the plaintiff's suit. *OBB Personenverkehr AG* v. *Sachs*, 577 U. S. 27, 34, 35, 36 (2015). "[A]ny other approach," we explained, "would allow plaintiffs to evade the Act's restrictions through artful pleading." *Id.*, at 36. So too here. Section 1415(*l*) is not merely a pleading hurdle. It requires exhaustion when the gravamen of a complaint seeks redress for a school's failure to provide a FAPE, even if not phrased or framed in precisely that way.

In addressing whether a complaint fits that description, a court should attend to the diverse means and ends of the statutes covering persons with disabilities—the IDEA on the one hand, the ADA and Rehabilitation Act (most notably) on the other. The IDEA, of course, protects only "children" (well, really, adolescents too) and concerns only their schooling. § 1412(a)(1)(A). And as earlier noted, the statute's goal is to provide each child with meaningful access to education by offering individualized instruction and related services appropriate to her "unique needs." § 1401(29); see *Rowley*, 458 U. S., at 192, 198; *supra*, at 167. By contrast, Title II of the ADA and § 504 of the Rehabilitation Act cover people with disabilities of all ages, and do so both inside and outside schools. And those statutes aim to root out disability-based discrimination, enabling each covered person (sometimes by means of reasonable accommodations) to participate equally to all others in public facilities and federally funded programs. See *supra*, at 159–160. In short, the IDEA guarantees

individually tailored educational services, while Title II and § 504 promise non-discriminatory access to public institutions. That is not to deny some overlap in coverage: The same conduct might violate all three statutes—which is why, as in *Smith*, a plaintiff might seek relief for the denial of a FAPE under Title II and § 504 as well as the IDEA. But still, the statutory differences just discussed mean that a complaint brought under Title II and § 504 might instead seek relief for simple discrimination, irrespective of the IDEA's FAPE obligation.

One clue to whether the gravamen of a complaint against a school concerns the denial of a FAPE, or instead addresses disability-based discrimination, can come from asking a pair of hypothetical questions. First, could the plaintiff have brought essentially the same claim if the alleged conduct had occurred at a public facility that was *not* a school—say, a public theater or library? And second, could an *adult* at the school—say, an employee or visitor—have pressed essentially the same grievance? When the answer to those questions is yes, a complaint that does not expressly allege the denial of a FAPE is also unlikely to be truly about that subject; after all, in those other situations there is no FAPE obligation and yet the same basic suit could go forward. But when the answer is no, then the complaint probably does concern a FAPE, even if it does not explicitly say so; for the FAPE requirement is all that explains why only a child in the school setting (not an adult in that setting or a child in some other) has a viable claim.

Take two contrasting examples. Suppose first that a wheelchair-bound child sues his school for discrimination under Title II (again, without mentioning the denial of a FAPE) because the building lacks access ramps. In some sense, that architectural feature has educational consequences, and a different lawsuit might have alleged that it violates the IDEA: After all, if the child cannot get inside the school, he cannot receive instruction there; and if he must

be carried inside, he may not achieve the sense of independence conducive to academic (or later to real-world) success. But is the denial of a FAPE really the gravamen of the plaintiff's Title II complaint? Consider that the child could file the same basic complaint if a municipal library or theater had no ramps. And similarly, an employee or visitor could bring a mostly identical complaint against the school. That the claim can stay the same in those alternative scenarios suggests that its essence is equality of access to public facilities, not adequacy of special education. See *supra*, at 163 (describing OCR's use of a similar example). And so § 1415(*l*) does not require exhaustion.[9]

But suppose next that a student with a learning disability sues his school under Title II for failing to provide remedial tutoring in mathematics. That suit, too, might be cast as one for disability-based discrimination, grounded on the school's refusal to make a reasonable accommodation; the complaint might make no reference at all to a FAPE or an IEP. But can anyone imagine the student making the same claim against a public theater or library? Or, similarly, imagine an adult visitor or employee suing the school to ob-

[9] The school districts offer another example illustrating the point. They suppose that a teacher, acting out of animus or frustration, strikes a student with a disability, who then sues the school under a statute other than the IDEA. See Brief for Respondents 36–37. Here too, the suit could be said to relate, in both genesis and effect, to the child's education. But the school districts opine, we think correctly, that the substance of the plaintiff's claim is unlikely to involve the adequacy of special education—and thus is unlikely to require exhaustion. See *ibid.* A telling indicator of that conclusion is that a child could file the same kind of suit against an official at another public facility for inflicting such physical abuse—as could an adult subject to similar treatment by a school official. To be sure, the particular circumstances of such a suit (school or theater? student or employee?) might be pertinent in assessing the reasonableness of the challenged conduct. But even if that is so, the plausibility of bringing other variants of the suit indicates that the gravamen of the plaintiff's complaint does not concern the appropriateness of an educational program.

tain a math tutorial? The difficulty of transplanting the complaint to those other contexts suggests that its essence—even though not its wording—is the provision of a FAPE, thus bringing § 1415(*l*) into play.[10]

A further sign that the gravamen of a suit is the denial of a FAPE can emerge from the history of the proceedings. In particular, a court may consider that a plaintiff has previously invoked the IDEA's formal procedures to handle the dispute—thus starting to exhaust the Act's remedies before switching midstream. Recall that a parent dissatisfied with her child's education initiates those administrative procedures by filing a complaint, which triggers a preliminary meeting (or possibly mediation) and then a due process hearing. See *supra*, at 159. A plaintiff's initial choice to pursue that process may suggest that she is indeed seeking relief for the denial of a FAPE—with the shift to judicial proceedings prior to full exhaustion reflecting only strategic calculations about how to maximize the prospects of such a remedy. Whether that is so depends on the facts; a court may conclude, for example, that the move to a courtroom came from a late-acquired awareness that the school had fulfilled its FAPE obligation and that the grievance involves something else entirely. But prior pursuit of the IDEA's administrative remedies will often provide strong evidence that the substance of a plaintiff's claim concerns the denial of a

[10] According to JUSTICE ALITO, the hypothetical inquiries described above are useful only if the IDEA and other federal laws are mutually exclusive in scope. See *post*, at 176 (opinion concurring in part and concurring in judgment). That is incorrect. The point of the questions is not to show that a plaintiff faced with a particular set of circumstances could *only* have proceeded under Title II or § 504—or, alternatively, could *only* have proceeded under the IDEA. (Depending on the circumstances, she might well have been able to proceed under both.) Rather, these questions help determine whether a plaintiff who has chosen to bring a claim under Title II or § 504 instead of the IDEA—and whose complaint makes no mention of a FAPE—nevertheless raises a claim whose *substance* is the denial of an appropriate education.

FAPE, even if the complaint never explicitly uses that term.[11]

III

The Court of Appeals did not undertake the analysis we have just set forward. As noted above, it asked whether E. F.'s injuries were, broadly speaking, "educational" in nature. See *supra*, at 164; 788 F. 3d, at 627 (reasoning that the "value of allowing Wonder to attend [school] with E. F. was educational" because it would foster "her sense of independence and social confidence," which is "the sort of interest the IDEA protects"). That is not the same as asking whether the gravamen of E. F.'s complaint charges, and seeks relief for, the denial of a FAPE. And that difference in standard may have led to a difference in result in this case. Understood correctly, § 1415(*l*) might not require exhaustion of the Frys' claim. We lack some important information on that score, however, and so we remand the issue to the court below.

The Frys' complaint alleges only disability-based discrimination, without making any reference to the adequacy of the special education services E. F.'s school provided. The school districts' "refusal to allow Wonder to act as a service dog," the complaint states, "discriminated against [E. F.] as a person with disabilities . . . by denying her equal access" to public facilities. App. to Brief in Opposition 15, Complaint ¶68. The complaint contains no allegation about the denial of a FAPE or about any deficiency in E. F.'s IEP. More, it does not accuse the school even in general terms of refusing to provide the educational instruction and services that E. F. needs. See 788 F. 3d, at 631 (acknowledging that

[11] The point here is limited to commencement of the IDEA's formal administrative procedures; it does not apply to more informal requests to IEP Team members or other school administrators for accommodations or changes to a special education program. After all, parents of a child with a disability are likely to bring *all* grievances first to those familiar officials, whether or not they involve the denial of a FAPE.

the Frys do not "state that Wonder enhances E. F.'s educational opportunities"). As the Frys explained in this Court: The school districts "have said all along that because they gave [E. F.] a one-on-one [human] aide, that all of her . . . educational needs were satisfied. And we have not challenged that, and it would be difficult for us to challenge that." Tr. of Oral Arg. 16. The Frys instead maintained, just as OCR had earlier found, that the school districts infringed E. F.'s right to equal access—even if their actions complied in full with the IDEA's requirements. See App. to Brief in Opposition 15, 18–19, Complaint ¶¶ 69, 85, 87; App. 34–37; *supra*, at 163–164.

And nothing in the nature of the Frys' suit suggests any implicit focus on the adequacy of E. F.'s education. Consider, as suggested above, that the Frys could have filed essentially the same complaint if a public library or theater had refused admittance to Wonder. See *supra*, at 172. Or similarly, consider that an adult visitor to the school could have leveled much the same charges if prevented from entering with his service dog. See *ibid.* In each case, the plaintiff would challenge a public facility's policy of precluding service dogs (just as a blind person might challenge a policy of barring guide dogs, see *supra*, at 163) as violating Title II's and § 504's equal access requirements. The suit would have nothing to do with the provision of educational services. From all that we know now, that is exactly the kind of action the Frys have brought.

But we do not foreclose the possibility that the history of these proceedings might suggest something different. As earlier discussed, a plaintiff's initial pursuit of the IDEA's administrative remedies can serve as evidence that the gravamen of her later suit is the denial of a FAPE, even though that does not appear on the face of her complaint. See *supra*, at 173–174. The Frys may or may not have sought those remedies before filing this case: None of the parties here have addressed that issue, and the record is cloudy as to

the relevant facts. Accordingly, on remand, the court below should establish whether (or to what extent) the Frys invoked the IDEA's dispute resolution process before bringing this suit. And if the Frys started down that road, the court should decide whether their actions reveal that the gravamen of their complaint is indeed the denial of a FAPE, thus necessitating further exhaustion.

With these instructions and for the reasons stated, we vacate the judgment of the Court of Appeals and remand the case for further proceedings consistent with this opinion.

It is so ordered.

JUSTICE ALITO, with whom JUSTICE THOMAS joins, concurring in part and concurring in the judgment.

I join all of the opinion of the Court with the exception of its discussion (in the text from the beginning of the first new paragraph on page 15 to the end of the opinion) in which the Court provides several misleading "clue[s]," *ante*, at 171, for the lower courts.

The Court first instructs the lower courts to inquire whether the plaintiff could have brought "essentially the same claim if the alleged conduct had occurred at a public facility that was *not* a school—say, a public theater or library." *Ibid.* Next, the Court says, a court should ask whether "an *adult* at the school—say, an employee or visitor—[could] have pressed essentially the same grievance." *Ibid.* These clues make sense only if there is no overlap between the relief available under the following two sets of claims: (1) the relief provided by the Individuals with Disabilities Education Act (IDEA), and (2) the relief provided by other federal laws (including the Constitution, the Americans with Disabilities Act of 1990 (ADA), and the Rehabilitation Act of 1973). The Court does not show or even claim that there is no such overlap—to the contrary, it observes that "[t]he same conduct might violate" the ADA, the Rehabilitation Act and the IDEA. *Ibid.* And since these clues

work only in the absence of overlap, I would not suggest them.

The Court provides another false clue by suggesting that lower courts take into account whether parents, before filing suit under the ADA or the Rehabilitation Act, began to pursue but then abandoned the IDEA's formal procedures. *Ante*, at 173. This clue also seems to me to be ill advised. It is easy to imagine circumstances under which parents might start down the IDEA road and then change course and file an action under the ADA or the Rehabilitation Act that seeks relief that the IDEA cannot provide. The parents might be advised by their attorney that the relief they were seeking under the IDEA is not available under that law but is available under another. Or the parents might change their minds about the relief that they want, give up on the relief that the IDEA can provide, and turn to another statute.

Although the Court provides these clues for the purpose of assisting the lower courts, I am afraid that they may have the opposite effect. They are likely to confuse and lead courts astray.

Reporter's Note

The next page is purposely numbered 801. The numbers between 177 and 801 were intentionally omitted, in order to make it possible to publish the orders with *permanent* page numbers, thus making the official citations available upon publication of the preliminary prints of the United States Reports.

ORDERS FOR OCTOBER 3, 2016, THROUGH
FEBRUARY 28, 2017

OCTOBER 3, 2016

Certiorari Granted—Vacated and Remanded

No. 15–1493. MANN *v.* NORTH DAKOTA. Sup. Ct. N. D. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Birchfield* v. *North Dakota*, 579 U. S. 438 (2016). Reported below: 2016 ND 53, 876 N. W. 2d 710.

No. 15–7813. LINDSEY *v.* INDIANA. Ct. App. Ind. 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 Indiana in its brief for respondent filed May 23, 2016. THE CHIEF JUSTICE, JUSTICE THOMAS, and JUSTICE ALITO dissent for the reasons stated in *Nunez* v. *United States*, 554 U. S. 911, 912 (2008) (Scalia, J., dissenting). Reported below: 40 N. E. 3d 532.

No. 15–7902. BROOKS *v.* LOUISIANA. Ct. App. La., 2d Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Montgomery* v. *Louisiana*, 577 U. S. 190 (2016).

JUSTICE THOMAS, with whom JUSTICE ALITO joins, concurring.

In granting this petition and now vacating and remanding the judgment below, the Court has not assessed whether petitioner's asserted entitlement to retroactive relief "is properly presented in the case." *Montgomery* v. *Louisiana*, 577 U. S. 190, 205 (2016). On remand, courts should understand that the Court's disposition of this petition does not reflect any view regarding petitioner's entitlement to relief. The Court's disposition does not, for example, address whether an adequate and independent state ground bars relief, whether petitioner forfeited or waived any entitlement to relief (by, for example, entering into a plea agreement waiving any entitlement to relief), or whether petition-

er's sentence actually qualifies as a mandatory life without parole sentence.

No. 15–9501. BOMAN *v.* UNITED STATES. C. A. 8th Cir. Reported below: 810 F. 3d 534;

No. 15–9716. SYKES *v.* UNITED STATES. C. A. 8th Cir. Reported below: 809 F. 3d 435;

No. 15–9883. CONLEY *v.* UNITED STATES. C. A. 5th Cir. Reported below: 644 Fed. Appx. 294; and

No. 16–5164. WRIGHT *v.* UNITED STATES. C. A. 5th Cir. Reported below: 642 Fed. Appx. 486. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Mathis* v. *United States*, 579 U. S. 500 (2016).

No. 15–9918. RUSSELL *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 *Hurst* v. *Florida*, 577 U. S. 92 (2016). Reported below: 261 So. 3d 397.

Certiorari Dismissed

No. 15–9100. DAVID *v.* AMERICAN TELEPHONE & TELEGRAPH CO. ET AL. 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.

No. 15–9228. MCFADDEN *v.* A. O. SMITH CORP. ET AL. C. A. 6th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 15–9241. MARTIN *v.* FOX, WARDEN. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 15–9372. TAYLOR *v.* RICHARD III, LLC, ET AL. Dist. Ct. App. Fla., 4th Dist. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 187 So. 3d 1260.

No. 15–9445. HARPER *v.* TUSCARAWAS COUNTY JOB & FAMILY SERVICES ET AL. C. A. 6th Cir. Motion of petitioner for leave

to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 15–9455. ACKER *v.* UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 15–9466. SCHEFFLER *v.* MINNESOTA COMMISSIONER OF PUBLIC SAFETY. Ct. App. Minn. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 15–9467. SCHEFFLER *v.* MINNESOTA COMMISSIONER OF PUBLIC SAFETY. Ct. App. Minn. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 15–9615. SKAMFER *v.* WISCONSIN. Ct. App. Wis. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

No. 15–9697. REYNOLDS *v.* QUINTANA, WARDEN. C. A. 3d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 619 Fed. Appx. 55.

No. 15–9708. DAKER *v.* GEORGIA. Sup. Ct. Ga. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

No. 15–9777. DIXON *v.* UNITED STATES ET AL. C. A. 2d Cir. Motion of petitioner for leave to proceed *in forma pauperis* de-

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

No. 15–9785. Madura et al. *v.* Bank of America, N. A. C. A. 11th Cir. Motion of petitioners for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As 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 fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

No. 15–9847. Davis *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. 15–9848. Green *v.* New York. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*). Reported below: 113 App. Div. 3d 793, 978 N. Y. S. 2d 884.

No. 15–9879. Mosley *v.* Kelley, Director, Arkansas Department of Correction. C. A. 8th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

No. 15–9922. WEBB *v.* SCOTT ET AL. C. A. 10th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*). Reported below: 643 Fed. Appx. 711.

No. 16–5103. GLEAN *v.* SIKES, WARDEN. 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.

No. 16–5163. ROSS *v.* TODD. 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.

No. 16–5173. WARE *v.* ALPHA CAPITAL AKTIENGESELLSCHAFT ET AL. C. A. 11th Cir.; and

No. 16–5174. WARE *v.* SECURITIES AND EXCHANGE COMMISSION. C. A. 11th Cir. Motions of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

No. 16–5308. PARKER *v.* JOHNSON, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL. C. A. 3d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 16–5400. STROUSE *v.* WILSON, WARDEN, ET AL. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 16–5479. SEWELL *v.* PRINCE GEORGE'S COUNTY DEPARTMENT OF SOCIAL SERVICES. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As petitioner has repeatedly abused this Court's process, the Clerk is directed not to

accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*). Reported below: 645 Fed. Appx. 286.

No. 16–5530. NAILS *v.* MCDONALD, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 651 Fed. Appx. 1006.

No. 16–5737. REDDY *v.* PRECYSE SOLUTIONS, LLC, ET AL. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

Miscellaneous Orders

No. D–2888. IN RE DISBARMENT OF NAEGELE. Disbarment entered. [For earlier order herein, see 578 U. S. 971.]

No. D–2897. IN RE DISBARMENT OF PETERS-HAMLIN. Disbarment entered. [For earlier order herein, see 578 U. S. 972.]

No. D–2914. IN RE DISBARMENT OF AGOLA. Disbarment entered. [For earlier order herein, see 579 U. S. 959.]

No. D–2915. IN RE MOSES. Timothy Eugene Moses, of Augusta, Ga., 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 July 18, 2016, [579 U. S. 960] is discharged.

No. D–2918. IN RE GLUCKSMAN. L. Morris Glucksman, of Stamford, Conn., 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 August 8, 2016, [579 U. S. 963] is discharged.

No. D–2920. In re Vila. Gustavo Vila, of Yorktown Heights, 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 August 8, 2016, [579 U. S. 963] is discharged.

No. 16M1. Orlick *v.* Grand Forks Housing Authority et al.;

No. 16M9. Watson *v.* United States District Court for the District of Columbia;

No. 16M18. Watson *v.* Jarvis, Warden; and

No. 16M25. In re Demery. Motions for leave to proceed as veterans denied.

No. 16M2. Robinson *v.* Mayor and Baltimore City Council;

No. 16M3. Ogunsula *v.* Holder, Former Attorney General, et al.;

No. 16M4. Johnson *v.* Kelly, Warden;

No. 16M5. Dismuke *v.* Stemmet et al.;

No. 16M11. Newsome *v.* Florida;

No. 16M12. Stach *v.* Amazon Services, LLC;

No. 16M13. Bell *v.* Weyerhaeuser NR Co.;

No. 16M14. Shelton *v.* Crookshank;

No. 16M15. Barnes *v.* Sam's East Wholesale Club #8220 et al.;

No. 16M16. Turrentine *v.* United States;

No. 16M17. Golemon *v.* McDonald, Secretary of Veterans Affairs;

No. 16M19. Manigault *v.* Commissioner of Internal Revenue;

No. 16M20. Boatner *v.* Kamar et al.;

No. 16M21. Ball *v.* Franklin-Williamson Properties, Inc., et al.;

No. 16M22. Ball *v.* Franklin-Williamson Properties, Inc.;

No. 16M27. Roberson *v.* Enloe, Warden; and

No. 16M28. Deaton *v.* Arkansas Department of Correction et al. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 16M6. LOGAN *v.* UNITED STATES. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

No. 16M7. STREAMBEND PROPERTIES II, LLC, ET AL. *v.* IVY TOWER MINNEAPOLIS, LLC, ET AL.;

No. 16M8. STREAMBEND PROPERTIES III, LLC, ET AL. *v.* SEXTON LOFTS, LLC, ET AL.; and

No. 16M24. BROWN *v.* UNITED STATES. Motions to direct the Clerk to file petitions for writs of certiorari out of time under this Court's Rule 14.5 denied.

No. 16M10. IN RE JACKSON. Motion for leave to proceed as a veteran or a seaman denied.

No. 16M23. APPLICANT *v.* COMMITTEE ON CHARACTER AND FITNESS. Motion for leave to file petition for writ of certiorari under seal denied.

No. 16M26. BONNER *v.* BONNER. Motion of petitioner for leave to proceed *in forma pauperis* with declaration of indigency under seal granted.

No. 65, Orig. TEXAS *v.* NEW MEXICO. Motion of the River Master for fees and expenses granted, and the River Master is awarded a total of $12,227.20 for the period July 1, 2015, through June 30, 2016, to be paid equally by the parties. [For earlier order herein, see, *e. g.*, 577 U. S. 808.]

No. 145, Orig. DELAWARE *v.* PENNSYLVANIA ET AL.; and

No. 146, Orig. ARKANSAS ET AL. *v.* DELAWARE. Motions for leave to file bills of complaint and for leave to file counterclaims granted. Cases consolidated and the parties are allowed 30 days within which to file answers to the complaints and the counterclaims.

No. 15–214. MURR ET AL. *v.* WISCONSIN ET AL. Ct. App. Wis. [Certiorari granted, 577 U. S. 1098.] Motions of respondents Wisconsin and St. Croix County for divided argument granted. Motion of the Acting Solicitor General for enlargement of time for oral argument, for leave to participate in oral argument as *amicus curiae*, and for divided argument granted, and the time is divided as follows: 35 minutes for petitioners, 15 minutes for respondent Wisconsin, 10 minutes for respondent St. Croix County, and 10 minutes for the Acting Solicitor General.

No. 15–961. VISA INC. ET AL. *v.* OSBORN ET AL.; and
No. 15–962. VISA INC. ET AL. *v.* STOUMBOS ET AL. C. A. D. C. Cir. [Certiorari granted, 579 U. S. 940.] Motion of petitioners to dispense with printing joint appendix granted.

No. 15–1191. LYNCH, ATTORNEY GENERAL *v.* MORALES-SANTANA. C. A. 2d Cir. [Certiorari granted, 579 U. S. 940.] Motion of petitioner to dispense with printing joint appendix granted.

No. 15–1223. SOUTHWEST SECURITIES, FSB *v.* SEGNER. C. A. 5th Cir.;
No. 15–1305. BEAVEX, INC. *v.* COSTELLO ET AL. C. A. 7th Cir.;
No. 15–1345. ALI *v.* WARFAA; and
No. 15–1464. WARFAA *v.* ALI. C. A. 4th Cir.;
No. 15–1439. CYAN, INC., ET AL. *v.* BEAVER COUNTY EMPLOYEES RETIREMENT FUND ET AL. Ct. App. Cal., 1st App. Dist., Div. 4;
No. 15–1509. U. S. BANK N. A., TRUSTEE, ET AL. *v.* VILLAGE AT LAKERIDGE, LLC, ET AL. C. A. 9th Cir.; and
No. 16–130. UNITED STATES EX REL. ADVOCATES FOR BASIC LEGAL EQUALITY, INC. *v.* U. S. BANK N. A. C. A. 6th Cir. The Acting Solicitor General is invited to file briefs in these cases expressing the views of the United States.

No. 15–1251. NATIONAL LABOR RELATIONS BOARD *v.* SW GENERAL, INC., DBA SOUTHWEST AMBULANCE. C. A. D. C. Cir. [Certiorari granted, 579 U. S. 917.] Motion of petitioner to dispense with printing joint appendix granted.

No. 15–8441. IN RE GREENE. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [578 U. S. 974] denied.

No. 15–8600. MCFADDEN *v.* DETROIT UNITED INSURANCE ET AL. C. A. 6th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [578 U. S. 1001] denied.

No. 15–8803. SEWELL *v.* WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY. C. A. 4th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [578 U. S. 1020] denied.

No. 15–8882. RANDOLPH *v.* FLORIDA ET AL. Dist. Ct. App. Fla., 1st Dist. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [578 U. S. 1020] denied.

No. 15–8912. AHMED *v.* SHELDON, WARDEN. C. A. 6th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [578 U. S. 1001] denied.

No. 15–9200. LOI NGOC NGHIEM *v.* KERESTES, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT MAHANOY, ET AL. C. A. 3d Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [579 U. S. 916] denied.

No. 15–9313. CALKINS *v.* UNITED STATES. C. A. 8th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [579 U. S. 902] denied.

No. 15–9353. TOWNSEND *v.* CITY OF BELOIT, WISCONSIN. Sup. Ct. Wis.;

No. 15–9477. BENITEZ *v.* MISSISSIPPI. Ct. App. Miss.;

No. 15–9481. HAJDA *v.* UNIVERSITY OF KANSAS HOSPITAL AUTHORITY ET AL. Ct. App. Kan.;

No. 15–9484. MOORE *v.* KLEIN. Ct. App. Idaho;

No. 15–9493. CHOY *v.* COMCAST CABLE COMMUNICATIONS, LLC. C. A. 3d Cir.;

No. 15–9498. R. E. *v.* M. S. Sup. Ct. Ind.;

No. 15–9532. JEWEL *v.* UAW INTERNATIONAL ET AL. C. A. 6th Cir.;

No. 15–9585. KEMPTON *v.* J. C. PENNEY CORP., INC. C. A. 5th Cir.;

No. 15–9631. OKWARA *v.* LYNCH, ATTORNEY GENERAL. C. A. 4th Cir.;

No. 15–9666. WESLEY-ROSA *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 2d Jud. Dept.;

No. 15–9695. ROBERTS *v.* WORKERS' COMPENSATION APPEAL BOARD OF PENNSYLVANIA. Commw. Ct. Pa.;

No. 15–9700. BELL *v.* MATTHEWS. C. A. 4th Cir.;

No. 15–9725. MCDONALD *v.* MCHUGH, SECRETARY OF THE ARMY. C. A. 5th Cir.;

No. 15–9776. CHEPAK *v.* NEW YORK CITY HEALTH AND HOSPITALS CORPORATION. C. A. 2d Cir.;

No. 15–9784. Zong *v.* Merrill Lynch, Pierce, Fenner & Smith Inc. C. A. 3d Cir.;

No. 15–9794. Slade *v.* City of Marshall, Texas, et al. C. A. 5th Cir.;

No. 15–9803. Nyanjom *v.* Hawker Beechcraft Corp. C. A. 10th Cir.;

No. 15–9811. Miller *v.* Miller et al. Ct. Sp. App. Md.;

No. 15–9814. Hudson *v.* United States. C. A. 5th Cir.;

No. 15–9843. Evans *v.* United States. C. A. 8th Cir.;

No. 16–5003. Hopkins et al. *v.* Mayor and Baltimore City Council. C. A. 4th Cir.;

No. 16–5009. MacPheat *v.* Reed. Sup. Ct. Mont.;

No. 16–5099. Adkins *v.* Jochem et al. C. A. 4th Cir.;

No. 16–5135. Apgar *v.* McDonald, Secretary of Veterans Affairs. C. A. Fed. Cir.;

No. 16–5186. Gonzalez Santana *v.* New Jersey. Super. Ct. N. J., App. Div.;

No. 16–5215. Rubang *v.* United States et al. C. A. 9th Cir.;

No. 16–5240. Nhuong Van Nguyen *v.* Superior Court of California, Riverside County, et al. Ct. App. Cal., 4th App. Dist., Div. 2;

No. 16–5268. Price *v.* United States. C. A. 11th Cir.;

No. 16–5314. Feldman et vir *v.* H. A. Berkheimer, Inc., dba Berkheimer Tax Administrator, et al. C. A. 3d Cir.;

No. 16–5337. Randolph et ux. *v.* Solutia, Inc. Sup. Ct. Fla.;

No. 16–5339. Trane *v.* Northrop Grumman Corp. C. A. 2d Cir.;

No. 16–5370. Foster *v.* Holder. C. A. 5th Cir.;

No. 16–5371. Foster *v.* Holder. C. A. 5th Cir.;

No. 16–5373. Rezapour *v.* United States. C. A. 4th Cir.;

No. 16–5393. Holland *v.* Department of Veterans Affairs. C. A. 8th Cir.;

No. 16–5469. James *v.* Merit Systems Protection Board. C. A. Fed. Cir.; and

No. 16–5558. Padmanabhan *v.* Burwell, Secretary of Health and Human Services. C. A. Fed. Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until October 24, 2016, 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. 16–5468. FORD *v.* ROHR ET AL. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until October 24, 2016, 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 ALITO took no part in the consideration or decision of this motion.

No. 15–8902. IN RE MORELAND;
No. 15–9792. IN RE SMITH;
No. 15–9868. IN RE WRIGHT;
No. 15–9919. IN RE PETERS;
No. 16–5036. IN RE STURGIS;
No. 16–5048. IN RE BOOSE;
No. 16–5051. IN RE PHILLIPS;
No. 16–5213. IN RE BRACKEN;
No. 16–5409. IN RE TRUITT;
No. 16–5423. IN RE SUDBERRY;
No. 16–5505. IN RE PHILLIPS;
No. 16–5511. IN RE SINGLETON;
No. 16–5512. IN RE BROKAW;
No. 16–5522. IN RE BERRY;
No. 16–5581. IN RE WELLS-ALI;
No. 16–5621. IN RE DUARTE;
No. 16–5659. IN RE TURNER;
No. 16–5693. IN RE JIMENEZ;
No. 16–5733. IN RE ZONE;
No. 16–5768. IN RE DIXON;
No. 16–5803. IN RE SEDLAK; and
No. 16–5807. IN RE NILES. Petitions for writs of habeas corpus denied.

No. 16–5030. IN RE BUI PHU XUAN. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of habeas corpus dismissed. See this Court's Rule 39.8. As petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

No. 15–9276. IN RE WHITTAKER;
No. 15–9350. IN RE BROWN;
No. 15–9470. IN RE PENNINGTON-THURMAN;
No. 15–9619. IN RE SANTOS-PINEDA;
No. 15–9667. IN RE TAYLOR;
No. 15–9739. IN RE RUSSELL;
No. 15–9797. IN RE YUNQUE;
No. 16–103. IN RE RUBIN;
No. 16–164. IN RE THORNTON;
No. 16–5179. IN RE LESTER;
No. 16–5183. IN RE SHAH;
No. 16–5235. IN RE BLANEY;
No. 16–5288. IN RE WILLIAMSON;
No. 16–5313. IN RE JONES;
No. 16–5342. IN RE RAMON;
No. 16–5394. IN RE SALLIS; and
No. 16–5528. IN RE MUZIO. Petitions for writs of mandamus denied.

No. 16–5137. IN RE AKEL; and
No. 16–5555. IN RE THOMPSON. Petitions for writs of mandamus denied. JUSTICE KAGAN took no part in the consideration or decision of these petitions.

No. 15–9742. IN RE ROBERTSON. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of mandamus dismissed. See this Court's Rule 39.8. As petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

No. 16–5556. IN RE CRAWFORD. Petition for writ of mandamus and/or prohibition denied.

No. 15–9506. IN RE MADURA ET AL. Motion of petitioners for leave to proceed *in forma pauperis* denied, and petition for writ of mandamus and/or prohibition dismissed. See this Court's Rule 39.8. As 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 fee re-

quired by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

No. 15–9141. In re Brascom. Petition for writ of prohibition denied.

Certiorari Denied

No. 15–673. Sullivan *v.* United States. C. A. Armed Forces. Certiorari denied. Reported below: 74 M. J. 448.

No. 15–843. Spaulding et al. *v.* Welch. C. A. 6th Cir. Certiorari denied. Reported below: 627 Fed. Appx. 479.

No. 15–906. Dunnet Bay Construction Co. *v.* Blankenhorn, Secretary, Illinois Department of Transportation, et al. C. A. 7th Cir. Certiorari denied. Reported below: 799 F. 3d 676.

No. 15–1047. Aranda-Galvan *v.* Lynch, Attorney General. C. A. 5th Cir. Certiorari denied. Reported below: 623 Fed. Appx. 217.

No. 15–1054. Scott *v.* McDonald, Secretary of Veterans Affairs. C. A. Fed. Cir. Certiorari denied. Reported below: 789 F. 3d 1375.

No. 15–1075. GEA Process Engineering, Inc. *v.* Steuben Foods, Inc. C. A. Fed. Cir. Certiorari denied. Reported below: 618 Fed. Appx. 667.

No. 15–1086. Joseph H. *v.* California. Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied. Reported below: 237 Cal. App. 4th 517, 188 Cal. Rptr. 3d 171.

No. 15–1115. Washington *v.* Indiana. Ct. App. Ind. Certiorari denied. Reported below: 42 N. E. 3d 521.

No. 15–1134. Peake *v.* United States. C. A. 1st Cir. Certiorari denied. Reported below: 804 F. 3d 81.

No. 15–1141. Gourley et al. *v.* Google Inc. et al. C. A. 3d Cir. Certiorari denied. Reported below: 806 F. 3d 125.

No. 15–1153. Mondaca-Vega *v.* Lynch, Attorney General. C. A. 9th Cir. Certiorari denied. Reported below: 808 F. 3d 413.

No. 15–1158. RODELLA *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 804 F. 3d 1317.

No. 15–1167. O'BANNON, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED *v.* NATIONAL COLLEGIATE ATHLETIC ASSN.; and

No. 15–1388. NATIONAL COLLEGIATE ATHLETIC ASSN. *v.* O'BANNON ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 802 F. 3d 1049.

No. 15–1174. SCARBER *v.* PALMER, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 808 F. 3d 1093.

No. 15–1190. HEBERT *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 813 F. 3d 551.

No. 15–1208. KIRKBRIDE *v.* TEREX USA, LLC, DBA CEDARAPIDS. C. A. 10th Cir. Certiorari denied. Reported below: 798 F. 3d 1343.

No. 15–1211. FCA US LLC, FKA CHRYSLER GROUP LLC *v.* CENTER FOR AUTO SAFETY. C. A. 9th Cir. Certiorari denied. Reported below: 809 F. 3d 1092.

No. 15–1213. DEERE & CO. ET AL. *v.* NEW HAMPSHIRE ET AL. Sup. Ct. N. H. Certiorari denied. Reported below: 168 N. H. 460, 130 A. 3d 1197.

No. 15–1217. BAILEY *v.* SMOOT, CHAIR, UNITED STATES PAROLE COMMISSION, ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 793 F. 3d 127.

No. 15–1224. PERL *v.* EDEN PLACE, LLC. C. A. 9th Cir. Certiorari denied. Reported below: 811 F. 3d 1120.

No. 15–1232. ESTRADA-MARTINEZ *v.* LYNCH, ATTORNEY GENERAL. C. A. 7th Cir. Certiorari denied. Reported below: 809 F. 3d 886.

No. 15–1242. SCOUT PETROLEUM, LLC, ET AL. *v.* CHESAPEAKE APPALACHIA, LLC. C. A. 3d Cir. Certiorari denied. Reported below: 809 F. 3d 746.

No. 15–1257. AKBAR *v.* UNITED STATES. C. A. Armed Forces. Certiorari denied. Reported below: 74 M. J. 364.

No. 15–1266. GUTIERREZ-ROSTRAN *v.* LYNCH, ATTORNEY GENERAL. C. A. 7th Cir. Certiorari denied. Reported below: 810 F. 3d 497.

No. 15–1271. DAVIS *v.* MINNESOTA. Ct. App. Minn. Certiorari denied.

No. 15–1273. DAVIS *v.* MINNESOTA COMMISSIONER OF PUBLIC SAFETY. Ct. App. Minn. Certiorari denied.

No. 15–1276. DUIT CONSTRUCTION CO., INC. *v.* ARKANSAS STATE CLAIMS COMMISSION ET AL. Sup. Ct. Ark. Certiorari denied. Reported below: 2015 Ark. 462, 476 S. W. 3d 791.

No. 15–1283. INITIATIVE LEGAL GROUP APC ET AL. *v.* MAXON. Ct. App. Cal., 1st App. Dist., Div. 2. Certiorari denied.

No. 15–1289. DUMSTREY *v.* WISCONSIN. Sup. Ct. Wis. Certiorari denied. Reported below: 2016 WI 3, 366 Wis. 2d 64, 873 N. W. 2d 502.

No. 15–1315. ARMEL *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 15–1317. VANESSA G. *v.* TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES. Sup. Ct. Tenn. Certiorari denied. Reported below: 483 S. W. 3d 507.

No. 15–1319. DEMARCO ET UX. *v.* MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION OF RHODE ISLAND. Sup. Ct. N. J. Certiorari denied. Reported below: 223 N. J. 363, 125 A. 3d 367.

No. 15–1321. DART, SHERIFF, COOK COUNTY, ILLINOIS *v.* BACKPAGE.COM, LLC. C. A. 7th Cir. Certiorari denied. Reported below: 807 F. 3d 229.

No. 15–1323. TEXAS *v.* BURKS. Ct. App. Tex., 2d Dist. Certiorari denied. Reported below: 454 S. W. 3d 705.

No. 15–1325. LUNDAHL *v.* HALABI ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 600 Fed. Appx. 596.

No. 15–1326. ARMEL *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 15–1328. KOCH ET AL. *v.* PECHOTA ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 632 Fed. Appx. 24.

No. 15–1329. STERLING JEWELERS INC. *v.* EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. C. A. 2d Cir. Certiorari denied. Reported below: 801 F. 3d 96.

No. 15–1331. GENESTE *v.* AGMA, INC., DBA SANDS POINT CENTER, ET AL. C. A. 2d Cir. Certiorari denied.

No. 15–1332. HEDGES *v.* SUPERIOR COURT OF CALIFORNIA, LOS ANGELES COUNTY. C. A. 9th Cir. Certiorari denied.

No. 15–1334. VUKSICH *v.* IMAGING3, INC. C. A. 9th Cir. Certiorari denied. Reported below: 634 Fed. Appx. 172.

No. 15–1335. EMI FEIST CATALOG, INC. *v.* BALDWIN ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 805 F. 3d 18.

No. 15–1336. AIR LIQUIDE INDUSTRIAL U. S. LP *v.* GARRIDO. Ct. App. Cal., 2d App. Dist., Div. 2. Certiorari denied. Reported below: 241 Cal. App. 4th 833, 194 Cal. Rptr. 3d 297.

No. 15–1337. HOUSING AUTHORITY OF THE CITY OF LOS ANGELES ET AL. *v.* NOZZI ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 806 F. 3d 1178.

No. 15–1342. DIXXON CO. ET AL. *v.* SOUTH NORFOLK JORDAN BRIDGE, LLC, FKA FIGG BRIDGE DEVELOPERS, LLC. Sup. Ct. Va. Certiorari denied.

No. 15–1343. EDWARDS ET AL. *v.* BLACKMAN ET AL. Sup. Jud. Ct. Me. Certiorari denied. Reported below: 2015 ME 165, 129 A. 3d 971.

No. 15–1346. GEICO GENERAL INSURANCE CO. ET AL. *v.* CALDERON, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 809 F. 3d 111.

No. 15–1348. HENDERSON *v.* AMMONS ET AL.; and HENDERSON *v.* EATON ET AL. C. A. 4th Cir. Certiorari denied.

No. 15–1352. SHAHID *v.* FNBN I, LLC, BY PENNYMAC LOAN SERVICES, LLC, ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 615 Fed. Appx. 393.

No. 15–1357. KEEN *v.* JUDICIAL ALTERNATIVES OF GEORGIA, INC. C. A. 11th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 546.

No. 15–1364. NEVADA RESTAURANT SERVICES, INC., DBA DOTTY'S *v.* CLARK COUNTY, NEVADA, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 638 Fed. Appx. 590.

No. 15–1365. SJURSET, INDIVIDUALLY AND AS NEXT FRIEND OF N. S. ET AL. *v.* BUTTON ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 810 F. 3d 609.

No. 15–1366. COMMON SENSE ALLIANCE *v.* SAN JUAN COUNTY, WASHINGTON. Ct. App. Wash. Certiorari denied. Reported below: 189 Wash. App. 1026.

No. 15–1367. ZAUNBRECHER ET AL. *v.* GAUDIN ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 641 Fed. Appx. 340.

No. 15–1368. VERNON *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 814 F. 3d 1091.

No. 15–1370. SALDANA ZAVALA *v.* FREITAS, SHERIFF, SONOMA COUNTY, CALIFORNIA. C. A. 9th Cir. Certiorari denied.

No. 15–1371. BAILEY *v.* U. S. BANK N. A. C. A. 5th Cir. Certiorari denied. Reported below: 620 Fed. Appx. 361.

No. 15–1372. BAILEY *v.* FELTMANN. C. A. 8th Cir. Certiorari denied. Reported below: 810 F. 3d 589.

No. 15–1374. WILLIAMS *v.* PEREZ, SECRETARY OF LABOR. C. A. D. C. Cir. Certiorari denied.

No. 15–1375. SOUSA ET UX. *v.* BRANCH BANKING & TRUST CO. Sup. Ct. Nev. Certiorari denied. Reported below: 132 Nev. 1031.

No. 15–1377. SWEARINGEN *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Reported below: 478 S. W. 3d 716.

No. 15–1378. LAWSON ET AL. *v.* LAWSON ET AL. Ct. App. N. C. Certiorari denied. Reported below: 241 N. C. App. 399, 775 S. E. 2d 36.

No. 15–1380. VILLAGE OF PINEHURST, NORTH CAROLINA, ET AL. *v.* ESTATE OF ARMSTRONG, BY AND THROUGH HIS ADMIN-

ISTRATRIX, LOPEZ. C. A. 4th Cir. Certiorari denied. Reported below: 810 F. 3d 892.

No. 15–1381. HOWARD *v.* OHIO. Ct. App. Ohio, 5th App. Dist., Stark County. Certiorari denied. Reported below: 2015-Ohio-2053.

No. 15–1383. STEVENSON, PERSONAL REPRESENTATIVE OF THE ESTATE OF STEVENSON, DECEASED *v.* MOHON ET AL. Ct. App. Ky. Certiorari denied.

No. 15–1385. SUN LIFE ASSURANCE COMPANY OF CANADA *v.* IMPERIAL PREMIUM FINANCE, LLC. C. A. 11th Cir. Certiorari denied.

No. 15–1389. ANDERSON *v.* CARTER, SECRETARY OF DEFENSE, ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 802 F. 3d 4.

No. 15–1392. NAMER, DBA VOICE OF AMERICA *v.* BROADCASTING BOARD OF GOVERNORS ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 628 Fed. Appx. 910.

No. 15–1394. RUBEY *v.* VANNETT. Ct. App. Minn. Certiorari denied.

No. 15–1395. ISRAEL SANCHEZ *v.* KERRY, SECRETARY OF STATE, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 648 Fed. Appx. 386.

No. 15–1397. ROBINSON *v.* NORTH CAROLINA (Reported below: 368 N. C. 596, 780 S. E. 2d 151); and AUGUSTINE ET AL. *v.* NORTH CAROLINA (368 N. C. 594, 780 S. E. 2d 552). Sup. Ct. N. C. Certiorari denied.

No. 15–1399. PRINCIPAL INVESTMENTS, INC., ET AL. *v.* HARRISON ET AL. Sup. Ct. Nev. Certiorari denied. Reported below: 132 Nev. 9, 366 P. 3d 688.

No. 15–1400. ANDERSON, INDIVIDUALLY AND ON BEHALF OF THE WRONGFUL DEATH BENEFICIARIES OF ANDERSON *v.* MARSHALL COUNTY, MISSISSIPPI, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 127.

No. 15–1401. VON MAACK *v.* 1199 SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL. C. A. 2d Cir. Certiorari denied. Reported below: 638 Fed. Appx. 66.

No. 15–1402. AMPHASTAR PHARMACEUTICALS, INC., ET AL. *v.* MOMENTA PHARMACEUTICALS, INC., ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 809 F. 3d 610.

No. 15–1404. K. D. ET AL. *v.* FACEBOOK, INC., ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 638 Fed. Appx. 594.

No. 15–1405. FITZPATRICK *v.* TENNESSEE. Ct. Crim. App. Tenn. Certiorari denied.

No. 15–1410. HANSJURGENS *v.* BAILEY. C. A. 11th Cir. Certiorari denied.

No. 15–1412. MECH *v.* SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA. C. A. 11th Cir. Certiorari denied. Reported below: 806 F. 3d 1070.

No. 15–1414. RHODES *v.* ZOELLER, ATTORNEY GENERAL OF INDIANA. C. A. 7th Cir. Certiorari denied.

No. 15–1415. SAFE HARBOR RETREAT LLC *v.* TOWN OF EAST HAMPTON, NEW YORK, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 629 Fed. Appx. 63.

No. 15–1417. SANTIAGO *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 632 Fed. Appx. 769.

No. 15–1418. LAGIOS *v.* GOLDMAN ET AL. Sup. Ct. Ark. Certiorari denied. Reported below: 2016 Ark. 59, 483 S. W. 3d 810.

No. 15–1420. SCHULMAN *v.* LEXISNEXIS RISK & INFORMATION ANALYTICS GROUP, INC., ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 807 F. 3d 600.

No. 15–1422. WILLIAMS *v.* BOARD OF EDUCATION OF PRINCE GEORGE'S COUNTY. Ct. Sp. App. Md. Certiorari denied. Reported below: 223 Md. App. 768 and 782.

No. 15–1423. BLUE *v.* DISTRICT OF COLUMBIA. C. A. D. C. Cir. Certiorari denied. Reported below: 811 F. 3d 14.

No. 15–1426. LIPETZKY *v.* FARROW ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 986.

No. 15–1427. ABM INDUSTRIES INC. ET AL. *v.* CASTRO ET AL. C. A. 9th Cir. Certiorari denied.

No. 15–1428. BAGWE *v.* SEDGWICK CLAIMS MANAGEMENT SERVICES, INC., ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 811 F. 3d 866.

No. 15–1430. HYLIND *v.* XEROX CORP. C. A. 4th Cir. Certiorari denied. Reported below: 632 Fed. Appx. 114.

No. 15–1431. GLOBALTRANZ ENTERPRISES, INC., ET AL. *v.* ROSENFIELD. C. A. 9th Cir. Certiorari denied. Reported below: 811 F. 3d 282.

No. 15–1432. AFFORDABLE COMMUNITIES OF MISSOURI *v.* FEDERAL NATIONAL MORTGAGE ASSOCIATION. C. A. 8th Cir. Certiorari denied. Reported below: 815 F. 3d 1130.

No. 15–1433. BLAIZE *v.* INDIANA. Sup. Ct. Ind. Certiorari denied. Reported below: 51 N. E. 3d 97.

No. 15–1434. FOXX *v.* MY VINTAGE BABY, INC., ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 624 Fed. Appx. 318.

No. 15–1435. HUSSAINI ET UX. *v.* LYNCH, ATTORNEY GENERAL. C. A. 6th Cir. Certiorari denied. Reported below: 644 Fed. Appx. 403.

No. 15–1436. ACOLI, FKA SQUIRE *v.* NEW JERSEY STATE PAROLE BOARD. Sup. Ct. N. J. Certiorari denied. Reported below: 224 N. J. 213, 130 A. 3d 1228.

No. 15–1441. SERRA *v.* BANK OF NEW YORK MELLON. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 182 So. 3d 654.

No. 15–1443. BANK OF NEW YORK MELLON *v.* AMERICAN FIDELITY ASSURANCE CO. C. A. 10th Cir. Certiorari denied. Reported below: 810 F. 3d 1234.

No. 15–1445. KLINGENSCHMITT *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 623 Fed. Appx. 1013.

No. 15–1447. MURPHY-DUBAY *v.* MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS ET AL. Ct. App. Mich. Certiorari denied. Reported below: 311 Mich. App. 539, 876 N. W. 2d 598.

No. 15–1449. WALDO ET UX. *v.* BANK OF NEW YORK MELLON ET AL. Ct. App. Utah. Certiorari denied.

No. 15–1450. TELEGUZ *v.* ZOOK, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 806 F. 3d 803.

No. 15–1451. GRAUER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 15–1452. CAMERON *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Reported below: 490 S. W. 3d 57.

No. 15–1453. LUTZ ET AL. *v.* HUNTINGTON BANCSHARES, INC., ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 815 F. 3d 988.

No. 15–1454. MED RX/SYSTEMS, P. L. L. C., DBA ALIMENTOS ET AL. *v.* TEXAS DEPARTMENT OF STATE HEALTH SERVICES ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 607.

No. 15–1457. IVORY COAST, AKA REPUBLIC OF THE COTE D'IVOIRE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 635 Fed. Appx. 358.

No. 15–1458. FRIED *v.* STIEFEL LABORATORIES, INC., ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 814 F. 3d 1288.

No. 15–1459. FREER *v.* MCDOWELL, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 15–1465. THORPE *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 185 So. 3d 1239.

No. 15–1466. SHIMOMURA *v.* DAVIS ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 811 F. 3d 349.

No. 15–1468. REED *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 132 A. 3d 1177.

No. 15–1469. GELLERMAN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 810 F. 3d 544.

No. 15–1470. HATEMI *v.* M&T BANK CORP. C. A. 2d Cir. Certiorari denied. Reported below: 633 Fed. Appx. 47.

No. 15–1471. GOBLE *v.* WARD ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 628 Fed. Appx. 692.

No. 15–1472. ROCHA *v.* TULARE COUNTY, CALIFORNIA, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 627 Fed. Appx. 623.

No. 15–1473. OCHOA-BENITEZ, AKA OCHOA *v.* LYNCH, ATTORNEY GENERAL. C. A. 2d Cir. Certiorari denied. Reported below: 624 Fed. Appx. 42.

No. 15–1475. SMITH ET AL. *v.* SIPI, LLC, ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 811 F. 3d 228.

No. 15–1476. CHINNIAH ET UX. *v.* EAST PENNSBORO TOWNSHIP, PENNSYLVANIA, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 639 Fed. Appx. 89.

No. 15–1477. MEADOWS ET AL. *v.* ENYEART ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 627 Fed. Appx. 496.

No. 15–1478. LEISER LAW FIRM, PLLC *v.* SUPREME COURT OF VIRGINIA ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 632 Fed. Appx. 127.

No. 15–1480. CECIL *v.* CECIL. Ct. App. Ky. Certiorari denied.

No. 15–1481. GAILEY *v.* UTAH. Ct. App. Utah. Certiorari denied. Reported below: 2015 UT App 249, 360 P. 3d 805.

No. 15–1483. TARSADIA HOTELS ET AL. *v.* BEAVER ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 816 F. 3d 1170.

No. 15–1484. SINGH ET AL. *v.* MICHIGAN BOARD OF LAW EXAMINERS. Sup. Ct. Mich. Certiorari denied. Reported below: 499 Mich. 898, 876 N. W. 2d 826.

No. 15–1487. KEEPERS, INC. *v.* CITY OF MILFORD, CONNECTICUT. C. A. 2d Cir. Certiorari denied. Reported below: 807 F. 3d 24.

No. 15–1488. LEOR *v.* ENOVATIVE TECHNOLOGIES, LLC. C. A. 4th Cir. Certiorari denied.

No. 15–1495. Southeast Arkansas Hospice, Inc. *v.* Burwell, Secretary of Health and Human Services. C. A. 8th Cir. Certiorari denied. Reported below: 815 F. 3d 448.

No. 15–1497. Malcolm *v.* Honeoye Falls-Lima Central School District et al. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 132 App. Div. 3d 1023, 17 N. Y. S. 3d 511.

No. 15–1501. Mahmood *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 820 F. 3d 177.

No. 15–1502. Jericho Systems Corp. *v.* Axiomatics, Inc., et al. C. A. Fed. Cir. Certiorari denied. Reported below: 642 Fed. Appx. 979.

No. 15–1506. Gomes *v.* Bank of America, N. A., et al. C. A. 9th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 346.

No. 15–1508. Commander *v.* New Jersey. Super. Ct. N. J., App. Div. Certiorari denied.

No. 15–1510. Fusto et al. *v.* Morse. C. A. 2d Cir. Certiorari denied. Reported below: 804 F. 3d 538.

No. 15–1513. Hutchinson Consultants, PC, et al. *v.* Titus et al. C. A. 11th Cir. Certiorari denied. Reported below: 627 Fed. Appx. 905.

No. 15–1514. Howard *v.* Department of the Army. C. A. Fed. Cir. Certiorari denied. Reported below: 628 Fed. Appx. 759.

No. 15–1515. Bank of the Ozarks, Inc., et al. *v.* Walker et al. Sup. Ct. Ark. Certiorari denied. Reported below: 2016 Ark. 116, 487 S. W. 3d 808.

No. 15–1516. Trading Technologies International, Inc. *v.* Lee, Under Secretary of Commerce for Intellectual Property and Director, United States Patent and Trademark Office. C. A. Fed. Cir. Certiorari denied.

No. 15–1517. Caronia et al. *v.* Orphan Medical, Inc., et al. C. A. 2d Cir. Certiorari denied. Reported below: 643 Fed. Appx. 61.

No. 15–1518. DRIESSEN ET UX. *v.* SONY MUSIC ENTERTAINMENT ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 640 Fed. Appx. 892.

No. 15–1519. KOZIOL *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK. C. A. 2d Cir. Certiorari denied.

No. 15–1520. MOORE *v.* LIGHTSTORM ENTERTAINMENT, INC., ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 638 Fed. Appx. 232.

No. 15–1521. DEMBIE *v.* OHIO. Ct. App. Ohio, 9th App. Dist., Lorain County. Certiorari denied. Reported below: 2015-Ohio-2888.

No. 15–1522. WHITAKER *v.* MERIT SYSTEMS PROTECTION BOARD. C. A. Fed. Cir. Certiorari denied. Reported below: 642 Fed. Appx. 1003.

No. 15–1523. BURNIAC *v.* WELLS FARGO BANK, N. A., ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 810 F. 3d 429.

No. 15–1524. ANTONACCI *v.* CITY OF CHICAGO, ILLINOIS, ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 640 Fed. Appx. 553.

No. 15–1525. SERGEANTS BENEVOLENT ASSOCIATION HEALTH AND WELFARE FUND ET AL. *v.* SANOFI-AVENTIS U. S. LLP ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 806 F. 3d 71.

No. 15–1526. BIRCHER *v.* MARYLAND. Ct. App. Md. Certiorari denied. Reported below: 446 Md. 458, 132 A. 3d 292.

No. 15–1529. ESTATE OF BRUST ET AL. *v.* DELAWARE RIVER PORT AUTHORITY ET AL. Super. Ct. N. J., App. Div. Certiorari denied. Reported below: 443 N. J. Super. 103, 127 A. 3d 729.

No. 15–1531. JOHNSON ET AL. *v.* CITY OF SHELBY, MISSISSIPPI. C. A. 5th Cir. Certiorari denied. Reported below: 642 Fed. Appx. 380.

No. 15–1532. BEST *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 639 Fed. Appx. 848.

No. 15–1533. SIMCOX *v.* ILLINOIS. App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 2015 IL App (3d) 130086–U.

No. 15–1534. FLUTE ET AL. *v.* UNITED STATES ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 808 F. 3d 1234.

No. 15–1535. DATTA *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 15–1536. HUBBARD *v.* PLAZA BONITA, L. P., ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 630 Fed. Appx. 681.

No. 15–1540. S. M. *v.* OXFORD HEALTH PLANS (NY), INC., AKA OXFORD HEALTH INSURANCE, INC., ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 644 Fed. Appx. 81.

No. 15–1541. KONN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 634 Fed. Appx. 818.

No. 15–1542. MCGEE *v.* CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied.

No. 15–1543. TERRELL ET AL. *v.* YELLEN, CHAIR, BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM. C. A. D. C. Cir. Certiorari denied.

No. 15–1544. TOBINICK *v.* OLMARKER ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 626 Fed. Appx. 1008.

No. 15–1546. BUCARO *v.* TEXAS. Ct. App. Tex., 2d Dist. Certiorari denied.

No. 15–7532. DAVIS *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 174 So. 3d 997.

No. 15–7860. RAPHAEL *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 15–7910. DOAK *v.* JOHNSON, SECRETARY OF HOMELAND SECURITY. C. A. D. C. Cir. Certiorari denied. Reported below: 798 F. 3d 1096.

No. 15–8259. WAKEFIELD *v.* WEST VIRGINIA. Sup. Ct. App. W. Va. Certiorari denied. Reported below: 236 W. Va. 445, 781 S. E. 2d 222.

No. 15–8276. REED *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 615 Fed. Appx. 145.

No. 15–8280. GUZMAN-IBAREZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 792 F. 3d 1094.

No. 15–8365. JOHNSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 806 F. 3d 1323.

No. 15–8399. KIRBY *v.* NORTH CAROLINA STATE UNIVERSITY. C. A. 4th Cir. Certiorari denied. Reported below: 615 Fed. Appx. 136.

No. 15–8404. KIRKSEY *v.* BAKER, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 612 Fed. Appx. 459.

No. 15–8434. CRUZ *v.* CALIFORNIA. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 15–8448. JOHNSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 634 Fed. Appx. 227.

No. 15–8497. JOHNSON *v.* BALDWIN, DIRECTOR, ILLINOIS DEPARTMENT OF CORRECTIONS, ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 619 Fed. Appx. 552.

No. 15–8501. MUJAHID *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 799 F. 3d 1228.

No. 15–8505. FLAUGHER *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 805 F. 3d 1249.

No. 15–8510. FLORES *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 802 F. 3d 1028.

No. 15–8528. MULDER *v.* MCDONALD, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. Certiorari denied. Reported below: 805 F. 3d 1342.

No. 15–8565. BARRETT *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 797 F. 3d 1207.

No. 15–8606. BELL *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 795 F. 3d 88.

No. 15–8613. RODRIGUEZ INFANTE *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 5. Certiorari denied.

No. 15–8614. WILSON *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 795 F. 3d 88.

No. 15–8701. STEMPLE *v.* SHEARIN, WARDEN, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 610 Fed. Appx. 337.

No. 15–8725. MITCHELL *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 790 F. 3d 881.

No. 15–8746. GRASSO *v.* EMA DESIGN AUTOMATION, INC., ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 618 Fed. Appx. 36.

No. 15–8753. HAMM *v.* ALLEN, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 620 Fed. Appx. 752.

No. 15–8775. DEUERLEIN *v.* NEBRASKA ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 627 Fed. Appx. 5.

No. 15–8809. DUNLAP *v.* IDAHO. Sup. Ct. Idaho. Certiorari denied. Reported below: 159 Idaho 280, 360 P. 3d 289.

No. 15–8815. DANIELS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 809 F. 3d 588.

No. 15–8823. WALTON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 15–8825. TOWNSEND *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 631 Fed. Appx. 373.

No. 15–8826. TRIMBLE *v.* JENKINS, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 804 F. 3d 767.

No. 15–8829. PEREZ *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 629 Fed. Appx. 699.

No. 15–8866. HARDWICK *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied. Reported below: 803 F. 3d 541.

No. 15–8875. KRUM *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 630 Fed. Appx. 664.

No. 15–8880. NAGIN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 810 F. 3d 348.

No. 15–8890. TAYLOR *v.* KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION. C. A. 9th Cir. Certiorari denied. Reported below: 811 F. 3d 326.

No. 15–8901. McClain *v.* Kelly, Warden. C. A. 6th Cir. Certiorari denied. Reported below: 631 Fed. Appx. 422.

No. 15–8946. Shaffer *v.* United States. C. A. 8th Cir. Certiorari denied. Reported below: 807 F. 3d 943.

No. 15–8955. Dahl *v.* United States. C. A. 8th Cir. Certiorari denied. Reported below: 807 F. 3d 900.

No. 15–8974. Crouch *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 630 Fed. Appx. 335.

No. 15–8975. Solomon-Eaton *v.* United States. C. A. 2d Cir. Certiorari denied. Reported below: 627 Fed. Appx. 47.

No. 15–8990. McIvery *v.* United States. C. A. 1st Cir. Certiorari denied. Reported below: 806 F. 3d 645.

No. 15–9002. Morris *v.* Westbrooks, Warden. C. A. 6th Cir. Certiorari denied. Reported below: 802 F. 3d 825.

No. 15–9040. Stogsdill *v.* South Carolina Department of Health and Human Services. Ct. App. S. C. Certiorari denied. Reported below: 410 S. C. 273, 763 S. E. 2d 638.

No. 15–9076. Shockley *v.* Missouri. Sup. Ct. Mo. Certiorari denied.

No. 15–9084. Guarino *v.* Arizona. Sup. Ct. Ariz. Certiorari denied. Reported below: 238 Ariz. 437, 362 P. 3d 484.

No. 15–9102. Reyes-Zarate *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 619 Fed. Appx. 671.

No. 15–9109. Isom *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 631 Fed. Appx. 244.

No. 15–9112. Hurdle *v.* Sheahan, Superintendent, Five Points Correctional Facility. C. A. 2d Cir. Certiorari denied.

No. 15–9113. Gaddy *v.* DeGeorgis. C. A. 4th Cir. Certiorari denied. Reported below: 616 Fed. Appx. 640.

No. 15–9117. Austin *v.* Alameda County, California, et al. C. A. 9th Cir. Certiorari denied.

No. 15–9118. SVEUM *v.* WISCONSIN. Ct. App. Wis. Certiorari denied.

No. 15–9127. WOODSON *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 208 So. 3d 95.

No. 15–9131. TOY *v.* ASUNCION, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 15–9133. ROGERS *v.* ILLINOIS. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 2015 IL App (2d) 130412, 49 N. E. 3d 70.

No. 15–9134. FLOWERS *v.* ARIZONA. Ct. App. Ariz. Certiorari denied.

No. 15–9136. TORRES *v.* UNKNOWN PARTY. Sup. Ct. Fla. Certiorari denied.

No. 15–9138. MILLER *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 799 F. 3d 1097.

No. 15–9140. REYNOLDS *v.* STEWART, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 15–9144. SMITH *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied. Reported below: 635 Pa. 38, 131 A. 3d 467.

No. 15–9148. CRIDER *v.* MINNESOTA. Ct. App. Minn. Certiorari denied.

No. 15–9153. BRYNER *v.* CANYONS SCHOOL DISTRICT. Ct. App. Utah. Certiorari denied. Reported below: 2015 UT App 131, 351 P. 3d 852.

No. 15–9157. MANOKU *v.* BAUMAN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 15–9160. POPAL *v.* ARTUS, SUPERINTENDENT, WENDE CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 15–9161. HANEY *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied. Reported below: 634 Pa. 690, 131 A. 3d 24.

No. 15–9163. GANT *v.* WISCONSIN. Ct. App. Wis. Certiorari denied. Reported below: 2015 WI App 83, 365 Wis. 2d 510, 872 N. W. 2d 137.

No. 15–9165. SCIPIO *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 15–9169. CARRANSA-VELASQUEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 604.

No. 15–9170. TEMPLE *v.* OWEN MCCLELLAND LLC ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 624 Fed. Appx. 131.

No. 15–9171. TORRES *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 185 So. 3d 1246.

No. 15–9172. WATKINS *v.* MINNESOTA. Ct. App. Minn. Certiorari denied.

No. 15–9174. WEDDINGTON *v.* ZATECKY, SUPERINTENDENT, PENDLETON CORRECTIONAL FACILITY. C. A. 7th Cir. Certiorari denied.

No. 15–9178. ZAVALA *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 15–9179. SMALLWOOD *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 641 Fed. Appx. 911.

No. 15–9181. SHEROD *v.* GEORGIA. Ct. App. Ga. Certiorari denied. Reported below: 334 Ga. App. 314, 779 S. E. 2d 94.

No. 15–9183. MORRIS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 641 Fed. Appx. 457.

No. 15–9186. SCARLETT *v.* BRONX SUPREME COURT ET AL. C. A. 2d Cir. Certiorari denied.

No. 15–9187. AMARAL *v.* ARIZONA. Sup. Ct. Ariz. Certiorari denied. Reported below: 239 Ariz. 217, 368 P. 3d 925.

No. 15–9188. ELLASON *v.* LIVINGSTON, EXECUTIVE DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, ET AL. C. A. 5th Cir. Certiorari denied.

No. 15–9190. HANCOCK *v.* DUCKWORTH, INTERIM WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 798 F. 3d 1002.

No. 15–9191. BURTON *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied. Reported below: 243 Cal. App. 4th 129, 196 Cal. Rptr. 3d 392.

No. 15–9192. FRIES *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 185 So. 3d 1254.

No. 15–9193. MORRIS *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 15–9195. GIBSON *v.* INDIANA. Sup. Ct. Ind. Certiorari denied. Reported below: 43 N. E. 3d 231.

No. 15–9196. ARMANDO *v.* KENNELLY. C. A. 5th Cir. Certiorari denied.

No. 15–9203. HILL *v.* KAUFFMAN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SMITHFIELD, ET AL. C. A. 3d Cir. Certiorari denied.

No. 15–9204. HILL *v.* KAUFFMAN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SMITHFIELD, ET AL. C. A. 3d Cir. Certiorari denied.

No. 15–9206. BELL *v.* COUNTY OF GALVESTON, TEXAS, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 628 Fed. Appx. 295.

No. 15–9207. PRATER *v.* WETZEL, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 629 Fed. Appx. 176.

No. 15–9208. RODGERS *v.* CURATORS OF THE UNIVERSITY OF MISSOURI SYSTEM ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 634 Fed. Appx. 598.

No. 15–9213. PEOPLES *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 62 Cal. 4th 718, 365 P. 3d 230.

No. 15–9215. VOLPICELLI *v.* BYRNE, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 15–9221. VOLPICELLI *v.* BYRNE, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 15–9224. RAMIREZ *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 641 Fed. Appx. 312.

No. 15–9226. BRANTLEY *v.* UNIVERSITY OF MARYLAND EASTERN SHORE ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 206.

No. 15–9230. WRIGHT *v.* MAYNARD. Sup. Ct. Va. Certiorari denied.

No. 15–9233. CASTILLO *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 640 Fed. Appx. 283.

No. 15–9234. RANKINE *v.* OVERMYER, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FOREST, ET AL. C. A. 3d Cir. Certiorari denied.

No. 15–9235. DECK *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 15–9236. CLAIBORNE *v.* ZHANG ET AL. C. A. 9th Cir. Certiorari denied.

No. 15–9238. KOAN *v.* HOFFNER, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 15–9242. JONES *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 15–9243. MERRITTE *v.* ILLINOIS. App. Ct. Ill., 3d Dist. Certiorari denied.

No. 15–9244. PRYOR *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 624 Fed. Appx. 230.

No. 15–9249. SOLANO *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 812 F. 3d 573.

No. 15–9251. TAYLOR *v.* GOODWIN, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 15–9255. RICE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 813 F. 3d 704.

No. 15–9257. SPELL *v.* ALLEGHENY COUNTY, PENNSYLVANIA, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 642 Fed. Appx. 105.

No. 15–9259. BAE HYUK SHIN *v.* SOTO, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 300.

No. 15–9263. VAN-CLEAVE *v.* TEXAS. Ct. App. Tex., 14th Dist. Certiorari denied.

No. 15–9264. WARD *v.* COOKE ET AL. C. A. 4th Cir. Certiorari denied.

No. 15–9266. VURIMINDI *v.* ANHALT, JUDGE, COURT OF COMMON PLEAS OF PENNSYLVANIA, FIRST JUDICIAL DISTRICT, ET AL. Sup. Ct. Pa. Certiorari denied. Reported below: 634 Pa. 648, 130 A. 3d 1282.

No. 15–9267. PEREZ LOPEZ *v.* TEXAS. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 15–9270. MARTIN *v.* GEORGIA. Sup. Ct. Ga. Certiorari denied. Reported below: 298 Ga. 259, 779 S. E. 2d 342.

No. 15–9272. MORALES *v.* HOLLAND, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 15–9274. RUGAMBA *v.* ROCKLEDGE BUS TOUR INC. ET AL. C. A. 2d Cir. Certiorari denied.

No. 15–9275. SKIEF *v.* TEXAS. Ct. App. Tex., 5th Dist. Certiorari denied.

No. 15–9278. TENDRICH *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 638 Fed. Appx. 980.

No. 15–9283. BYRD-GREEN *v.* FLORIDA. C. A. 11th Cir. Certiorari denied.

No. 15–9284. HUMMEL *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 15–9285. GRIER *v.* WASHINGTON. Sup. Ct. Wash. Certiorari denied.

No. 15–9286. ERIC F. *v.* DALRYMPLE ET AL. Sup. Ct. App. W. Va. Certiorari denied.

No. 15–9289. PLANCARTE *v.* FALK, WARDEN, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 632 Fed. Appx. 945.

No. 15–9291. BOLDEN *v.* PASH, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 15–9292. BRYANT *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. C. A. 8th Cir. Certiorari denied.

No. 15–9293. DE ADAMS *v.* MUNIZ, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 15–9297. TALAGA *v.* WASHINGTON. Ct. App. Wash. Certiorari denied. Reported below: 189 Wash. App. 1004.

No. 15–9298. RAMIREZ *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 15–9301. FOUNTAIN *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 622 Fed. Appx. 3.

No. 15–9304. KADONSKY *v.* JOHNSON, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL. C. A. 3d Cir. Certiorari denied.

No. 15–9306. CHARLES *v.* MEGWA. Ct. App. Ariz. Certiorari denied.

No. 15–9309. COLEMAN *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 635 Fed. Appx. 875.

No. 15–9312. BURLEY *v.* ALI. Ct. App. Ariz. Certiorari denied.

No. 15–9314. ULLRICH *v.* IDAHO ET AL. C. A. 9th Cir. Certiorari denied.

No. 15–9315. ULLRICH *v.* IDAHO SUPREME COURT ET AL. C. A. 9th Cir. Certiorari denied.

No. 15–9316. CIOTTA *v.* BRAZELTON, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 15–9317. V. E. *v.* MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES ET AL. Sup. Jud. Ct. Me. Certiorari denied. Reported below: 2016 ME 1, 131 A. 3d 898.

No. 15–9318. HEATHER S. *v.* CONNECTICUT DEPARTMENT OF CHILDREN AND FAMILIES. App. Ct. Conn. Certiorari denied.

No. 15–9319. DANIEL *v.* LYNCH, ATTORNEY GENERAL. C. A. 11th Cir. Certiorari denied.

No. 15–9322. BAZZO *v.* ASUNCION, ACTING WARDEN. C. A. 9th Cir. Certiorari denied.

No. 15–9326. JACKSON *v.* CALIFORNIA (two judgments). Sup. Ct. Cal. Certiorari denied.

No. 15–9328. STOCKMAN *v.* BERGHUIS, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 627 Fed. Appx. 470.

No. 15–9332. CULBERT *v.* FISHER, COMMISSIONER, MISSISSIPPI DEPARTMENT OF CORRECTIONS. C. A. 5th Cir. Certiorari denied.

No. 15–9339. LOCKHART *v.* HUNT, SUPERINTENDENT, COLUMBUS CORRECTIONAL FACILITY. C. A. 4th Cir. Certiorari denied. Reported below: 624 Fed. Appx. 830.

No. 15–9340. KOLLER *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 15–9342. MODRALL *v.* GUYTON, MAGISTRATE JUDGE, UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE. C. A. 6th Cir. Certiorari denied.

No. 15–9343. MOFFETT *v.* FOSTER, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 15–9344. MILTON *v.* MILLER, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 812 F. 3d 1252.

No. 15–9345. SCHWARZ *v.* MEINBERG ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 374.

No. 15–9346. ROBINSON *v.* CHESAPEAKE BANK OF MARYLAND ET AL. Ct. Sp. App. Md. Certiorari denied.

No. 15–9348. BAUTISTA *v.* LEE-BAUTISTA ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 148.

No. 15–9351. BABERS *v.* PFEIFFER, ACTING WARDEN. C. A. 9th Cir. Certiorari denied.

No. 15–9352. BURTON *v.* SPEARMAN, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 15–9354. JIMERSON *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 15–9355. KENNEDY *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 15–9359. HUTCHINSON *v.* WEXFORD HEALTH SERVICES, INC., ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 638 Fed. Appx. 930.

No. 15–9364. GRIFFITH *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 786 F. 3d 1098.

No. 15–9368. FRAZIER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 604 Fed. Appx. 306.

No. 15–9369. TANNER *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied.

No. 15–9370. YOUNG-BEY *v.* YOUNG. Ct. App. D. C. Certiorari denied. Reported below: 132 A. 3d 1176.

No. 15–9371. VALENCIA-VILLA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 623.

No. 15–9373. BESADA *v.* UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 645 Fed. Appx. 879.

No. 15–9374. MONTGOMERY *v.* WOOD, CHIEF JUDGE, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS, ET AL. C. A. 7th Cir. Certiorari denied.

No. 15–9377. HOVER *v.* NEVADA. Sup. Ct. Nev. Certiorari denied. Reported below: 132 Nev. 981.

No. 15–9378. SURIS *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. Sup. Ct. Fla. Certiorari denied.

No. 15–9379. CASTILLO-NUNEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 621.

No. 15–9383. TAFOYA *v.* COLORADO ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 628 Fed. Appx. 617.

No. 15–9385. ZUNO *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2015 IL App (1st) 140440–U.

No. 15–9386. STORY *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 15–9390. HEAD *v.* LACKNER, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 15–9392. DAVIS *v.* MCCARTHY ET AL. C. A. 11th Cir. Certiorari denied.

No. 15–9393. RAMIREZ *v.* ADVENTIST MEDICAL CENTER ET AL. Ct. App. Ore. Certiorari denied. Reported below: 273 Ore. App. 821, 362 P. 3d 1215.

No. 15–9394. SHABAZZ *v.* OVERMYER, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FOREST, ET AL. C. A. 3d Cir. Certiorari denied.

No. 15–9395. GREEN *v.* LEE, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 15–9397. SMALL *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2014 IL App (1st) 130190–U.

No. 15–9398. BROWNLEE *v.* RIVARD, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 15–9399. BURTON *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 15–9401. JONES *v.* FINESILVER. Sup. Ct. Fla. Certiorari denied.

No. 15–9404. JIMENEZ *v.* CALIFORNIA. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 15–9405. FULWOOD *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 569 Fed. Appx. 691.

No. 15–9409. OKEY *v.* STREBIG, WARDEN, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 617 Fed. Appx. 123.

No. 15–9410. A. S. *v.* L. F. Super. Ct. N. J., App. Div. Certiorari denied.

No. 15–9411. DEAN *v.* OHIO. Sup. Ct. Ohio. Certiorari denied. Reported below: 146 Ohio St. 3d 106, 2015-Ohio-4347, 54 N. E. 3d 80.

No. 15–9417. ALTMAN *v.* BREWER, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 644 Fed. Appx. 637.

No. 15–9420. WALLACE *v.* LOUISIANA ET AL. C. A. 5th Cir. Certiorari denied.

No. 15–9421. RIVERA *v.* NEW YORK ET AL. C. A. 2d Cir. Certiorari denied.

No. 15–9422. CESAR REYES *v.* MONTGOMERY, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 15–9423. NYNETJER EL BEY, FKA SNEAD *v.* BANK OF NEW YORK MELLON. C. A. 6th Cir. Certiorari denied.

No. 15–9426. DONOVAN *v.* ENVIRONMENTAL PROTECTION AGENCY. C. A. 4th Cir. Certiorari denied. Reported below: 625 Fed. Appx. 215.

No. 15–9427. CASEROS *v.* DAVEY, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 15–9429. LEONARD *v.* MCDANIEL, WARDEN. Sup. Ct. Nev. Certiorari denied. Reported below: 131 Nev. 1312.

No. 15–9431. BELTRAN *v.* MONTGOMERY, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 15–9432. WRIGHT *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 812 F. 3d 27.

No. 15–9433. VICHITVONGSA *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 819 F. 3d 260.

No. 15–9434. WANTON *v.* BAUGHMAN, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 15–9435. FATOUROS *v.* LAMBRAKIS ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 627 Fed. Appx. 84.

No. 15–9436. NARCISSE *v.* CAIN, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 15–9437. SINGH *v.* COMMISSIONER OF INTERNAL REVENUE ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 631 Fed. Appx. 457.

No. 15–9438. SHARP *v.* INDIANA. Ct. App. Ind. Certiorari denied. Reported below: 42 N. E. 3d 587.

No. 15–9439. FOSTER-ADAMS *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 177 So. 3d 623.

No. 15–9441. GARDNER *v.* WOODS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 15–9442. HART *v.* MARYLAND. Ct. App. Md. Certiorari denied. Reported below: 442 Md. 516, 113 A. 3d 625.

No. 15–9443. HOOD *v.* BRENNAN, POSTMASTER GENERAL (two judgments). C. A. 6th Cir. Certiorari denied.

No. 15–9444. HOMONEY *v.* PENNSYLVANIA ET AL. C. A. 3d Cir. Certiorari denied.

No. 15–9446. HAWKINS, FKA LACEY *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. Sup. Ct. Va. Certiorari denied.

No. 15–9447. ROBERTS *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 128 App. Div. 3d 858, 9 N. Y. S. 3d 124.

No. 15–9450. NICKERSON-MALPHER *v.* UNITED STATES FEDERAL CORPORATION ET AL. C. A. D. C. Cir. Certiorari denied.

No. 15–9451. PRECIADO *v.* SEIBEL, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 15–9452. PULLEY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 402.

No. 15–9453. CAGNO *v.* WARREN, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 642 Fed. Appx. 189.

No. 15–9456. BRAVATA *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 636 Fed. Appx. 277.

No. 15–9459. LOPEZ-VALENZUELA *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTION, ET AL. C. A. 9th Cir. Certiorari denied.

No. 15–9460. JARMON *v.* MINNESOTA. Ct. App. Minn. Certiorari denied.

No. 15–9464. BROWN *v.* VANNOY, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 15–9465. APONTE *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. Sup. Ct. Fla. Certiorari denied.

No. 15–9471. MPAKA *v.* GUEVARA. Sup. Ct. Fla. Certiorari denied.

No. 15–9473. GRAY *v.* ZOOK, WARDEN; and
No. 15–9474. GRAY *v.* ZOOK, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 806 F. 3d 783.

No. 15–9475. VURIMINDI *v.* FEDER, CLERK, COURT OF COMMON PLEAS OF PENNSYLVANIA, FIRST JUDICIAL DISTRICT. Sup. Ct. Pa. Certiorari denied. Reported below: 633 Pa. 701, 127 A. 3d 1291.

No. 15–9478. BYRD *v.* MCLAUGHLIN, WARDEN. Sup. Ct. Ga. Certiorari denied.

No. 15–9480. SANDERS *v.* ILLINOIS. App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 2015 IL App (4th) 130881, 34 N. E. 3d 219.

No. 15–9483. THOMPSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 176.

No. 15–9486. KING *v.* CITY OF NORFOLK, VIRGINIA. C. A. 4th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 841.

No. 15–9487. MALONE *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 5. Certiorari denied.

No. 15–9488. STONE *v.* HOLLAND, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 632 Fed. Appx. 341.

No. 15–9492. TIPLER *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 178 So. 3d 404.

No. 15–9494. DUNNINGTON *v.* TEXAS. Ct. App. Tex., 5th Dist. Certiorari denied.

No. 15–9495. STOCKENAUER *v.* BALL, WARDEN, ET AL. C. A. 6th Cir. Certiorari denied.

No. 15–9496. MACARTHUR *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 805 F. 3d 385.

No. 15–9497. SCOTT *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. C. A. 8th Cir. Certiorari denied.

No. 15–9499. BLAKE *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 814 F. 3d 851.

No. 15–9500. BANKS *v.* DAVEY, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 379.

No. 15–9502. REYNOLDS *v.* GERSTEL. C. A. 9th Cir. Certiorari denied. Reported below: 624 Fed. Appx. 522.

No. 15–9503. MODRALL *v.* FOWLKES. C. A. 6th Cir. Certiorari denied.

No. 15–9504. PARISI *v.* WISCONSIN. Sup. Ct. Wis. Certiorari denied. Reported below: 2016 WI 10, 367 Wis. 2d 1, 875 N. W. 2d 619.

No. 15–9505. PETRANO *v.* FLORIDA BAR. Sup. Ct. Fla. Certiorari denied.

No. 15–9507. JUAN NEGRON *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 643 Fed. Appx. 898.

No. 15–9509. DAVES *v.* WILSON, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 632 Fed. Appx. 470.

No. 15–9510. CHERRY *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 641 Fed. Appx. 829.

No. 15–9511. CHACON *v.* DUCART, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 15–9512. POPLAWSKI *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied. Reported below: 634 Pa. 517, 130 A. 3d 697.

No. 15–9513. MITCHELL *v.* DENMARK, SUPERINTENDENT, CENTRAL MISSISSIPPI CORRECTIONAL FACILITY, ET AL. C. A. 5th Cir. Certiorari denied.

No. 15–9514. KORSCHGEN *v.* MCKINNEY, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 15–9518. WILLIAMS *v.* ANDREWS, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 15–9520. WHEELER *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 15–9521. CASTILLO *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied.

No. 15–9523. GOLF *v.* NEW YORK CITY DEPARTMENT OF FINANCE ET AL. C. A. 2d Cir. Certiorari denied.

No. 15–9524. GOODRICK *v.* CARLIN ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 616 Fed. Appx. 222.

No. 15–9525. HOPKINS *v.* SHELDON, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 15–9526. HUNT *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 622 Fed. Appx. 656.

No. 15–9527. MADRIGAL-SOLORIO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 278.

No. 15–9528. SIMS *v.* BITER, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 645 Fed. Appx. 555.

No. 15–9529. SIMS *v.* LESINAK. C. A. 9th Cir. Certiorari denied. Reported below: 645 Fed. Appx. 559.

No. 15–9530. SIMPSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 15–9531. QUINN *v.* FORSHEY, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 15–9534. KIRBY *v.* INDIANA. Ct. App. Ind. Certiorari denied. Reported below: 43 N. E. 3d 272.

No. 15–9536. CHANTHAKOUMMANE *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 816 F. 3d 62.

No. 15–9537. MASHAK *v.* CAPITAL ONE BANK, N. A. Ct. App. Minn. Certiorari denied.

No. 15–9538. CREDDILLE *v.* MTA NEW YORK CITY TRANSIT ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 626 Fed. Appx. 343.

No. 15–9540. MORGAN *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. Ct. Crim. App. Tex. Certiorari denied.

No. 15–9545. WOODARD *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied. Reported below: 634 Pa. 162, 129 A. 3d 480.

No. 15–9546. TRICOME *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 120 A. 3d 1059.

No. 15–9547. STEPHENSON *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. C. A. 8th Cir. Certiorari denied.

No. 15–9548. ROMILUS *v.* IOWA. Ct. App. Iowa. Certiorari denied. Reported below: 871 N. W. 2d 521.

No. 15–9549. ROBINSON *v.* TRUSTMARK NATIONAL BANK ET AL. Ct. App. Miss. Certiorari denied. Reported below: 179 So. 3d 1146.

No. 15–9550. SANTOS *v.* MASSACHUSETTS. App. Ct. Mass. Certiorari denied. Reported below: 88 Mass. App. 1117, 42 N. E. 3d 210.

No. 15–9551. SOLOMON *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 209 So. 3d 585.

No. 15–9552. QUINONES-CHAVEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 641 Fed. Appx. 722.

No. 15–9553. EMBRY *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 644 Fed. Appx. 565.

No. 15–9554. RUBIO-GARCIA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 636 Fed. Appx. 717.

No. 15–9555. CARRASCO *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 124 App. Div. 3d 445, 1 N. Y. S. 3d 69.

No. 15–9556. CAGE *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 62 Cal. 4th 256, 362 P. 3d 376.

No. 15–9557. DUHS *v.* CAPRA, SUPERINTENDENT, SING SING CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied. Reported below: 639 Fed. Appx. 691.

No. 15–9558. BLANCAS-ROSAS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 855.

No. 15–9559. DEL ANGEL *v.* UNITED STATES (Reported below: 635 Fed. Appx. 153); and ARENAS-ORTIZ *v.* UNITED STATES (646 Fed. Appx. 352). C. A. 5th Cir. Certiorari denied.

No. 15–9560. GRIFFIN *v.* SCNURR ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 640 Fed. Appx. 710.

No. 15–9561. HAXHIA *v.* LEE, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 637 Fed. Appx. 634.

No. 15–9562. LOPEZ *v.* ROARK ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 520.

No. 15–9563. EDWARDS *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. Sup. Ct. Fla. Certiorari denied.

No. 15–9564. STEIGELMAN *v.* MCDANIEL ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 634 Fed. Appx. 667.

No. 15–9565. NISBET *v.* MAINE. Sup. Jud. Ct. Me. Certiorari denied. Reported below: 2016 ME 36, 134 A. 3d 840.

No. 15–9566. NELSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 644 Fed. Appx. 979.

No. 15–9567. MODESTE *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 186 So. 3d 1041.

No. 15–9568. SMALLWOOD *v.* HAWAII. Sup. Ct. Haw. Certiorari denied.

No. 15–9569. GUERRERO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 813 F. 3d 462.

No. 15–9570. HOWARD *v.* DAVEY, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 15–9572. GRIFFIN *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 15–9573. MODRALL *v.* TENNESSEE COURT OF THE JUDICIARY ET AL. C. A. 6th Cir. Certiorari denied.

No. 15–9575. RISING *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 631 Fed. Appx. 610.

No. 15–9576. ARMOLT *v.* DELBALSO, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT MAHANOY, ET AL. C. A. 3d Cir. Certiorari denied.

No. 15–9577. BATES *v.* JENKINS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 15–9578. BELL *v.* LOUISIANA. Ct. App. La. Certiorari denied. Reported below: 14–735 (La. App. 5 Cir. 3/11/15), 169 So. 3d 574.

No. 15–9579. BURGETT *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 15–9580. AMIR-SHARIF *v.* STEPHENS ET AL. C. A. 5th Cir. Certiorari denied.

No. 15–9581. BASHAW *v.* PARAMO, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 15–9583. CARABALLO *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 643 Fed. Appx. 163.

No. 15–9584. MAYMI-MAYSONET *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 812 F. 3d 233.

No. 15–9586. JOSEPH *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 15–9587. EVANOFF *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 15–9588. AVILA *v.* DAVEY, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 15–9589. BUI *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 636 Fed. Appx. 788.

No. 15–9590. COOKS *v.* JOHNSON, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 15–9591. CARTER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 15–9592. BARRY *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 15–9593. BOERSTLER *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 15–9594. ANGLE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 15–9595. OBEGINSKI *v.* DANFORTH, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 15–9596. SEBBERN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 641 Fed. Appx. 18.

No. 15–9597. GODINEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 640 Fed. Appx. 385.

No. 15–9598. BEASLEY *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 15–9599. ALMANZAR *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 15–9601. CUELLAR *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 646 Fed. Appx. 574.

No. 15–9602. CARRAWELL *v.* MISSOURI. Sup. Ct. Mo. Certiorari denied. Reported below: 481 S. W. 3d 833.

No. 15–9603. LACY *v.* ARKANSAS. Sup. Ct. Ark. Certiorari denied. Reported below: 2016 Ark. 38, 480 S. W. 3d 856.

No. 15–9604. OHNSTAD *v.* MERIT SYSTEMS PROTECTION BOARD. C. A. Fed. Cir. Certiorari denied. Reported below: 640 Fed. Appx. 885.

No. 15–9605. SANDERSON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 15–9606. SCHNEIDER *v.* MACLAREN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 15–9607. TABATABAI *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 15–9608. TAVAREZ *v.* LARKIN, SUPERINTENDENT, EASTERN NEW YORK CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied. Reported below: 814 F. 3d 644.

No. 15–9609. THOMPSON *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 106 A. 3d 742.

No. 15–9610. TORRES *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 15–9611. SORO *v.* LOPEZ. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 207 So. 3d 886.

No. 15–9612. SESMA-BAGUE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 644 Fed. Appx. 970.

No. 15–9613. SIQUEIROS *v.* KNIPP, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 644 Fed. Appx. 731.

No. 15–9614. ROBERTS *v.* WALKER ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 616 Fed. Appx. 634.

No. 15–9616. ROSS ET AL. *v.* COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY. C. A. 4th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 188.

No. 15–9617. ROCHE *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 643 Fed. Appx. 210.

No. 15–9618. SERRANO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 640 Fed. Appx. 94.

No. 15–9620. TANN *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 643 Fed. Appx. 86.

No. 15–9621. SYDNOR ET VIR *v.* LAKEFRONT INVESTORS, LLC, ET AL. C. A. 4th Cir. Certiorari denied.

No. 15–9622. MARIN *v.* LA PALOMA HEALTHCARE CENTER ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 636 Fed. Appx. 586.

No. 15–9623. MARTIN *v.* GOOGLE INC. Ct. App. Cal., 1st App. Dist., Div. 2. Certiorari denied.

No. 15–9624. JONES *v.* DUCKWORTH, INTERIM WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 805 F. 3d 1213.

No. 15–9625. LANKFORD *v.* CITY OF HENDERSONVILLE, TENNESSEE, ET AL. C. A. 6th Cir. Certiorari denied.

No. 15–9626. BUSSIE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 102.

No. 15–9627. BARCLAY *v.* OREGON ET AL. C. A. 9th Cir. Certiorari denied.

No. 15–9628. BRUNO *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 127 App. Div. 3d 986, 7 N. Y. S. 3d 408.

No. 15–9629. BELANUS *v.* CLARK ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 796 F. 3d 1021.

No. 15–9630. IBARRA-AYON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 640 Fed. Appx. 245.

No. 15–9632. PIANKA *v.* ARIZONA. Sup. Ct. Ariz. Certiorari denied.

No. 15–9633. PIANKA *v.* DEROSA, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 15–9634. PEELER *v.* CONNECTICUT. Sup. Ct. Conn. Certiorari denied. Reported below: 320 Conn. 567, 133 A. 3d 864.

No. 15–9635. WELTON *v.* RELIANT MEDICAL GROUP. C. A. 1st Cir. Certiorari denied.

No. 15–9636. VALENTINE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 961.

No. 15–9637. VARELLAS *v.* WISCONSIN. Ct. App. Wis. Certiorari denied.

No. 15–9639. Ruiz Sanchez *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 644 Fed. Appx. 755.

No. 15–9640. Mendoza *v.* California. Sup. Ct. Cal. Certiorari denied. Reported below: 62 Cal. 4th 856, 365 P. 3d 297.

No. 15–9641. Perez *v.* United States. C. A. 1st Cir. Certiorari denied. Reported below: 819 F. 3d 541.

No. 15–9642. Villazano *v.* Jones, Secretary, Florida Department of Corrections, et al. C. A. 11th Cir. Certiorari denied.

No. 15–9643. Jones *v.* Lamb et al. C. A. 5th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 255.

No. 15–9644. Jackson *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 646 Fed. Appx. 336.

No. 15–9645. Johnson *v.* United States. C. A. 6th Cir. Certiorari denied.

No. 15–9646. Latson *v.* Texas. Ct. Crim. App. Tex. Certiorari denied.

No. 15–9647. Hanson *v.* Meadows. Ct. App. Wis. Certiorari denied.

No. 15–9648. Padgett *v.* Kentucky. Ct. App. Ky. Certiorari denied.

No. 15–9649. Sumpter *v.* Oklahoma. Ct. Crim. App. Okla. Certiorari denied.

No. 15–9650. Reed *v.* Kernan, Secretary, California Department of Corrections and Rehabilitation. C. A. 9th Cir. Certiorari denied.

No. 15–9651. Beene *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 818 F. 3d 157.

No. 15–9652. Beckham *v.* Virginia. Sup. Ct. Va. Certiorari denied.

No. 15–9654. Smith *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 638 Fed. Appx. 216.

No. 15–9655. SPEAR *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 15–9656. STANCIK *v.* DEUTSCHE NATIONAL BANK. Ct. App. Ohio, 8th App. Dist., Cuyahoga County. Certiorari denied. Reported below: 2015-Ohio-2517.

No. 15–9657. SANDOVAL *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 62 Cal. 4th 394, 363 P. 3d 41.

No. 15–9658. TAYLOR *v.* MCCAIN, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 15–9659. WYATT *v.* RICHWOOD CORRECTIONAL CENTER ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 274.

No. 15–9660. TOLEN *v.* CASSADY, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 15–9661. WILLIAMS *v.* MCDONALD, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. Certiorari denied. Reported below: 635 Fed. Appx. 888.

No. 15–9662. ZAHRAIE *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 15–9663. WOFFORD *v.* OHIO. Ct. App. Ohio, 12th App. Dist., Butler County. Certiorari denied. Reported below: 2015-Ohio-3708.

No. 15–9664. THOMPSON *v.* VILLMER, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 15–9665. REEVES *v.* HARRINGTON, WARDEN, ET AL. C. A. 7th Cir. Certiorari denied.

No. 15–9668. RAHMANI *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 15–9669. WATSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 638 Fed. Appx. 383.

No. 15–9670. CAMP *v.* POTTER COUNTY, TEXAS, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 638 Fed. Appx. 408.

No. 15–9671. MOORE *v.* FLORIDA. C. A. 11th Cir. Certiorari denied.

No. 15–9672. MCDONALD *v.* HARDY, WARDEN, ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 821 F. 3d 882.

No. 15–9673. POWELL *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2015 IL App (1st) 132733–U.

No. 15–9674. POWELL *v.* ASSISTANT WARDEN HARRIS ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 628 Fed. Appx. 679.

No. 15–9675. MELGOZA PEREZ *v.* BITER, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 15–9676. PIMENTAL *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 15–9677. PURNELL *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 15–9678. PITTMAN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 816 F. 3d 419.

No. 15–9679. MENDEZ BERNAL *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 638 Fed. Appx. 379.

No. 15–9680. BROWN *v.* ANNUCCI, ACTING COMMISSIONER, NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION. C. A. 2d Cir. Certiorari denied.

No. 15–9681. BROWN *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied.

No. 15–9682. BERGERUD *v.* CHAPDELAINE, WARDEN, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 642 Fed. Appx. 864.

No. 15–9683. LAY *v.* LOUISIANA. Sup. Ct. La. Certiorari denied. Reported below: 2015–2332 (La. 2/26/16), 184 So. 3d 1271.

No. 15–9684. KENNEDY *v.* MACKIE, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 639 Fed. Appx. 285.

No. 15–9686. DANHACH *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 815 F. 3d 228.

No. 15–9687. RICO *v.* DUCART, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 624 Fed. Appx. 533.

No. 15–9688. CEGLEDI *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 638 Fed. Appx. 169.

No. 15–9689. CASTILLO SANCHEZ *v.* DUCKWORTH, INTERIM WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 636 Fed. Appx. 971.

No. 15–9690. ALSTON *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 634 Fed. Appx. 396.

No. 15–9691. EASTER *v.* LOUISIANA. Ct. App. La., 1st Cir. Certiorari denied. Reported below: 2014–1630 (La. App. 1 Cir. 4/24/15), 170 So. 3d 1051.

No. 15–9692. DELUCK *v.* O'BRIEN, SUPERINTENDENT, MASSACHUSETTS TREATMENT CENTER. C. A. 1st Cir. Certiorari denied.

No. 15–9693. DIAZ *v.* ILLINOIS. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 2015 IL App (2d) 130974–U.

No. 15–9694. RODRIGUEZ-GUERRERO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 638 Fed. Appx. 377.

No. 15–9696. H. M. *v.* PENNSYLVANIA DEPARTMENT OF HUMAN SERVICES, FKA PENNSYLVANIA DEPARTMENT OF PUBLIC WELFARE. Commw. Ct. Pa. Certiorari denied.

No. 15–9698. HUFFMAN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 638 Fed. Appx. 416.

No. 15–9699. CLARK *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 816 F. 3d 350.

No. 15–9701. WHITE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 15–9702. ADAMS *v.* KNIGHT, SUPERINTENDENT, CORRECTIONAL INDUSTRIAL FACILITY. C. A. 7th Cir. Certiorari denied.

No. 15–9703. PERKINS *v.* BRAZELTON, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 15–9704. O'Malley *v.* California. Sup. Ct. Cal. Certiorari denied. Reported below: 62 Cal. 4th 944, 365 P. 3d 790.

No. 15–9705. Reeves *v.* Illinois. App. Ct. Ill., 5th Dist. Certiorari denied. Reported below: 2016 IL App (5th) 130261–U.

No. 15–9706. Deqiang Song *v.* Santoro, Acting Warden. C. A. 9th Cir. Certiorari denied.

No. 15–9707. Conyers *v.* Virginia Housing Development Authority et al. C. A. 4th Cir. Certiorari denied. Reported below: 629 Fed. Appx. 579.

No. 15–9709. Calhoun *v.* Burt, Warden. C. A. 6th Cir. Certiorari denied.

No. 15–9710. Cephus *v.* United States. C. A. 7th Cir. Certiorari denied.

No. 15–9711. Everett *v.* Conley, Warden. C. A. 11th Cir. Certiorari denied.

No. 15–9712. Jamison-Laws *v.* Mackie, Warden. C. A. 6th Cir. Certiorari denied.

No. 15–9713. Jones *v.* Klee, Warden, et al. C. A. 6th Cir. Certiorari denied.

No. 15–9714. Marquez-Fuentes *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 644 Fed. Appx. 797.

No. 15–9715. Rubio-Mendoza *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 641 Fed. Appx. 349.

No. 15–9717. Rainone *v.* United States. C. A. 7th Cir. Certiorari denied. Reported below: 816 F. 3d 490.

No. 15–9719. Virgile *v.* United States. C. A. 11th Cir. Certiorari denied. Reported below: 608 Fed. Appx. 881.

No. 15–9720. Taylor *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 631 Fed. Appx. 158.

No. 15–9721. Tate *v.* Bauman, Warden. C. A. 6th Cir. Certiorari denied.

No. 15–9722. Smith *v.* Smith. Sup. Ct. Nev. Certiorari denied.

No. 15–9723. Vose *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 624 Fed. Appx. 588.

No. 15–9724. Weast *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 811 F. 3d 743.

No. 15–9726. Njaka *v.* Kennedy et al. C. A. 8th Cir. Certiorari denied. Reported below: 619 Fed. Appx. 568.

No. 15–9727. Banks *v.* Pennsylvania. Super. Ct. Pa. Certiorari denied. Reported below: 122 A. 3d 1121.

No. 15–9728. Nova *v.* Cain. C. A. 9th Cir. Certiorari denied.

No. 15–9729. Prieto *v.* United States. C. A. 1st Cir. Certiorari denied. Reported below: 812 F. 3d 6.

No. 15–9730. Tan *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 632 Fed. Appx. 349.

No. 15–9731. Marshall *v.* Edmonds, Warden. C. A. 4th Cir. Certiorari denied. Reported below: 641 Fed. Appx. 278.

No. 15–9732. De La Cruz *v.* Santoro, Acting Warden. C. A. 9th Cir. Certiorari denied.

No. 15–9734. Olivarez *v.* Diaz, Warden. C. A. 9th Cir. Certiorari denied.

No. 15–9735. Randolph *v.* Department of Justice. C. A. 4th Cir. Certiorari denied. Reported below: 643 Fed. Appx. 250.

No. 15–9736. Solomon *v.* United States. C. A. 3d Cir. Certiorari denied.

No. 15–9737. Cadena *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 642 Fed. Appx. 306.

No. 15–9740. Singleton *v.* Florida. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 185 So. 3d 1249.

No. 15–9741. Shepard *v.* United States. C. A. 11th Cir. Certiorari denied.

No. 15–9743. Chambers *v.* Amazon.com Inc. et al. C. A. 4th Cir. Certiorari denied. Reported below: 632 Fed. Appx. 742.

No. 15–9744. ROGERS *v.* BLICKENSDORF. C. A. 6th Cir. Certiorari denied.

No. 15–9745. FLOWERS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 640 Fed. Appx. 456.

No. 15–9746. SMITH *v.* MARYLAND. Ct. Sp. App. Md. Certiorari denied. Reported below: 226 Md. App. 725.

No. 15–9747. SHERIFF *v.* NEW JERSEY. Super. Ct. N. J., App. Div. Certiorari denied.

No. 15–9748. ANDERSON *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 644 Fed. Appx. 192.

No. 15–9749. ALEXANDER *v.* CITY OF PHILADELPHIA, PENNSYLVANIA, ET AL. Commw. Ct. Pa. Certiorari denied. Reported below: 122 A. 3d 1200.

No. 15–9750. BLOND *v.* GRAHAM, SUPERINTENDENT, AUBURN CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 15–9751. BRUNY *v.* ILLINOIS. App. Ct. Ill., 5th Dist. Certiorari denied. Reported below: 2015 IL App (5th) 150113–U.

No. 15–9752. BROADENAX *v.* RIVARD, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 15–9753. BLACK *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 645 Fed. Appx. 284.

No. 15–9754. ROGERS *v.* 34TH JUDICIAL DISTRICT COURT OF MICHIGAN. C. A. 6th Cir. Certiorari denied.

No. 15–9755. MURRAY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 15–9756. LEWIS *v.* HOLT, WARDEN. C. A. 11th Cir. Certiorari denied. Reported below: 641 Fed. Appx. 878.

No. 15–9757. LYNCH *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 131 A. 3d 85.

No. 15–9758. LASCHKEWITSCH *v.* LINCOLN LIFE & ANNUITY, INC. C. A. 4th Cir. Certiorari denied. Reported below: 616 Fed. Appx. 102.

No. 15–9759. SPEIGHT-BEY *v.* WILLIAMS, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 639 Fed. Appx. 969.

No. 15–9760. DAME *v.* MASSACHUSETTS. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 473 Mass. 524, 45 N. E. 3d 69.

No. 15–9761. CRUM *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 643 Fed. Appx. 33.

No. 15–9762. JENNINGS *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 192 So. 3d 38.

No. 15–9763. ARNOLD *v.* RIVARD, WARDEN, ET AL. C. A. 6th Cir. Certiorari denied.

No. 15–9764. AUBRY *v.* BAUGHMAN, ACTING WARDEN. C. A. 9th Cir. Certiorari denied.

No. 15–9765. BERREONDO *v.* AKANNO. C. A. 9th Cir. Certiorari denied. Reported below: 623 Fed. Appx. 485.

No. 15–9766. BLANCHARD *v.* FRANK ET AL. C. A. 8th Cir. Certiorari denied.

No. 15–9767. HODGES *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 641 Fed. Appx. 529.

No. 15–9768. GARZA *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 109.

No. 15–9769. GENARD *v.* ILLINOIS. App. Ct. Ill., 3d Dist. Certiorari denied.

No. 15–9771. RHOADES *v.* ARKANSAS. Sup. Ct. Ark. Certiorari denied. Reported below: 2016 Ark. 142.

No. 15–9772. BATISTA-VELEZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 15–9773. BESTER *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied. Reported below: 188 So. 3d 526.

No. 15–9774. GREEN *v.* HODGES ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 234.

No. 15–9775. GREEN *v.* TENNESSEE. Ct. Crim. App. Tenn. Certiorari denied.

No. 15–9778. SCOTT *v.* DELBALSO, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT MAHANOY, ET AL. C. A. 3d Cir. Certiorari denied.

No. 15–9779. ROMERO *v.* SAUSCEDA ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 627 Fed. Appx. 386.

No. 15–9780. RODRIGUEZ REYNA *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 15–9781. BALICE *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 3d Cir. Certiorari denied. Reported below: 634 Fed. Appx. 349.

No. 15–9782. BAATZ *v.* PRINGLE, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 15–9783. WHITE *v.* JORDAN, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 629 Fed. Appx. 690.

No. 15–9786. MCDONALD *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied. Reported below: 632 Fed. Appx. 586.

No. 15–9787. NORWOOD *v.* HAYNES, WARDEN. C. A. 8th Cir. Certiorari denied. Reported below: 627 Fed. Appx. 579.

No. 15–9788. MASSEY *v.* QUALITY CORRECTIONAL HEALTH CARE ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 646 Fed. Appx. 777.

No. 15–9789. ROUNDTREE *v.* MAINE MEDICAL CENTER ET AL. Sup. Jud. Ct. Me. Certiorari denied.

No. 15–9790. CASH *v.* GEORGIA. Sup. Ct. Ga. Certiorari denied. Reported below: 297 Ga. 859, 778 S. E. 2d 785.

No. 15–9791. CRUZ *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 15–9793. RINGGOLD *v.* ST. JOSEPH'S MEDICAL CENTER ET AL. Ct. App. Md. Certiorari denied. Reported below: 446 Md. 706, 133 A. 3d 1111.

No. 15–9795. DOUGLAS *v.* RICHARDS & ASSOCIATES ET AL. C. A. 6th Cir. Certiorari denied.

No. 15–9796. ELLIS *v.* FISHER, COMMISSIONER, MISSISSIPPI DEPARTMENT OF CORRECTIONS, ET AL. C. A. 5th Cir. Certiorari denied.

No. 15–9799. RODRIGUEZ-MILIAN *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 820 F. 3d 26.

No. 15–9800. BUENAVENTURA-VELASQUEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 628 Fed. Appx. 557.

No. 15–9801. SUMMERS *v.* COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY. C. A. 7th Cir. Certiorari denied. Reported below: 634 Fed. Appx. 590.

No. 15–9802. NUNEZ SARDINAS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 644 Fed. Appx. 597.

No. 15–9804. PADRO *v.* JOHNSON, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL. C. A. 3d Cir. Certiorari denied.

No. 15–9805. TOBANCHE *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 643 Fed. Appx. 781.

No. 15–9806. WALKER *v.* PENNSYLVANIA ET AL. C. A. 3d Cir. Certiorari denied.

No. 15–9807. SHAFFER *v.* BRAZELTON, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 15–9808. LANGAN *v.* ZB, N. A., ET AL. Sup. Ct. Ariz. Certiorari denied.

No. 15–9809. DVORIN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 817 F. 3d 438.

No. 15–9810. CLY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 648 Fed. Appx. 726.

No. 15–9812. POLANCO *v.* DUCART, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 643 Fed. Appx. 628.

No. 15–9813. FRIEND, FKA HODGES *v.* VALLEY VIEW COMMUNITY UNIT SCHOOL DISTRICT 365U ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 789 F. 3d 707.

No. 15–9816. HARDY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 612 Fed. Appx. 186.

No. 15–9817. HILLS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 15–9818. CABRERA *v.* PIERCE, WARDEN, ET AL. C. A. 3d Cir. Certiorari denied.

No. 15–9819. VIVED *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 6. Certiorari denied.

No. 15–9820. TRACZYK *v.* LOUISIANA. Ct. App. La., 4th Cir. Certiorari denied. Reported below: 2013–1191 (La. App. 4 Cir. 2/2/15).

No. 15–9821. SUTTON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 15–9822. RAY *v.* LEAL ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 401.

No. 15–9824. BAKER *v.* SENIOR EMERGENCY HOME REPAIR ECONOMIC OPPORTUNITY PLANNING ASSN. ET AL. Ct. App. Ohio, 6th App. Dist., Lucas County. Certiorari denied. Reported below: 2015-Ohio-3083.

No. 15–9825. BUTLER *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 621 Fed. Appx. 604.

No. 15–9826. AMARO-SANTIAGO *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 824 F. 3d 154.

No. 15–9827. SANCHEZ-GARCIA, AKA MARTINEZ HERNANDEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 15–9828. MAZARIEGO-GOMEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 648 Fed. Appx. 698.

No. 15–9829. HOWER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 15–9830. OWENS *v.* GEORGIA. Sup. Ct. Ga. Certiorari denied. Reported below: 298 Ga. 813, 783 S. E. 2d 611.

No. 15–9831. MOLINA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 628 Fed. Appx. 528 and 633 Fed. Appx. 458.

No. 15–9832. WARDLOW *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 15–9833. HICKS *v.* TUCKER. C. A. 11th Cir. Certiorari denied.

No. 15–9834. DESPER *v.* WOODSON, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 212.

No. 15–9836. TOLIVER *v.* VECTREN ENERGY DELIVERY OF OHIO, INC. Sup. Ct. Ohio. Certiorari denied. Reported below: 145 Ohio St. 3d 346, 2015-Ohio-5055, 49 N. E. 3d 1240.

No. 15–9837. WILLIAMS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 627 Fed. Appx. 238.

No. 15–9839. HATCHER *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 195 So. 3d 388.

No. 15–9840. HARRIS *v.* GOEBEL, JUDGE, DELTA COUNTY, MICHIGAN PROBATE COURT, ET AL. C. A. 6th Cir. Certiorari denied.

No. 15–9841. GLICK *v.* EDWARDS. C. A. 9th Cir. Certiorari denied. Reported below: 803 F. 3d 505.

No. 15–9842. DAKER *v.* NATIONAL BROADCASTING CO. ET AL. C. A. 2d Cir. Certiorari denied.

No. 15–9844. FERNANDEZ *v.* ROMERO, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 15–9845. FERNANDO GURROLA *v.* MCDONALD, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 627 Fed. Appx. 601.

No. 15–9846. HENDERSON *v.* ROBINSON, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 15–9849. GIL-CRUZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 808 F. 3d 274.

No. 15–9850. GARDNER *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 179 So. 3d 458.

No. 15–9851. FRATICELLI *v.* VARANO, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT COAL TOWNSHIP, ET AL. C. A. 3d Cir. Certiorari denied.

No. 15–9852. GONYEA *v.* TERRIS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 15–9853. FOSTER *v.* HOLDER. C. A. 5th Cir. Certiorari denied.

No. 15–9854. HOLLAND *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 631 Fed. Appx. 726.

No. 15–9855. SPIVEY *v.* CALIFORNIA. C. A. 9th Cir. Certiorari denied.

No. 15–9856. CUETO, AKA MARTIN, AKA RIVERA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 629 Fed. Appx. 881.

No. 15–9857. CASTONGUAY *v.* NEBRASKA. Ct. App. Neb. Certiorari denied. Reported below: 23 Neb. App. xxix.

No. 15–9858. FOUNTAIN *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, ET AL. C. A. 5th Cir. Certiorari denied.

No. 15–9859. JOYNER *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 15–9860. MCDADE *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 4. Certiorari denied.

No. 15–9861. NAILS *v.* UNIFIED GOVERNMENT OF WYANDOTTE COUNTY AND KANSAS CITY, KANSAS. Ct. App. Kan. Certiorari denied.

No. 15–9862. CONDIFF *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 8. Certiorari denied.

No. 15–9863. CHILDS *v.* BONDI, ATTORNEY GENERAL OF FLORIDA, ET AL. C. A. 11th Cir. Certiorari denied.

No. 15–9864. ANDREWS *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 134 A. 3d 316.

No. 15–9865. SEATON *v.* NOOTH, SUPERINTENDENT, SNAKE RIVER CORRECTIONAL INSTITUTION. C. A. 9th Cir. Certiorari denied.

No. 15–9866. JOHNSTON *v.* PLUMLEY, WARDEN. Sup. Ct. App. W. Va. Certiorari denied.

No. 15–9867. COLE *v.* TICE, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HUNTINGDON, ET AL. C. A. 3d Cir. Certiorari denied.

No. 15–9869. CARTER *v.* NEBRASKA. Sup. Ct. Neb. Certiorari denied. Reported below: 292 Neb. 481, 877 N. W. 2d 211.

No. 15–9870. GATHERS *v.* OKLAHOMA. Ct. Crim. App. Okla. Certiorari denied.

No. 15–9871. HISLE *v.* PERAMO, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 15–9873. HILL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 15–9874. GARCIA-PENA *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 15–9875. HIBBERT *v.* LEMPKE, SUPERINTENDENT, WENDE CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 15–9876. HOUSE *v.* DANIELS, WARDEN. C. A. 7th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 950.

No. 15–9877. HUGHES *v.* TEXAS. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 15–9878. MONTES-LOPEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 644 Fed. Appx. 293.

No. 15–9880. PEJOUHESH *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 603 Fed. Appx. 347.

No. 15–9881. HASKINS *v.* HAWK. C. A. 4th Cir. Certiorari denied. Reported below: 603 Fed. Appx. 233.

No. 15–9882. COLEMAN *v.* LOUISIANA. Sup. Ct. La. Certiorari denied. Reported below: 2014–0402 (La. 2/26/16), 188 So. 3d 174.

No. 15–9884. CIMINO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 639 Fed. Appx. 26.

No. 15–9885. HAMILTON *v.* MESLE, JUDGE, CIRCUIT COURT OF MISSOURI, JACKSON COUNTY, ET AL. C. A. 8th Cir. Certiorari denied.

No. 15–9886. DIAZ *v.* BLEDSOE, WARDEN, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 630 Fed. Appx. 148.

No. 15–9887. JACKSON *v.* DOW CHEMICAL CO. ET AL. Sup. Ct. Del. Certiorari denied. Reported below: 132 A. 3d 1161.

No. 15–9888. GALVEZ-MACHADO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 630 Fed. Appx. 733.

No. 15–9889. MCCAY *v.* TEXAS. Ct. App. Tex., 5th Dist. Certiorari denied. Reported below: 476 S. W. 3d 640.

No. 15–9890. HERNANDEZ *v.* BRYAN, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 620 Fed. Appx. 680.

No. 15–9891. IVORY *v.* MULLINS, WARDEN, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 600 Fed. Appx. 670.

No. 15–9892. CREAMER *v.* FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 15–9893. FAVELA HERNANDEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 627 Fed. Appx. 376.

No. 15–9894. HAGGERTY *v.* COURT OF COMMON PLEAS OF PENNSYLVANIA, INDIANA COUNTY. Sup. Ct. Pa. Certiorari denied.

No. 15–9895. HINES *v.* UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT. C. A. 2d Cir. Certiorari denied.

No. 15–9896. HILL *v.* PENNSYLVANIA DEPARTMENT OF CORRECTIONS. Sup. Ct. Pa. Certiorari denied. Reported below: 635 Pa. 101, 131 A. 3d 986.

No. 15–9897. HUGUELY *v.* LARSON, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 15–9898. JONES *v.* UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 634 Fed. Appx. 934.

No. 15–9899. GOMEZ-MARTINEZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 646 Fed. Appx. 847.

No. 15–9900. GRAHAM *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 644 Fed. Appx. 795.

No. 15–9901. HARRISON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 466.

No. 15–9902. GOMEZ-NAVARRO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 642 Fed. Appx. 344.

No. 15–9903. GUIDRY *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 817 F. 3d 997.

No. 15–9904. CHEEK *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 622 Fed. Appx. 449.

No. 15–9905. FREE *v.* HUMPHREYS, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 15–9906. HARRIS *v.* MESSITTE, JUDGE, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 107.

No. 15–9908. CEJA-VARGAS, AKA RENTERIA-VARGAS, AKA HERNANDEZ-CARDENAS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 630 Fed. Appx. 341.

No. 15–9909. CREDICO *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 15–9910. EBEH *v.* COSEY ET AL. Sup. Ct. Fla. Certiorari denied.

No. 15–9911. FLOYD *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied. Reported below: 638 Fed. Appx. 909.

No. 15–9912. FAVORS *v.* CARUSO ET AL. C. A. 6th Cir. Certiorari denied.

No. 15–9913. HERNANDEZ *v.* MCDONALD, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 15–9914. HAMILTON *v.* CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied.

No. 15–9915. HINES *v.* DREW. C. A. 4th Cir. Certiorari denied. Reported below: 634 Fed. Appx. 918.

No. 15–9916. LOPINTO *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 15–9917. FRANKLIN *v.* CURTIN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 15–9920. KE-JENG HU *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 634 Fed. Appx. 602.

No. 15–9921. VARGAS-GUZMAN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 465.

No. 15–9923. DINGLE *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. Sup. Ct. Va. Certiorari denied.

No. 15–9924. CAVNESS-BEY *v.* DAVIS, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 15–9926. BURNS *v.* BURNS ET AL. Ct. App. Tenn. Certiorari denied.

No. 16–1. SPIRITS INTERNATIONAL B. V., FKA SPIRITS INTERNATIONAL N. V., ET AL. *v.* FEDERAL TREASURY ENTERPRISE SOJUZPLODOIMPORT ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 809 F. 3d 737.

No. 16–2. MAMMARO *v.* NEW JERSEY DIVISION OF CHILD PROTECTION AND PERMANENCY ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 814 F. 3d 164.

No. 16–3. BLAKE *v.* GIUSTIBELLI ET AL. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 182 So. 3d 881.

No. 16–4. AFJEH *v.* VILLAGE OF OTTAWA HILLS, OHIO, ET AL. Ct. App. Ohio, 6th App. Dist., Lucas County. Certiorari denied. Reported below: 2015-Ohio-3483.

No. 16–5. SAYLOR *v.* KOHL ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 812 F. 3d 637.

No. 16–6. SERVICO MARINA SUPERIOR, L. L. C. *v.* JAB ENERGY SOLUTIONS II, L. L. C. C. A. 5th Cir. Certiorari denied. Reported below: 640 Fed. Appx. 373.

No. 16–7. DUNBAR *v.* MICHIGAN. Sup. Ct. Mich. Certiorari denied. Reported below: 499 Mich. 60, 879 N. W. 2d 229.

No. 16–8. UNITED STATES EX REL. WALTERSPIEL *v.* BAYER AG ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 639 Fed. Appx. 164.

No. 16–10. CULLIN *v.* SILVERMAN, CHAPTER 7 TRUSTEE OF AGAPE WORLD, INC. C. A. 2d Cir. Certiorari denied. Reported below: 633 Fed. Appx. 16.

No. 16–11. KILGO *v.* MICHIGAN. Sup. Ct. Mich. Certiorari denied. Reported below: 499 Mich. 873, 876 N. W. 2d 238.

No. 16–12. MARZETT *v.* MCCRAW ET AL. Ct. App. Tex., 5th Dist. Certiorari denied. Reported below: 511 S. W. 3d 210.

No. 16–13. ELLIOTT *v.* CRUZ. Sup. Ct. Pa. Certiorari denied. Reported below: 635 Pa. 212, 134 A. 3d 51.

No. 16–15. GONZALEZ *v.* TEXAS. Ct. App. Tex., 2d Dist. Certiorari denied.

No. 16–16. TEEMAC *v.* FRITO-LAY INC. ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 644 Fed. Appx. 331.

No. 16–18. KENNEDY *v.* KANSAS. Ct. App. Kan. Certiorari denied. Reported below: 51 Kan. App. 2d xxx, 353 P. 3d 472.

No. 16–19. BARNUM *v.* OHIO STATE UNIVERSITY MEDICAL CENTER ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 642 Fed. Appx. 525.

No. 16–21. VALERINO *v.* HOOVER ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 643 Fed. Appx. 139.

No. 16–22. WILEY *v.* SAM'S EAST, INC. C. A. 6th Cir. Certiorari denied. Reported below: 632 Fed. Appx. 263.

No. 16–23. VOGEL *v.* TULAPHORN, INC., ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 344.

No. 16–25. BASHAR *v.* COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS. Sup. Ct. N. Mar. I. Certiorari denied. Reported below: 2015 MP 4.

No. 16–27. ROBERTS *v.* LAURA A. NEWMAN, LLC, DBA HERB'S ET AL. Sup. Ct. Colo. Certiorari denied. Reported below: 365 P. 3d 972.

No. 16–28. WILLIAMS, COLORADO SECRETARY OF STATE *v.* COALITION FOR SECULAR GOVERNMENT. C. A. 10th Cir. Certiorari denied. Reported below: 815 F. 3d 1267.

No. 16–29. RUSSELL *v.* DEPARTMENT OF HEALTH AND HUMAN SERVICES. C. A. Fed. Cir. Certiorari denied. Reported below: 641 Fed. Appx. 957.

No. 16–30. MORLEY *v.* CENTRAL INTELLIGENCE AGENCY. C. A. D. C. Cir. Certiorari denied. Reported below: 810 F. 3d 841.

No. 16–31. DUNHAM *v.* MCFADDEN, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 643 Fed. Appx. 307.

No. 16–36. RITE AID CORP. *v.* HUSEBY ET AL. (Reported below: 130 App. Div. 3d 1518, 13 N. Y. S. 3d 753); and RITE AID CORP. *v.* HAYWOOD ET AL. (130 App. Div. 3d 1510, 15 N. Y. S. 3d 523). App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied.

No. 16–38. CROTTS *v.* HEALEY ET AL. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 16–39. ISABELLA D. ET AL. *v.* CONNECTICUT DEPARTMENT OF CHILDREN AND FAMILIES. Sup. Ct. Conn. Certiorari denied. Reported below: 320 Conn. 215, 128 A. 3d 916.

No. 16–40. HOUSTON ET AL. *v.* QUEEN ET AL. C. A. 5th Cir. Certiorari denied.

No. 16–41. JOHNSON ET AL. *v.* POPE ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 106.

No. 16–42. GOMEZ *v.* LYNCH, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied. Reported below: 623 Fed. Appx. 431.

No. 16–43. HAMMOND *v.* UNITED STATES LIABILITY INSURANCE COMPANY & GROUP. C. A. 3d Cir. Certiorari denied. Reported below: 643 Fed. Appx. 92.

No. 16–44. SHEK *v.* ACE–USA/ESIS ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–45. MICHAEL'S ENTERPRISES OF VIRGINIA, INC., ET AL. *v.* BRANCH BANKING & TRUST CO. C. A. 4th Cir. Certiorari denied. Reported below: 643 Fed. Appx. 304.

No. 16–46. HARGRAVE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–47. PERAICA *v.* VILLAGE OF MCCOOK, ILLINOIS, ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 641 Fed. Appx. 586.

No. 16–48. NEEV *v.* ALCON LENSX, INC. C. A. Fed. Cir. Certiorari denied. Reported below: 644 Fed. Appx. 1024.

No. 16–49. PENNSYLVANIA DEPARTMENT OF EDUCATION *v.* KING, ACTING SECRETARY OF EDUCATION. C. A. 3d Cir. Certiorari denied. Reported below: 643 Fed. Appx. 89.

No. 16–51. ROPER *v.* KAWASAKI HEAVY INDUSTRIES, LTD., ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 646 Fed. Appx. 706.

No. 16–52. SPECIAL SITUATIONS FUND III QP, L. P., ET AL. *v.* DELOITTE TOUCHE TOHMATSU CPA, LTD., ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 645 Fed. Appx. 72.

No. 16–53. KRUPPENBACHER *v.* KIRKPATRICK, SUPERINTENDENT, CLINTON CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 16–55. OKELBERRY ET AL. *v.* WASATCH COUNTY, UTAH. Ct. App. Utah. Certiorari denied. Reported below: 2015 UT App 192, 357 P. 3d 586.

No. 16–56. CALLAHAN *v.* CITY OF CHICAGO, ILLINOIS. C. A. 7th Cir. Certiorari denied. Reported below: 813 F. 3d 658.

No. 16–57. FLINT *v.* METLIFE INSURANCE CO. C. A. 6th Cir. Certiorari denied.

No. 16–58. FLINT *v.* MCDONALD-BURKMAN, JUDGE, CIRCUIT COURT OF KENTUCKY, 30TH JUDICIAL CIRCUIT. C. A. 6th Cir. Certiorari denied.

No. 16–59. WHITAKER *v.* DEPARTMENT OF STATE ET AL. C. A. D. C. Cir. Certiorari denied.

No. 16–60. FLINT *v.* ACREE, JUDGE, KENTUCKY COURT OF APPEALS, ET AL. C. A. 6th Cir. Certiorari denied.

No. 16–61. LAPAZ *v.* BARNABAS HEALTH SYSTEM ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 634 Fed. Appx. 367.

No. 16–62. POWERS *v.* FREIHAMMER ET AL. Ct. App. Minn. Certiorari denied.

No. 16–65. ROGERS, DBA HUMAN UTILITIES WHOLE ARMOUR *v.* RAYCOM MEDIA, INC., ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 628 Fed. Appx. 324.

No. 16–68. JASSY *v.* DAVIS, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–69. SITTHIDET ET AL. *v.* FIRST HORIZON ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 407.

No. 16–70. SEBBA *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS. C. A. 9th Cir. Certiorari denied.

No. 16–71. MCADOO *v.* UNITED STATES ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 625 Fed. Appx. 218.

No. 16–72. JONES ET AL. *v.* NORTON ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 809 F. 3d 564.

No. 16–73. SZEINBACH *v.* OHIO STATE UNIVERSITY. C. A. 6th Cir. Certiorari denied. Reported below: 820 F. 3d 814.

No. 16–75. TANAKA *v.* SANTIAGO, AS TRUSTEE OF THE LOUIS ROBERT SANTIAGO REVOCABLE LIVING TRUST DATED NOVEMBER 17, 1999, ET AL. Sup. Ct. Haw. Certiorari denied.

No. 16–77. Cetner, as Trustee of the Cetner Family Trust *v.* Carter et al., as Trustees of the Carter Family Trust dated March 1, 1991. Ct. App. Cal., 2d App. Dist., Div. 8. Certiorari denied.

No. 16–78. Flores *v.* United States; and
No. 16–79. Flores *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 643 Fed. Appx. 418.

No. 16–80. Marvin *v.* Healthcare Authority for Baptist Health, an Affiliate of UAB Health System, dba Baptist Medical Center South, et al. Sup. Ct. Ala. Certiorari denied. Reported below: 204 So. 3d 863.

No. 16–81. Nam Soon Jeon, Individually and as Estate Administrator of Her Deceased Husband, Jun Sung Kwak *v.* 445 Seaside, Inc., et al. C. A. 9th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 378.

No. 16–82. Rogers *v.* Internal Revenue Service. C. A. 6th Cir. Certiorari denied. Reported below: 822 F. 3d 854.

No. 16–83. Direccion General de Fabricaciones Militares, aka Fabrica Militar Fray Luis Beltran et al. *v.* Rote et al. C. A. 6th Cir. Certiorari denied. Reported below: 816 F. 3d 383.

No. 16–84. Harris *v.* Texas. Ct. App. Tex., 4th Dist. Certiorari denied.

No. 16–85. Tri Quoc Du *v.* Virginia Board of Bar Examiners. Sup. Ct. Va. Certiorari denied.

No. 16–87. Orange, S. A., et al. *v.* United States District Court for the Northern District of California et al. C. A. 9th Cir. Certiorari denied. Reported below: 818 F. 3d 956.

No. 16–88. Ardila Olivares *v.* Transportation Security Administration et al. C. A. D. C. Cir. Certiorari denied. Reported below: 819 F. 3d 454.

No. 16–90. Darkins *v.* United States. C. A. 11th Cir. Certiorari denied.

No. 16–91. Bridgeview Health Care Center, Ltd., Individually and on Behalf of All Others Similarly Situated

v. CLARK, DBA AFFORDABLE DIGITAL HEARING. C. A. 7th Cir. Certiorari denied. Reported below: 816 F. 3d 935.

No. 16–93. HOLSTAD *v.* FIRST AMERICAN TITLE INSURANCE CO. Ct. App. Minn. Certiorari denied.

No. 16–96. BOSESKI *v.* BOROUGH OF NORTH ARLINGTON, NEW JERSEY, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 621 Fed. Appx. 131.

No. 16–97. HANCE *v.* BNSF RAILWAY CO. C. A. 6th Cir. Certiorari denied. Reported below: 645 Fed. Appx. 356.

No. 16–99. KEATING *v.* PITTSTON CITY, PENNSYLVANIA, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 643 Fed. Appx. 219.

No. 16–100. EGGENBERGER *v.* WEST ALBANY TOWNSHIP, MINNESOTA, ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 820 F. 3d 938.

No. 16–101. ANDREWS ET AL. *v.* FREMANTLEMEDIA, N. A., INC., ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 613 Fed. Appx. 67.

No. 16–102. BURR *v.* DENN, ATTORNEY GENERAL OF DELAWARE, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 641 Fed. Appx. 194.

No. 16–105. PICKETT *v.* CITY OF FREDERICK, MARYLAND, ET AL. Ct. Sp. App. Md. Certiorari denied. Reported below: 225 Md. App. 702 and 710.

No. 16–106. CRIMONE ET UX. *v.* NATIONSTAR MORTGAGE, LLC, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 634 Fed. Appx. 375.

No. 16–110. JIMENEZ *v.* WIZEL ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 644 Fed. Appx. 868.

No. 16–112. REYMUNDO-LIMA *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 643 Fed. Appx. 668.

No. 16–113. FLOWERS *v.* ROMANOWSKI, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–114. FREEMAN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 631 Fed. Appx. 784.

No. 16–115. FLINT *v.* STUMBO ET AL. C. A. 6th Cir. Certiorari denied.

No. 16–117. MORRIS ET UX. *v.* ZIMMER ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 637 Fed. Appx. 654.

No. 16–118. HAAS *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 189 So. 3d 785.

No. 16–119. RICKS *v.* QUALITY CARRIERS, INC., ET AL. Ct. App. Tex., 14th Dist. Certiorari denied.

No. 16–120. AVOKI ET UX. *v.* FEREBEE ET AL. Ct. App. N. C. Certiorari denied.

No. 16–124. KAISER GYPSUM CO., INC. *v.* CASEY. Ct. App. Cal., 1st App. Dist., Div. 4. Certiorari denied.

No. 16–126. RAYMOURS FURNITURE CO., INC., ET AL. *v.* MORGAN. Super. Ct. N. J., App. Div. Certiorari denied. Reported below: 443 N. J. Super. 338, 128 A. 3d 1127.

No. 16–129. ARIZONA *v.* BROWN. Sup. Ct. Ariz. Certiorari denied. Reported below: 239 Ariz. 521, 373 P. 3d 538.

No. 16–131. UNITED STATES EX REL. CAUSE OF ACTION *v.* CHICAGO TRANSIT AUTHORITY. C. A. 7th Cir. Certiorari denied. Reported below: 815 F. 3d 267.

No. 16–132. SAENZ JARA *v.* LYNCH, ATTORNEY GENERAL. C. A. 2d Cir. Certiorari denied. Reported below: 647 Fed. Appx. 39.

No. 16–139. NEW YORK *v.* CEDENO. Ct. App. N. Y. Certiorari denied. Reported below: 27 N. Y. 3d 110, 50 N. E. 3d 901.

No. 16–140. MAJETTE *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 643 Fed. Appx. 264.

No. 16–143. INMAN *v.* VIRGINIA (two judgments). Sup. Ct. Va. Certiorari denied.

No. 16–145. TITUS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–156. HARRY *v.* COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY. C. A. 5th Cir. Certiorari denied. Reported below: 819 F. 3d 112.

No. 16–158. HAEG *v.* RICHARDS, ATTORNEY GENERAL OF ALASKA, ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–159. HANLEY INDUSTRIES, INC. *v.* FANNING, SECRETARY OF THE ARMY. C. A. Fed. Cir. Certiorari denied. Reported below: 628 Fed. Appx. 763.

No. 16–161. BATAMULA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 823 F. 3d 237.

No. 16–162. HAGEN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 611 Fed. Appx. 159.

No. 16–168. DANIELS ET UX. *v.* FEDERAL HOME LOAN MORTGAGE CORPORATION. C. A. 5th Cir. Certiorari denied. Reported below: 617 Fed. Appx. 358.

No. 16–170. BLEVINS *v.* HUDSON ET AL. Sup. Ct. Ark. Certiorari denied. Reported below: 2016 Ark. 150, 489 S. W. 3d 165.

No. 16–174. JONES *v.* TICE, ACTING SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HUNTINGDON, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–176. SCORPIO GOLD (US) CORP. *v.* JONES. C. A. 9th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 333.

No. 16–177. SCHEER *v.* KELLY ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 817 F. 3d 1183.

No. 16–179. OSTENDORP *v.* OFFICE OF DISCIPLINARY COUNSEL. Sup. Ct. Haw. Certiorari denied.

No. 16–185. MA *v.* AMERICAN ELECTRIC POWER, INC. C. A. 6th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 641.

No. 16–187. GRECCO *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 16–188. Genetic Technologies Ltd. *v.* Merial L. L. C. et al. C. A. Fed. Cir. Certiorari denied. Reported below: 818 F. 3d 1369.

No. 16–191. Shaw *v.* California. Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 16–195. Essociate, Inc. *v.* Clickbooth.com, LLC, et al. C. A. Fed. Cir. Certiorari denied. Reported below: 641 Fed. Appx. 1006.

No. 16–205. Pactiv LLC *v.* Lee, Under Secretary of Commerce for Intellectual Property and Director, United States Patent and Trademark Office. C. A. Fed. Cir. Certiorari denied. Reported below: 642 Fed. Appx. 993.

No. 16–207. Castronuovo *v.* United States. C. A. 11th Cir. Certiorari denied. Reported below: 649 Fed. Appx. 904.

No. 16–209. Caldwell *v.* United States. C. A. Armed Forces. Certiorari denied. Reported below: 75 M. J. 276.

No. 16–225. Grapevine Diamond, L. P., et al. *v.* City Bank. Ct. App. Tex., 5th Dist. Certiorari denied.

No. 16–233. Morriss *v.* BNSF Railway Co. C. A. 8th Cir. Certiorari denied. Reported below: 817 F. 3d 1104.

No. 16–247. Stibal et al. *v.* Alexander. Sup. Ct. Idaho. Certiorari denied.

No. 16–270. Edstrom et al. *v.* Anheuser-Busch Inbev SA/NV et al. C. A. 9th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 733.

No. 16–5001. Grier *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 619 Fed. Appx. 227.

No. 16–5002. Hosby *v.* Garman, Superintendent, State Correctional Institution at Rockview, et al. C. A. 3d Cir. Certiorari denied.

No. 16–5004. Garrett *v.* Davis, Director, Texas Department of Criminal Justice, Correctional Institutions Division. C. A. 5th Cir. Certiorari denied.

No. 16–5005. GUERRA *v.* TEXAS. Ct. App. Tex., 5th Dist. Certiorari denied.

No. 16–5006. DOMINGO CEBALLO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 632 Fed. Appx. 604.

No. 16–5007. CHAVEZ-SUAREZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 644 Fed. Appx. 289.

No. 16–5008. CLINKSCALE *v.* SCHWEITZER, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 645 Fed. Appx. 347.

No. 16–5010. MARSHALL *v.* WALLER ET AL. C. A. 6th Cir. Certiorari denied.

No. 16–5011. MARIANO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 636 Fed. Appx. 532.

No. 16–5012. LEAVITT *v.* SANDIE, ACTING WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–5013. OBENG-AMPONSAH *v.* CHASE HOME FINANCE, LLC, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 624 Fed. Appx. 459.

No. 16–5014. OSIER *v.* PRINGLE, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 16–5015. MENDEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 643 Fed. Appx. 418.

No. 16–5017. MCNEAL *v.* UNITED STATES; and
No. 16–5018. STODDARD *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 818 F. 3d 141.

No. 16–5019. MCCLAM *v.* LAKE CITY FITNESS CENTER, FKA IH3 WELLNESS CENTER, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 635 Fed. Appx. 137.

No. 16–5020. ROBINSON *v.* KANSAS. Sup. Ct. Kan. Certiorari denied. Reported below: 303 Kan. 11, 363 P. 3d 875.

No. 16–5021. STEWART *v.* TEXAS. C. A. 5th Cir. Certiorari denied. Reported below: 648 Fed. Appx. 478.

No. 16–5022. NEEL *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 187 So. 3d 1237.

No. 16–5023. BROOKS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 988.

No. 16–5024. ADIGUN *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 16–5025. BOWSER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–5026. JOHNSON *v.* RUPERT ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 407.

No. 16–5027. MAZZEI *v.* FISHER, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–5028. JOHNSON *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. Sup. Ct. Fla. Certiorari denied.

No. 16–5029. RODRIGUEZ *v.* THOMAS, WARDEN, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 645 Fed. Appx. 110.

No. 16–5031. WRIGHT *v.* CHATMAN, WARDEN. Sup. Ct. Ga. Certiorari denied.

No. 16–5032. WIDI *v.* DOLBIER ET AL. C. A. 1st Cir. Certiorari denied.

No. 16–5033. TUFFA ET AL. *v.* FLIGHT SERVICES & SYSTEMS, INC. C. A. 10th Cir. Certiorari denied. Reported below: 644 Fed. Appx. 853.

No. 16–5034. SCHOTTENBAUER *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–5035. RODRIGUEZ *v.* CONNECTICUT. App. Ct. Conn. Certiorari denied. Reported below: 163 Conn. App. 262, 135 A. 3d 740.

No. 16–5037. MOSKONVIAN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–5038. LOPES ORELLANA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 646 Fed. Appx. 559.

No. 16–5039. MILLER *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 16–5040. CREDICO *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 646 Fed. Appx. 248.

No. 16–5041. KEATON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–5042. WALLGREN *v.* OKLAHOMA. Ct. Crim. App. Okla. Certiorari denied.

No. 16–5043. WESTER *v.* BUTLER, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 16–5044. BERRY *v.* ILLINOIS. App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 2015 IL App (3d) 140050–U.

No. 16–5045. ADKINS *v.* LEE, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–5047. CARLIN *v.* BEZOS ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 649 Fed. Appx. 181.

No. 16–5049. JONES *v.* GARMAN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ROCKVIEW, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–5050. LUNSFORD *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 643 Fed. Appx. 249.

No. 16–5052. VILLAGRAN *v.* MCDOWELL, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–5053. COLLAZO *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 818 F. 3d 247.

No. 16–5056. PADEN *v.* CARTLEDGE, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 635 Fed. Appx. 113.

No. 16–5057. WILLIAMS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–5058. THOMAS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 818 F. 3d 1230.

No. 16–5059. AHART *v.* MASSACHUSETTS. App. Ct. Mass. Certiorari denied. Reported below: 88 Mass. App. 1114, 40 N. E. 3d 1057.

No. 16–5060. LOISEAU *v.* PIXLEY, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 634 Fed. Appx. 940.

No. 16–5061. CIOTTA *v.* BRAZELTON, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–5062. CARSON *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 16–5063. MCCRAY *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–5064. PARKER *v.* LANE, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FAYETTE. C. A. 3d Cir. Certiorari denied.

No. 16–5065. JOHNSON *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 791 F. 3d 127.

No. 16–5066. NELSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 631 Fed. Appx. 237.

No. 16–5067. ENDACOTT *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–5068. JAVIER PEDRAZA *v.* TEXAS. Ct. App. Tex., 7th Dist. Certiorari denied.

No. 16–5069. MOAN *v.* WISE. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 183 So. 3d 364.

No. 16–5070. COLLAZO *v.* MOUNT AIRY #1, LLC. Commw. Ct. Pa. Certiorari denied. Reported below: 122 A. 3d 1200.

No. 16–5071. COX *v.* HALL, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 16–5072. MARCHBANKS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 631 Fed. Appx. 386.

No. 16–5073. DEL CASTILLO-BARRON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 817 F. 3d 479.

No. 16–5076. NELSON *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. Reported below: 27 N. Y. 3d 361, 53 N. E. 3d 691.

No. 16–5077. CRUZ-MENDEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 811 F. 3d 1172.

No. 16–5078. NAREZ-GARCIA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 819 F. 3d 146.

No. 16–5079. MORSE *v.* RESCAP BORROWER CLAIMS TRUST. C. A. 2d Cir. Certiorari denied. Reported below: 628 Fed. Appx. 63.

No. 16–5080. PATULSKI *v.* THOMPSON, PERSONAL REPRESENTATIVE FOR THE ESTATE OF PATULSKI. Ct. App. Mich. Certiorari denied.

No. 16–5081. EDELIN *v.* UNITED STATES; and
No. 16–5125. EDELIN *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 791 F. 3d 127.

No. 16–5082. DUCKSWORTH *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied. Reported below: 188 So. 3d 575.

No. 16–5083. DORSEY *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 171 So. 3d 735.

No. 16–5084. CLAUDIO *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–5085. CABRERA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 635 Fed. Appx. 801.

No. 16–5086. JONES *v.* MINNESOTA. Ct. App. Minn. Certiorari denied.

No. 16–5087. JAMES *v.* LOUISIANA. Ct. App. La., 1st Cir. Certiorari denied. Reported below: 2014–1590 (La. App. 1 Cir. 4/24/15).

No. 16–5088. JOHNSON *v.* APPLE, INC., ET AL. C. A. 6th Cir. Certiorari denied.

No. 16–5089. RAMOS *v.* UNITED STATES; and
No. 16–5090. RAMOS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 814 F. 3d 910.

No. 16–5091. SAMMOUR *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 816 F. 3d 1328.

No. 16–5092. GALLARDO-MEDINA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 490.

No. 16–5093. GRESHAM *v.* GIDLEY. C. A. 6th Cir. Certiorari denied.

No. 16–5094. GREEN *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–5095. HUNT *v.* WARNER. C. A. 9th Cir. Certiorari denied.

No. 16–5096. BOHNING *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–5097. THOMPSON *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–5098. WARNER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 638 Fed. Appx. 961.

No. 16–5100. ABE *v.* MICHIGAN STATE UNIVERSITY BOARD OF TRUSTEES. C. A. 6th Cir. Certiorari denied.

No. 16–5101. WHINDLETON *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 797 F. 3d 105.

No. 16–5102. BODDIE *v.* PRISLEY. C. A. 6th Cir. Certiorari denied.

No. 16–5104. IVEY *v.* NEW YORK STATE HIGHER EDUCATION SERVICES CORPORATION ET AL. C. A. 2d Cir. Certiorari denied.

No. 16–5105. MARCELINO CASTRO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 642 Fed. Appx. 484.

No. 16–5106. CHELBERG *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 652 Fed. Appx. 536.

No. 16–5107. HENDERSON *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 178 So. 3d 408.

No. 16–5108. A. F. *v.* Florida Department of Children and Families et al. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 182 So. 3d 653.

No. 16–5109. Hudson *v.* Florida. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 158 So. 3d 567.

No. 16–5110. Harrell *v.* Foster, Warden. C. A. 7th Cir. Certiorari denied.

No. 16–5111. Curran *v.* United States. C. A. 3d Cir. Certiorari denied. Reported below: 638 Fed. Appx. 149.

No. 16–5112. Johnson *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 240.

No. 16–5113. Linderman *v.* Lackner, Warden. C. A. 9th Cir. Certiorari denied.

No. 16–5114. Jones *v.* Baca, Warden. C. A. 9th Cir. Certiorari denied.

No. 16–5115. Martinez *v.* United States. C. A. 6th Cir. Certiorari denied.

No. 16–5116. Rojas-Diaz *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 643 Fed. Appx. 279.

No. 16–5117. Taylor *v.* Brooks et al. C. A. 4th Cir. Certiorari denied. Reported below: 627 Fed. Appx. 206.

No. 16–5118. Tejada *v.* New York. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 133 App. Div. 3d 799, 19 N. Y. S. 3d 178.

No. 16–5119. Beverly *v.* Jones, Secretary, Florida Department of Corrections, et al. C. A. 11th Cir. Certiorari denied.

No. 16–5120. Kelsey *v.* Bailey, Chief Judge of the Little River Band of Ottawa Indians Tribal Court. C. A. 6th Cir. Certiorari denied. Reported below: 809 F. 3d 849.

No. 16–5121. Arterberry *v.* Lizarraga, Warden. C. A. 9th Cir. Certiorari denied.

No. 16–5122. BANNER *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2015 IL App (1st) 132974–U.

No. 16–5123. AL-SAADY *v.* JACKSON, ACTING WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–5126. MCCOY *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 16–5127. POINDEXTER *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 608 Fed. Appx. 163.

No. 16–5128. PITTMAN *v.* PENNSYLVANIA GENERAL ASSEMBLY ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 642 Fed. Appx. 87.

No. 16–5129. PATEL *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 468.

No. 16–5130. PROPHET *v.* BALLARD, WARDEN. Sup. Ct. App. W. Va. Certiorari denied.

No. 16–5131. JAMES *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 150 So. 3d 864.

No. 16–5133. UDOH *v.* MINNESOTA. Ct. App. Minn. Certiorari denied.

No. 16–5134. LATIMER ET AL. *v.* CITY OF CHARLOTTE, NORTH CAROLINA. C. A. 4th Cir. Certiorari denied. Reported below: 642 Fed. Appx. 269.

No. 16–5136. QUEVEDO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 653.

No. 16–5138. AMBERT *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–5139. FREDERICK *v.* TEXAS. Ct. App. Tex., 4th Dist. Certiorari denied.

No. 16–5140. HOPKINS *v.* JPMORGAN CHASE BANK, N. A., ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 620 Fed. Appx. 880.

No. 16–5141. HAIPE *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 769 F. 3d 1189.

No. 16–5143. THRASHER-STAROBIN *v.* STAROBIN. Sup. Ct. Ga. Certiorari denied. Reported below: 299 Ga. 12, 785 S. E. 2d 302.

No. 16–5144. THETFORD *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 806 F. 3d 442.

No. 16–5145. WILLIAMS, AKA STEWART *v.* PENNSYLVANIA DEPARTMENT OF CORRECTIONS ET AL. Commw. Ct. Pa. Certiorari denied.

No. 16–5146. GRISSOM *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. Sup. Ct. Ark. Certiorari denied. Reported below: 2015 Ark. 449, 476 S. W. 3d 160.

No. 16–5147. GRAY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 619 Fed. Appx. 233.

No. 16–5148. FRAZIER *v.* REYNOLDS. C. A. 11th Cir. Certiorari denied.

No. 16–5149. RONDAN *v.* LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES. C. A. 9th Cir. Certiorari denied.

No. 16–5150. ROMAN *v.* BANK OF NEW YORK MELLON ET AL. Super. Ct. Pa. Certiorari denied. Reported below: 122 A. 3d 1121.

No. 16–5152. ANDERSON *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2015 IL App (1st) 131143–U.

No. 16–5153. GEORGIADIS *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 819 F. 3d 4.

No. 16–5154. VARGAS-DE JESUS *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 813 F. 3d 414.

No. 16–5155. KEITT *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 157.

No. 16–5156. LEWIS *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 636 Fed. Appx. 749.

No. 16–5157. MAGUIRE *v.* AMSBERRY. C. A. 9th Cir. Certiorari denied.

No. 16–5158. JACKSON *v.* GERMERAAD. C. A. 7th Cir. Certiorari denied.

No. 16–5159. BILL *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 16–5160. PFEFFERLE *v.* NEW JERSEY. Super. Ct. N. J., App. Div. Certiorari denied.

No. 16–5161. RAMIREZ-FIGUEROA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 642 Fed. Appx. 488.

No. 16–5162. SHEW *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 644 Fed. Appx. 234.

No. 16–5165. VELEZ-LUCIANO *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 814 F. 3d 553.

No. 16–5166. THOMAS *v.* OLENS, ATTORNEY GENERAL OF GEORGIA, ET AL. Sup. Ct. Ga. Certiorari denied.

No. 16–5167. TRIPLETT *v.* LEBLANC, SECRETARY, LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 642 Fed. Appx. 457.

No. 16–5168. WERNTZ *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 16–5169. YARBOURGH *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 16–5170. ROBINSON *v.* GEORGIA DEPARTMENT OF HUMAN SERVICES. Ct. App. Ga. Certiorari denied.

No. 16–5171. RAINEY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–5172. LURZ *v.* ILLINOIS; and TINEYBEY *v.* ILLINOIS. Sup. Ct. Ill. Certiorari denied.

No. 16–5175. FOWLER *v.* MCGINLEY, ACTING SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT COAL TOWNSHIP, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–5176. SMITH *v.* KING'S DAUGHTERS AND SONS HOME. Ct. App. Tenn. Certiorari denied.

No. 16–5177. JOHNSON *v.* PALMETTO CITIZENS FEDERAL CREDIT UNION. C. A. 4th Cir. Certiorari denied. Reported below: 622 Fed. Appx. 302.

No. 16–5178. LOPEZ-GOMEZ *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 646 Fed. Appx. 313.

No. 16–5180. JONES *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 1. Certiorari denied.

No. 16–5181. MARCELENO *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 819 F. 3d 1267.

No. 16–5182. KNECHT *v.* LAW OFFICES OF CHET ELIOT WEINBAUM, P. A., ET AL. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 191 So. 3d 474.

No. 16–5184. ROMANS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 823 F. 3d 299.

No. 16–5185. SMITH *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 643 Fed. Appx. 500.

No. 16–5187. HALL *v.* SEPANEK, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–5188. PINEDA GOMEZ *v.* DUCART, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–5189. BASIC *v.* STECK, ACTING UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF KENTUCKY. C. A. 6th Cir. Certiorari denied. Reported below: 819 F. 3d 897.

No. 16–5190. BOSTON *v.* MCGINLEY, ACTING SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT COAL TOWNSHIP, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–5191. GRAY *v.* UNITED STATES. Ct. App. D. C. Certiorari denied.

No. 16–5192. HULL *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 2. Certiorari denied.

No. 16–5193. SHELTON *v.* MAPES, WARDEN. C. A. 8th Cir. Certiorari denied. Reported below: 821 F. 3d 941.

No. 16–5194. GRIFFIN *v.* ALFARO, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–5195. NETHERTON *v.* PARNELL, SUPERINTENDENT, WASHINGTON CORRECTIONS CENTER FOR WOMEN. C. A. 9th Cir. Certiorari denied. Reported below: 642 Fed. Appx. 687.

No. 16–5196. RIVERA *v.* ILLINOIS. Sup. Ct. Ill. Certiorari denied.

No. 16–5197. ALVAREZ *v.* DAVEY, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 628 Fed. Appx. 533.

No. 16–5198. ARMSTRONG *v.* ANDREWS ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 646 Fed. Appx. 705.

No. 16–5199. CRISTOBAL *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 653.

No. 16–5200. JACKSON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 16–5201. OGUNLEYE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 644 Fed. Appx. 343.

No. 16–5202. JOHNSON *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA. C. A. 9th Cir. Certiorari denied.

No. 16–5204. ORJUELA *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 638 Fed. Appx. 9.

No. 16–5205. MURRAY *v.* FERGUSON, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT BENNER, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–5206. CAPALBO, AS PERSONAL REPRESENTATIVE OF COSENTINO AND GUARDIAN AD LITEM FOR D. B. ET AL., ET AL. *v.* KURTZ ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 624 Fed. Appx. 538.

No. 16–5207. RHODES *v.* GORDON ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 616 Fed. Appx. 358.

No. 16–5208. PAYNE *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–5209. POPAL *v.* SLOVIS. C. A. 2d Cir. Certiorari denied. Reported below: 646 Fed. Appx. 35.

No. 16–5210. BROWN *v.* HARRIS, ATTORNEY GENERAL OF CALIFORNIA, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 434.

No. 16–5211. BERRIOS-BONILLA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 822 F. 3d 25.

No. 16–5212. FLORES *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–5214. BARNES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 635 Fed. Appx. 110.

No. 16–5216. ROWE *v.* GOLDSBORO WAYNE TRANSPORTATION AUTHORITY. C. A. 4th Cir. Certiorari denied. Reported below: 628 Fed. Appx. 183.

No. 16–5217. REYNOLDS *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–5218. SHAMSUD-DIN *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 16–5219. ROGERS *v.* NORTH CAROLINA. C. A. 4th Cir. Certiorari denied. Reported below: 623 Fed. Appx. 126.

No. 16–5220. ROBINSON *v.* OUTLAW, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 16–5221. ROLLINS *v.* WILLETT ET AL. C. A. 7th Cir. Certiorari denied.

No. 16–5222. REDDING *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 132 App. Div. 3d 700, 17 N. Y. S. 3d 495.

No. 16–5223. SCOTT *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 637 Fed. Appx. 10.

No. 16–5224. MOORE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–5226. TAPIA-OSORIO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 646 Fed. Appx. 343.

No. 16–5227. BURGESS *v.* SPEARMAN, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–5228. ANEKWU *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–5231. DAY *v.* UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA. C. A. 4th Cir. Certiorari denied. Reported below: 643 Fed. Appx. 247.

No. 16–5233. BOOTS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 816 F. 3d 971.

No. 16–5234. JOHNSON *v.* LOUISIANA. 39th Jud. Dist. Ct. La., Red River Parish. Certiorari denied.

No. 16–5236. BUTLER *v.* GORDY, WARDEN, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–5237. CHANG, AKA SUNG BUM CHANG *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 601.

No. 16–5238. SMITH *v.* PSZCZOLKOWSKI, WARDEN. Sup. Ct. App. W. Va. Certiorari denied.

No. 16–5239. BARKER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 820 F. 3d 167.

No. 16–5242. RICHARDS *v.* MITCHEFF ET AL. C. A. 7th Cir. Certiorari denied.

No. 16–5243. LAWLER *v.* CHATMAN, WARDEN. C. A. 11th Cir. Certiorari denied. Reported below: 631 Fed. Appx. 905.

No. 16–5244. KIMBRELL *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 16–5245. SALVADOR RODRIGUEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 436.

No. 16–5246. OLGUIN-CARDENAS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 646 Fed. Appx. 347.

No. 16–5248. WEBSTER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 820 F. 3d 944.

No. 16–5249. VALENTIN *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–5251. ONGAGA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 820 F. 3d 152.

No. 16–5252. BUCCI *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 809 F. 3d 23.

No. 16–5253. GRIM *v.* FISHER, COMMISSIONER, MISSISSIPPI DEPARTMENT OF CORRECTIONS, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 816 F. 3d 296.

No. 16–5254. RAHMAN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 16–5255. MCDONALD *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 16–5256. CAMPBELL *v.* TENNESSEE. Ct. Crim. App. Tenn. Certiorari denied.

No. 16–5257. FELTON *v.* MASSACHUSETTS. App. Ct. Mass. Certiorari denied. Reported below: 87 Mass. App. 1134, 33 N. E. 3d 1267.

No. 16–5258. HOWARD *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 639 Fed. Appx. 686.

No. 16–5260. GILMORE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 317.

No. 16–5262. FERGUSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–5263. RAGLAND *v.* ILLINOIS. App. Ct. Ill., 2d Dist. Certiorari denied.

No. 16–5264. GARCIA-MELENDRES *v.* UNITED STATES (Reported below: 643 Fed. Appx. 407); PEREZ-GAONA *v.* UNITED

States (645 Fed. Appx. 335); Ramos-Marron *v.* United States (646 Fed. Appx. 354); Sanchez-Alba *v.* United States (645 Fed. Appx. 337); Santacruz-Hernandez *v.* United States (645 Fed. Appx. 336); Silva-Mendoza *v.* United States (646 Fed. Appx. 339); Tamez-Toscano *v.* United States (646 Fed. Appx. 353); and Tapia-Osorio *v.* United States (646 Fed. Appx. 343). C. A. 5th Cir. Certiorari denied.

No. 16–5265. Arizmendi-Hernandez *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 643 Fed. Appx. 459.

No. 16–5266. Brown *v.* United States. C. A. 4th Cir. Certiorari denied.

No. 16–5267. Pierce *v.* United States. C. A. 6th Cir. Certiorari denied. Reported below: 643 Fed. Appx. 500.

No. 16–5269. Odoms *v.* Nevada Board of State Prison Commissioners et al. C. A. 9th Cir. Certiorari denied.

No. 16–5270. Lloyd *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 645 Fed. Appx. 273.

No. 16–5271. Long *v.* Barrett, Warden. C. A. 6th Cir. Certiorari denied.

No. 16–5272. Larry *v.* Gidley, Warden. C. A. 6th Cir. Certiorari denied.

No. 16–5273. Kelly *v.* Ambroski et al. C. A. 11th Cir. Certiorari denied.

No. 16–5274. Buitron *v.* Cross, Warden, et al. C. A. 7th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 526.

No. 16–5275. Alexander *v.* Alabama. Ct. Crim. App. Ala. Certiorari denied. Reported below: 222 So. 3d 381.

No. 16–5276. Damond *v.* Louisiana. Ct. App. La., 4th Cir. Certiorari denied.

No. 16–5277. Smith *v.* Bagley, Warden. C. A. 6th Cir. Certiorari denied. Reported below: 642 Fed. Appx. 579.

No. 16–5279. Aphayavong *v.* California. Sup. Ct. Cal. Certiorari denied.

No. 16–5280. CRESPO *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–5281. ROEBUCK *v.* SUPREME COURT OF MISSISSIPPI. Sup. Ct. Miss. Certiorari denied.

No. 16–5282. REYNOLDS *v.* BARTELL, SHERIFF, WILLIAMSBURG COUNTY, SOUTH CAROLINA, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 645 Fed. Appx. 241.

No. 16–5283. ROBINSON *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 141 A. 3d 598.

No. 16–5285. BROWN *v.* WILLIAMS ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 644 Fed. Appx. 117.

No. 16–5286. BOLAR *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–5287. BRADFORD *v.* BOLLES ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 645 Fed. Appx. 157.

No. 16–5289. THOMPSON *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 16–5290. ADETILOYE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 623 Fed. Appx. 825.

No. 16–5291. ALMEIDA *v.* MARCHILLI, SUPERINTENDENT, NORTH CENTRAL CORRECTIONAL INSTITUTION AT GARDNER. C. A. 1st Cir. Certiorari denied.

No. 16–5292. JOHNSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 639 Fed. Appx. 176.

No. 16–5293. ANDRE J. *v.* SARAH R. ET AL. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 2016 IL App (2d) 150762–U.

No. 16–5297. COLEMAN *v.* CARRIEON ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 646 Fed. Appx. 377.

No. 16–5298. IVERSON *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 818 F. 3d 1015.

No. 16–5299. GEDDIE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 644 Fed. Appx. 256.

No. 16–5300. GONZALEZ *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 646 Fed. Appx. 297.

No. 16–5301. GOMEZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–5303. HERNANDEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 715.

No. 16–5305. JESUS F. *v.* WASHOE COUNTY DEPARTMENT OF SOCIAL SERVICES. Sup. Ct. Nev. Certiorari denied. Reported below: 132 Nev. 209, 371 P. 3d 995.

No. 16–5306. MUHAMMAD *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 819 F. 3d 1056.

No. 16–5309. MESSER *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 16–5310. JORDAN *v.* LOUISIANA. Ct. App. La., 1st Cir. Certiorari denied. Reported below: 2014–1083 (La. App. 1 Cir. 3/6/15).

No. 16–5311. MATTHEWS *v.* COHEN, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 593.

No. 16–5315. CHAUDHRY *v.* TARGET CORP. C. A. 2d Cir. Certiorari denied. Reported below: 632 Fed. Appx. 38.

No. 16–5316. TAYLOR *v.* AMASON ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 646 Fed. Appx. 334.

No. 16–5317. GUADALUPE VARGAS *v.* UNITED STATES (Reported below: 645 Fed. Appx. 332); MALDONADO *v.* UNITED STATES (645 Fed. Appx. 322); HERNANDEZ-LARA *v.* UNITED STATES (653 Fed. Appx. 280); HARGROVE *v.* UNITED STATES (667 Fed. Appx. 111); RODRIGUEZ-GONZALEZ *v.* UNITED STATES (653 Fed. Appx. 284); ALBERTO OLIVARES *v.* UNITED STATES (667 Fed. Appx. 112); GONZALEZ *v.* UNITED STATES (667 Fed. Appx. 117); and STOJENTIN *v.* UNITED STATES (653 Fed. Appx. 284). C. A. 5th Cir. Certiorari denied.

No. 16–5318. JAMES *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 810 F. 3d 674.

No. 16–5319. NIERA *v.* CASH, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–5320. PANNELL *v.* NEAL, SUPERINTENDENT, INDIANA STATE PRISON. C. A. 7th Cir. Certiorari denied.

No. 16–5321. MONJARAS-PICHARDO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 628 Fed. Appx. 259.

No. 16–5322. NWAMAH *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 16–5323. MORALES-COLON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–5324. MOSES *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–5325. DECATUR *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2015 IL App (1st) 130231, 45 N. E. 3d 1118.

No. 16–5326. JOHNSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 641 Fed. Appx. 279.

No. 16–5327. JUDY *v.* WILSON, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 634 Fed. Appx. 391.

No. 16–5328. VOLPENTESTA *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 16–5329. WILLIAMS *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 16–5330. WARREN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 820 F. 3d 406.

No. 16–5331. WILLIAMS *v.* BAKER, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–5332. PATTEE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 820 F. 3d 496.

No. 16–5333. PATTERSON *v.* KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION. C. A. 9th Cir. Certiorari denied.

No. 16–5334. NORINGTON *v.* SEVIER, SUPERINTENDENT, WESTVILLE CORRECTIONAL FACILITY. C. A. 7th Cir. Certiorari denied.

No. 16–5335. CROCKETT *v.* ILLINOIS. App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 2015 IL App (3d) 130761–U.

No. 16–5336. SMITH *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 629 Fed. Appx. 135.

No. 16–5338. CARTMAN, AKA VINCENT *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 607 Fed. Appx. 888.

No. 16–5340. DAVIS *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–5341. ANDREWS *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 8. Certiorari denied.

No. 16–5343. DAVIES *v.* ALLEN ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 626 Fed. Appx. 728.

No. 16–5344. GOUDEAU *v.* ARIZONA. Sup. Ct. Ariz. Certiorari denied. Reported below: 239 Ariz. 421, 372 P. 3d 945.

No. 16–5345. GARRY *v.* AMERICAN STANDARD TRANE, INC., ET AL. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied.

No. 16–5346. GUMMO BEAR *v.* WASHINGTON ET AL. Ct. App. Wash. Certiorari denied. Reported below: 187 Wash. App. 1035.

No. 16–5347. GEORGE *v.* SOTO, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–5348. HARE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 820 F. 3d 93.

No. 16–5349. GODFREY *v.* LYNCH, ATTORNEY GENERAL. C. A. 8th Cir. Certiorari denied. Reported below: 811 F. 3d 1013.

No. 16–5352. JIAU *v.* UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK. C. A. 2d Cir. Certiorari denied.

No. 16–5353. LAGRONE *v.* WISCONSIN. Sup. Ct. Wis. Certiorari denied. Reported below: 2016 WI 26, 368 Wis. 2d 1, 878 N. W. 2d 636.

No. 16–5354. MEAUX *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 648 Fed. Appx. 409.

No. 16–5355. PUJOLS *v.* PASH, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 16–5356. BARRAZA-MENA, AKA MENA-BARRAZA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 319.

No. 16–5357. MUNT *v.* MINNESOTA. Sup. Ct. Minn. Certiorari denied. Reported below: 880 N. W. 2d 379.

No. 16–5358. KENDRICK *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. Sup. Ct. Fla. Certiorari denied.

No. 16–5359. JOHNSON *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 3. Certiorari denied.

No. 16–5360. JACKSON *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 16–5361. ESCOBAR *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 632 Fed. Appx. 425.

No. 16–5362. ESTRADA *v.* HEALEY ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 335.

No. 16–5363. DUBON-VALENZUELA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 639 Fed. Appx. 247.

No. 16–5365. SMITH *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 642 Fed. Appx. 655.

No. 16–5366. RIGAL *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 632 Fed. Appx. 608.

No. 16–5367. PETERSEN-BEARD *v.* KANSAS. Sup. Ct. Kan. Certiorari denied. Reported below: 304 Kan. 192, 377 P. 3d 1127.

No. 16–5368. ASGHEDOM *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 646 Fed. Appx. 830.

No. 16–5369. AUSTIN *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 190 So. 3d 643.

No. 16–5372. PULIDO SANCHEZ *v.* FRAUENHEIM, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–5374. LLOYD *v.* LOUISIANA. Ct. App. La., 2d Cir. Certiorari denied. Reported below: 48,914 (La. App. 2 Cir. 1/14/15), 161 So. 3d 879.

No. 16–5375. PETRUCELLI *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 16–5376. LEWIS *v.* CITY OF ROMULUS, MICHIGAN, ET AL. C. A. 6th Cir. Certiorari denied.

No. 16–5377. JACKSON *v.* ILLINOIS. App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 2015 IL App (4th) 140036–U.

No. 16–5378. PRITCHETT *v.* MYRICK, SUPERINTENDENT, TWO RIVERS CORRECTIONAL INSTITUTION. C. A. 9th Cir. Certiorari denied. Reported below: 621 Fed. Appx. 489.

No. 16–5380. GRIFFITH *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied.

No. 16–5381. HENDRICKS *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–5382. RIOS SANDOVAL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 16–5383. SMITH *v.* STEWARD, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–5384. BRECHEEN *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 16–5385. ALLMON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 16–5386. BROWN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 636 Fed. Appx. 514.

No. 16–5387. AQUIL *v.* BUTLER, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–5388. BRUCE *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. Sup. Ct. Va. Certiorari denied.

No. 16–5391. HENTZ *v.* OREGON ET AL. Sup. Ct. Ore. Certiorari denied.

No. 16–5392. FOUTS *v.* COLORADO. Dist. Ct. Colo., Weld County. Certiorari denied.

No. 16–5395. ROCHELA *v.* UNITED STATES; and
No. 16–5563. VALDES DIAZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 636 Fed. Appx. 1000.

No. 16–5396. RAINEY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–5397. SIMS *v.* KEMP, WARDEN, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–5398. SANCHEZ *v.* BRYANT, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 652 Fed. Appx. 599.

No. 16–5399. BEY, AKA SEALEY *v.* KYPLINSKI, SUPERINTENDENT, VIRGINIA PENINSULA REGIONAL JAIL. C. A. 4th Cir. Certiorari denied. Reported below: 649 Fed. Appx. 301.

No. 16–5401. CARLOSS *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 818 F. 3d 988.

No. 16–5402. HAIRSTON *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 133 A. 3d 74.

No. 16–5403. ALONSO RODRIGUEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 435.

No. 16–5404. ROBINSON *v.* PURCELL CONSTRUCTION CORP. C. A. 2d Cir. Certiorari denied. Reported below: 647 Fed. Appx. 29.

No. 16–5406. SLOCUM *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 646 Fed. Appx. 294.

No. 16–5411. TAYLOR *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 16–5413. WILSON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 16–5414. HUY CHI LUONG *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 642 Fed. Appx. 694.

No. 16–5415. NASTRI *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 647 Fed. Appx. 51.

No. 16–5416. OLARTE-ROJAS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 820 F. 3d 798.

No. 16–5417. MITCHELL ET AL. *v.* MASSACHUSETTS; and
No. 16–5435. ORTIZ *v.* MASSACHUSETTS. App. Ct. Mass. Certiorari denied. Reported below: 89 Mass. App. 13, 45 N. E. 3d 111.

No. 16–5421. BASALDUA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–5424. CARLOS RIVAS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 649 Fed. Appx. 761.

No. 16–5426. WEST *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 626 Fed. Appx. 49.

No. 16–5430. CABRERA *v.* SANTA CLARA COUNTY, CALIFORNIA. App. Div., Super. Ct. Cal., County of Santa Clara. Certiorari denied.

No. 16–5431. WESSELS *v.* PEERY, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 635 Fed. Appx. 367.

No. 16–5432. ASHE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 634 Fed. Appx. 397.

No. 16–5434. BELL *v.* FLORIDA HIGHWAY PATROL ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 589 Fed. Appx. 473.

No. 16–5436. JOHNSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 645 Fed. Appx. 954.

No. 16–5437. EVANGELOU *v.* DISTRICT OF COLUMBIA ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 639 Fed. Appx. 1.

No. 16–5438. LISTER *v.* WASHINGTON. Ct. App. Wash. Certiorari denied. Reported below: 189 Wash. App. 1040.

No. 16–5439. CAMARA *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–5440. DALALLI *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 389.

No. 16–5443. SPECK-EDGMON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 380.

No. 16–5445. JENKINS *v.* ATKINSON, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 644 Fed. Appx. 229.

No. 16–5447. WARD *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 648 Fed. Appx. 238.

No. 16–5448. WORKMAN *v.* BLADES, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 645 Fed. Appx. 542.

No. 16–5449. JOYNER *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 16–5450. WOLF *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 556.

No. 16–5451. VANN *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 190 So. 3d 73.

No. 16–5452. CLIFTON *v.* WENEROWICZ, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–5453. BROWN *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 896.

No. 16–5456. BRANTHAFER *v.* GARMAN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ROCKVIEW, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–5457. CARPENTER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 397.

No. 16–5460. LAFLIN *v.* NEBRASKA. Ct. App. Neb. Certiorari denied. Reported below: 23 Neb. App. 839, 875 N. W. 2d 919.

No. 16–5462. CLIMMONS-JOHNSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 619 Fed. Appx. 406.

No. 16–5463. COURTNEY *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 816 F. 3d 681.

No. 16–5464. ALANA *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 16–5467. FIGUEREO-MEJIA *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 16–5472. BARTZ *v.* MINNESOTA. Ct. App. Minn. Certiorari denied.

No. 16–5473. HALL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 629 Fed. Appx. 504.

No. 16–5476. BONILLA *v.* LOUISIANA. Ct. App. La., 5th Cir. Certiorari denied. Reported below: 15–529 (La. App. 5 Cir. 2/24/16), 186 So. 3d 1242.

No. 16–5478. KING *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 642 Fed. Appx. 172.

No. 16–5480. YURIAR *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 411.

No. 16–5481. JIMENEZ-RAMIREZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–5485. DUENAS ET AL. *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 817 F. 3d 339.

No. 16–5487. CONTRERAS *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 16–5490. STOVER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 808 F. 3d 991.

No. 16–5491. LEWIS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–5492. MAIER *v.* PALL ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–5493. MITCHAM *v.* ARIZONA. Ct. App. Ariz. Certiorari denied.

No. 16–5494. VASQUEZ PEREZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 639 Fed. Appx. 428.

No. 16–5495. PARKER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–5496. MCCAULEY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 639 Fed. Appx. 205.

No. 16–5499. CRUZ-MARTINEZ *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 828 F. 3d 451.

No. 16–5500. COLON DEJESUS *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 831 F. 3d 39.

No. 16–5502. BROWN *v.* TOP GUARD. C. A. 4th Cir. Certiorari denied. Reported below: 630 Fed. Appx. 201.

No. 16–5506. MURRAY *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 821 F. 3d 386.

No. 16–5508. NAVE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 16–5510. MOORE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 636 Fed. Appx. 882.

No. 16–5516. ROSARIO *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 640 Fed. Appx. 18.

No. 16–5517. AFOLABI *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 16–5519. BROWN *v.* TEXAS. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 16–5521. BUTCHER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–5524. DIEGUEZ *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 106.

No. 16–5525. PETROVIC *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 16–5526. OSBORNE *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied.

No. 16–5532. CRAWFORD *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 132 A. 3d 172.

No. 16–5537. COLBERT *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 125 A. 3d 326.

No. 16–5541. SIXING LIU *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 16–5542. MODRALL *v.* BIGGS. C. A. D. C. Cir. Certiorari denied. Reported below: 653 Fed. Appx. 766.

No. 16–5543. JOSEPH *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 626 Fed. Appx. 893.

No. 16–5544. MITCHELL *v.* UNITED STATES. Ct. App. D. C. Certiorari denied.

No. 16–5545. MASON *v.* ECKSTEIN, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 16–5546. RAE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 645 Fed. Appx. 376.

No. 16–5549. COLEMAN *v.* UNITED STATES; and
No. 16–5557. BROWN *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 822 F. 3d 966.

No. 16–5552. BULGER *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 816 F. 3d 137.

No. 16–5559. GOODWIN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 16–5562. EANNARINO *v.* TEXAS. Ct. App. Tex., 4th Dist. Certiorari denied.

No. 16–5564. FLORES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 639 Fed. Appx. 280.

No. 16–5565. GREEN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 507.

No. 16–5567. HERNANDEZ-BECERRA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 636 Fed. Appx. 943.

No. 16–5572. JIMENEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 649 Fed. Appx. 602.

No. 16–5576. SAYERS *v.* POWELL. C. A. 4th Cir. Certiorari denied.

No. 16–5577. SMOTHERMAN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–5582. DEGEARE *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied.

No. 16–5584. VILLANUEVA *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 821 F. 3d 1226.

No. 16–5585. EVANS *v.* PIERCE, WARDEN, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–5586. PETROVIC *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 140 A. 3d 1225.

No. 16–5587. JENKINS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 649 Fed. Appx. 837.

No. 16–5588. OLUIGBO-BERNARDS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 638 Fed. Appx. 868.

No. 16–5591. MOROSCO *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 822 F. 3d 1.

No. 16–5593. MCGEE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 821 F. 3d 644.

No. 16–5594. EFTHIMIATOS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 16–5597. LAWRENCE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 649 Fed. Appx. 599.

No. 16–5601. CHOEURN *v.* MASSACHUSETTS. Super. Ct. Mass., Middlesex County. Certiorari denied.

No. 16–5602. ESPINOZA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 898.

No. 16–5603. THOMAS *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 16–5605. PUENTE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 132.

No. 16–5606. DUBRULE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 822 F. 3d 866.

No. 16–5607. WARE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–5610. RANDOLPH *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–5612. COLLUM *v.* UTAH. Ct. App. Utah. Certiorari denied. Reported below: 2015 UT App 229, 360 P. 3d 13.

No. 16–5613. STEWART *v.* COLORADO ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 646 Fed. Appx. 593.

No. 16–5615. CORDERO *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 632 Fed. Appx. 121.

No. 16–5616. CHRISTIAN *v.* MAHAN, JUDGE, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA, LAS VEGAS. C. A. 9th Cir. Certiorari denied.

No. 16–5618. CURRIE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 765.

No. 16–5620. COPPOLA *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 16–5623. WALLACE *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 842.

No. 16–5624. CROTEAU *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 819 F. 3d 1293.

No. 16–5625. SANCHEZ-PEREZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 648 Fed. Appx. 445.

No. 16–5630. ARTHURS *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 846.

No. 16–5637. LOPEZ RAMIREZ *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–5638. TARRATS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 639 Fed. Appx. 950.

No. 16–5641. NORWOOD *v.* COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY. C. A. 7th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 468.

No. 16–5642. MEDINA *v.* ARCHULETA, WARDEN, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 782.

No. 16–5645. JACKSON *v.* SHARTLE, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–5648. CHURCH *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 823 F. 3d 351.

No. 16–5649. ADENUGA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 803.

No. 16–5650. BARBEE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 641 Fed. Appx. 671.

No. 16–5651. CERF *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 621 Fed. Appx. 651.

No. 16–5654. DEES, AKA LEE *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 16–5661. REEDY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–5663. JACKSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 649 Fed. Appx. 355.

No. 16–5666. RUIZ *v.* HARRY, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT CAMP HILL, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–5670. UNDERWOOD *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 403.

No. 16–5671. SANCHEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 289.

No. 16–5672. RILEY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 643 Fed. Appx. 291.

No. 16–5675. SESSION *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 649 Fed. Appx. 821.

No. 16–5677. WALLER *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. Sup. Ct. Ark. Certiorari denied. Reported below: 2016 Ark. 252, 493 S. W. 3d 757.

No. 16–5679. VANDERARK *v.* ILLINOIS. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 2015 IL App (2d) 130790, 58 N. E. 3d 1.

No. 16–5683. DAVIS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–5684. LAMOTT *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 831 F. 3d 1153.

No. 16–5686. PLEDGE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 821 F. 3d 1035.

No. 16–5698. MARTINEZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–5705. MCCLEES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 186.

No. 16–5708. TRIFU *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–5711. TWITTY *v.* GILBERT, SUPERINTENDENT, STAFFORD CREEK CORRECTIONS CENTER. C. A. 9th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 828.

No. 16–5712. PATTON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 423.

No. 16–5716. DAVIS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 638 Fed. Appx. 295.

No. 16–5720. SANFORD *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 813 F. 3d 708.

No. 16–5721. OWENS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 16–5722. MCCOY *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 815 F. 3d 292.

No. 16–5745. DATTILIO *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–5757. YOUNG *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 15–1121. NEUSOFT MEDICAL SYSTEM CO., LTD., ET AL. *v.* NEUISYS, LLC. Ct. App. N. C. Motion of North Carolina Association of Defense Attorneys for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 242 N. C. App. 102, 774 S. E. 2d 851.

No. 15–1218. HUSQVARNA PROFESSIONAL PRODUCTS, INC. *v.* NEW HAMPSHIRE. Sup. Ct. N. H. Motion of Outdoor Power Equipment Institute for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 168 N. H. 460, 130 A. 3d 1197.

No. 15–1222. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS *v.* MCKINNEY. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 813 F. 3d 798.

No. 15–1311. PRO-FOOTBALL, INC. *v.* BLACKHORSE ET AL. C. A. 4th Cir. Certiorari before judgment denied.

No. 15–1344. MARTIN *v.* NATIONAL GENERAL ASSURANCE CO. Sup. Ct. Del. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 128 A. 3d 991.

No. 15–1379. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS *v.* HARDWICK. C. A. 11th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 803 F. 3d 541.

No. 15–1408. MASIMO CORP. *v.* RUHE ET AL. C. A. 9th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 640 Fed. Appx. 685.

No. 15–1411. WETZEL, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL. *v.* MOORE. C. A. 3d Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 640 Fed. Appx. 159.

No. 15–1416. CHISHOLM ET AL. *v.* TWO UNNAMED PETITIONERS ET AL. Sup. Ct. Wis. Motion of Center for Media and De-

mocracy et al. for leave to file brief as *amici curiae* granted. Certiorari denied. Reported below: 2015 WI 85, 363 Wis. 2d 1, 866 N. W. 2d 165.

No. 15–1421. WALSH *v.* UNITED STATES ET AL. C. A. 3d Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 639 Fed. Appx. 108.

No. 15–1425. RIOS *v.* PNC MORTGAGE, AKA PNC FINANCIAL SERVICES GROUP, INC., ET AL. Ct. App. Mich. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 15–1429. WIEST ET UX. *v.* TYCO ELECTRONICS CORP. C. A. 3d Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 812 F. 3d 319.

No. 15–1446. COMMIL USA, LLC *v.* CISCO SYSTEMS, INC. C. A. Fed. Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 813 F. 3d 994.

No. 15–1499. MACDERMID PRINTING SOLUTIONS, LLC *v.* E. I. DU PONT DE NEMOURS & CO. C. A. Fed. Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 640 Fed. Appx. 982.

No. 15–1505. FLORIDA *v.* RODRIGUEZ. Sup. Ct. Fla. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 187 So. 3d 841.

No. 15–9158. LOACH *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 135 A. 3d 655.

No. 15–9419. BEVERLY *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 15–9582. BROWN *v.* NASH, WARDEN, ET AL. C. A. 5th Cir. Certiorari before judgment denied.

No. 15–9738. ERBO, AKA GARCIA-VELEZ *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 15–9770. RINALDI *v.* ODDO, WARDEN. C. A. 3d Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 646 Fed. Appx. 202.

No. 15–9798. THOMPSON *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 15–9872. FOWLKES *v.* ADAMEC ET AL. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 622 Fed. Appx. 76.

No. 15–9925. BATISTA *v.* COUNTRYWIDE HOME LOANS, INC., ET AL. C. A. 3d Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 627 Fed. Appx. 178.

No. 16–157. IOWA *v.* JACKSON. Sup. Ct. Iowa. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 878 N. W. 2d 422.

No. 16–5054. SHEKHEM EL BEY *v.* CITY OF NEW YORK, NEW YORK, ET AL. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 16–5350. CHIRINO RIVERA *v.* MOSLEY, WARDEN. C. A. 5th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 624 Fed. Appx. 221.

No. 16–5458. AKEL *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF FLORIDA. C. A. 11th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 16–5735. WHITE *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

Rehearing Denied

No. 15–674. UNITED STATES ET AL. *v.* TEXAS ET AL., 577 U. S. 1101;

No. 15–7005. AZIZ *v.* NEW JERSEY, 579 U. S. 919;

No. 15–7878. Ossana *v.* United States, 579 U. S. 931;

No. 15–8095. Fry *v.* United States, 577 U. S. 1226;

No. 15–8954. Buycks *v.* LBS Financial Credit Union et al., 579 U. S. 920;

No. 15–8964. Turner *v.* Wright et al., 579 U. S. 921;

No. 15–9073. Two Bulls, aka Reyna *v.* Ries et al., 579 U. S. 932; and

No. 15–9479. Burchette *v.* McDonald, Secretary of Veterans Affairs, 579 U. S. 936. Petitions for rehearing denied.

No. 15–7350. Butler *v.* Stephens, Director, Texas Department of Criminal Justice, Correctional Institutions Division, 578 U. S. 925; and

No. 15–7988. Hamilton *v.* Jones, Secretary, Florida Department of Corrections, et al., 578 U. S. 926. Motions for leave to file petitions for rehearing denied.

October 11, 2016

Certiorari Granted—Vacated and Remanded. (See also No. 15–9173, *ante*, p. 1.)

No. 15–9838. Alexander *v.* United States. C. A. 6th Cir. Reported below: 642 Fed. Appx. 506;

No. 16–5075. Olalde-Gonzalez *v.* United States. C. A. 5th Cir. Reported below: 642 Fed. Appx. 426; and

No. 16–5566. Herrold *v.* United States. C. A. 5th Cir. Reported below: 813 F. 3d 595. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Mathis* v. *United States*, 579 U. S. 500 (2016).

Certiorari Dismissed

No. 16–5410. Wright El *v.* Court of General Sessions of South Carolina, Charleston County, et al. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 624 Fed. Appx. 90.

No. 16–5433. Acker *v.* Jeanes, Clerk, Superior Court of Arizona, Maricopa County, et al. Ct. App. Ariz. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 16–5560. SEWELL *v.* HOWARD. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 645 Fed. Appx. 251.

Miscellaneous Orders

No. D–2922. IN RE DISCIPLINE OF CULBREATH. Stanlee Earl Culbreath, of Columbus, Ohio, 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–2923. IN RE DISCIPLINE OF HUBBARD. D. Seeley Hubbard, of Darien, Conn., 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–2924. IN RE DISCIPLINE OF OWENS. Dennis J. Campbell Owens, of Kansas City, 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–2925. IN RE DISCIPLINE OF LAMBAJIAN. Nicholas Hrant Lambajian, of Monrovia, Cal., 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–2926. IN RE DISCIPLINE OF LUCID. Daniel Peri Lucid, of Beverly Hills, Cal., 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–2927. IN RE DISCIPLINE OF RHOADS. Douglas Carrol Rhoads, of Phoenix, 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–2928. IN RE DISCIPLINE OF LERCH. Stanford E. Lerch, of Phoenix, 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–2929. IN RE DISCIPLINE OF CARAMADRE. Joseph A. Caramadre, of Cranston, R. I., 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–2930. IN RE DISCIPLINE OF GOLDMAN. Richard I. Goldman, of Springfield, Mass., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D–2931. IN RE DISCIPLINE OF NACHAMIE. Barton Nachamie, of New York, N. Y., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D–2932. IN RE DISCIPLINE OF VESNAVER. Paul G. Vesnaver, of Rockville Centre, N. Y., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D–2933. IN RE DISCIPLINE OF DIGGS. William I. Diggs, of Myrtle Beach, S. C., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D–2934. IN RE DISCIPLINE OF FUSILIER. Julie Ann Fusilier, of Baton Rouge, La., 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. 16M29. DAVENPORT *v.* RODGERS;

No. 16M30. STEWART *v.* COLLIER, EXECUTIVE DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, ET AL.;

No. 16M32. GIFFEN *v.* UNITED STATES ET AL.;

No. 16M34. ATKINS *v.* O'BRIEN, WARDEN;

No. 16M35. LEWIS *v.* MARYLAND TRANSIT ADMINISTRATION; and

No. 16M36. MARIAN *v.* SEBELIUS ET AL. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 16M31. FJORD ET AL. *v.* KELLEHER. Motion for leave to file petition for writ of certiorari with supplemental appendix under seal granted.

No. 16M33. HEATH *v.* TSUJIHARA ET AL. Motion to direct the Clerk to file petition for writ of certiorari out of time denied. THE CHIEF JUSTICE took no part in the consideration or decision of this motion.

No. 15–513. STATE FARM FIRE & CASUALTY CO. *v.* UNITED STATES EX REL. RIGSBY ET AL. C. A. 5th Cir. [Certiorari granted, 578 U. S. 1011.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 15–866. STAR ATHLETICA, L. L. C. *v.* VARSITY BRANDS, INC., ET AL. C. A. 6th Cir. [Certiorari granted, 578 U. S. 959.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 16–6021. IN RE WILLIAMS. Petition for writ of habeas corpus denied.

No. 16–5774. IN RE PAYNE. Petition for writ of mandamus denied.

No. 16–5504. IN RE ADKINS. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of mandamus dismissed. See this Court's Rule 39.8. As petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

No. 16–5762. IN RE ROBINSON. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of mandamus dismissed. See this Court's Rule 39.8.

Certiorari Granted

No. 16–348. MIDLAND FUNDING, LLC *v.* JOHNSON. C. A. 11th Cir. Certiorari granted. Reported below: 823 F. 3d 1334.

No. 15–118. HERNANDEZ ET AL. *v.* MESA ET AL. C. A. 5th Cir. Certiorari granted. In addition to the questions presented by the petition, the parties are directed to brief and argue the following question: "Whether the claim in this case may be asserted under *Bivens* v. *Six Unknown Fed. Narcotics Agents*, 403 U. S. 388 (1971)." Reported below: 785 F. 3d 117.

No. 15–1358. ZIGLAR *v.* TURKMEN ET AL.;

No. 15–1359. ASHCROFT, FORMER ATTORNEY GENERAL, ET AL. *v.* TURKMEN ET AL.; and

No. 15–1363. HASTY ET AL. *v.* TURKMEN ET AL. C. A. 2d Cir. Certiorari granted, cases consolidated, and a total of one hour is allotted for oral argument. JUSTICE SOTOMAYOR and JUSTICE KAGAN took no part in the consideration or decision of these petitions. Reported below: 789 F. 3d 218.

Certiorari Denied

No. 15–955. COOPER ET AL. *v.* LEE, DIRECTOR, UNITED STATES PATENT AND TRADEMARK OFFICE. C. A. Fed. Cir. Certiorari denied.

No. 15–1136. CARLSON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 810 F. 3d 544.

No. 15–1142. WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES *v.* E. H. ET AL. Sup. Ct. App. W. Va. Certiorari denied. Reported below: 236 W. Va. 279, 778 S. E. 2d 728.

No. 15–1294. HAUGEN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 810 F. 3d 544.

No. 15–1299. R. J. REYNOLDS TOBACCO CO. ET AL. *v.* KANE, ATTORNEY GENERAL OF PENNSYLVANIA. Commw. Ct. Pa. Certiorari denied. Reported below: 114 A. 3d 37.

No. 15–1330. MCM PORTFOLIO LLC *v.* HEWLETT-PACKARD CO. ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 812 F. 3d 1284.

No. 15–1350. BUILDING INDUSTRY ASSOCIATION OF THE BAY AREA ET AL. *v.* DEPARTMENT OF COMMERCE ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 792 F. 3d 1027.

No. 15–1387. UNITED STATES FOREST SERVICE ET AL. *v.* COTTONWOOD ENVIRONMENTAL LAW CENTER. C. A. 9th Cir. Certiorari denied. Reported below: 789 F. 3d 1075.

No. 15–1413. KENNEDY *v.* SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP. C. A. 3d Cir. Certiorari denied. Reported below: 629 Fed. Appx. 277.

No. 15–1460. MISSOURI *v.* CARRAWELL. Sup. Ct. Mo. Certiorari denied. Reported below: 481 S. W. 3d 833.

No. 15–1462. CENTER FOR ART & MINDFULNESS, INC. *v.* POSTAL REGULATORY COMMISSION. C. A. D. C. Cir. Certiorari denied.

No. 15–1507. HUANG, GENERAL PARTNER, ON BEHALF OF HYW L. P. *v.* CITY OF LOS ANGELES, CALIFORNIA. C. A. 9th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 363.

No. 15–1530. ROSILLO *v.* HOLTEN ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 817 F. 3d 595.

No. 15–1537. R. J. REYNOLDS TOBACCO CO. ET AL. *v.* MARYLAND. Ct. Sp. App. Md. Certiorari denied. Reported below: 225 Md. App. 214, 123 A. 3d 660.

No. 15–1545. CITY OF YUMA, ARIZONA *v.* AVENUE 6E INVESTMENTS, LLC, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 818 F. 3d 493.

No. 15–8950. HOLMES *v.* EAST COOPER COMMUNITY HOSPITAL, INC., ET AL. Sup. Ct. S. C. Certiorari denied.

No. 15–9042. ANDERSON *v.* HARRISON COUNTY, MISSISSIPPI. C. A. 5th Cir. Certiorari denied. Reported below: 639 Fed. Appx. 1010.

No. 15–9225. DAVIDSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 639 Fed. Appx. 171.

No. 15–9327. MURRILLO MONTEMAYOR *v.* UNITED STATES (Reported below: 636 Fed. Appx. 620); ROMERO-CORDERO *v.* UNITED STATES (634 Fed. Appx. 457); VILLANUEVA-TORRES *v.* UNITED STATES (635 Fed. Appx. 146); RODRIGUEZ-MADRID *v.* UNITED

STATES (646 Fed. Appx. 352); and VAZQUEZ-MORALES *v.* UNITED STATES (646 Fed. Appx. 358). C. A. 5th Cir. Certiorari denied.

No. 15–9388. FAGER *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 811 F. 3d 381.

No. 15–9544. BIBLE *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 640 Fed. Appx. 350.

No. 15–9571. HOLMES *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 814 F. 3d 1246.

No. 15–9823. SNEED *v.* ALABAMA. Ct. Crim. App. Ala. Certiorari denied. Reported below: 195 So. 3d 1077.

No. 16–9. WOLFSON *v.* CONCANNON ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 811 F. 3d 1176.

No. 16–17. FARREN *v.* FARREN. App. Ct. Conn. Certiorari denied. Reported below: 162 Conn. App. 51, 131 A. 3d 253.

No. 16–34. MATALONIS *v.* WISCONSIN. Sup. Ct. Wis. Certiorari denied. Reported below: 2016 WI 7, 366 Wis. 2d 443, 875 N. W. 2d 567.

No. 16–35. ARMSTRONG *v.* THOMPSON. Ct. App. D. C. Certiorari denied. Reported below: 134 A. 3d 305.

No. 16–64. GABLES INSURANCE RECOVERY, INC., AS ASSIGNEE OF SOUTH MIAMI CHIROPRACTIC LLC *v.* BLUE CROSS & BLUE SHIELD OF FLORIDA, INC. C. A. 11th Cir. Certiorari denied. Reported below: 813 F. 3d 1333.

No. 16–116. NORTH AMERICAN PROPERTIES *v.* MCCARRAN INTERNATIONAL AIRPORT ET AL. Sup. Ct. Nev. Certiorari denied. Reported below: 132 Nev. 1011.

No. 16–121. ADVANCED TECHNOLOGY BUILDING SOLUTIONS, LLC, ET AL. *v.* CITY OF JACKSON, MISSISSIPPI. C. A. 5th Cir. Certiorari denied. Reported below: 817 F. 3d 163.

No. 16–133. JINHEE PARK *v.* CITY OF CLAWSON, MICHIGAN. Cir. Ct. Oakland County, Mich. Certiorari denied.

No. 16–134. PATTERSON *v.* SHELTON. Commw. Ct. Pa. Certiorari denied. Reported below: 127 A. 3d 894.

No. 16–138. C. C., INDIVIDUALLY AND BY AND THROUGH HIS PARENTS AND NEXT FRIENDS, CRIPPS ET UX., ET AL. *v.* HURST-EULESS BEDFORD INDEPENDENT SCHOOL DISTRICT. C. A. 5th Cir. Certiorari denied. Reported below: 641 Fed. Appx. 423.

No. 16–147. LANHAM *v.* HAZLETT ET AL. Ct. App. Ky. Certiorari denied.

No. 16–148. BANDARIES *v.* LAWYER DISCIPLINARY COMMITTEE OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA. C. A. 5th Cir. Certiorari denied. Reported below: 639 Fed. Appx. 258.

No. 16–150. VARTANIAN *v.* SUPERIOR COURT OF CALIFORNIA, ALAMEDA COUNTY, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 632 Fed. Appx. 418.

No. 16–155. VELA-ESTRADA *v.* LYNCH, ATTORNEY GENERAL. C. A. 2d Cir. Certiorari denied. Reported below: 817 F. 3d 69.

No. 16–165. ARK INITIATIVE ET AL. *v.* TIDWELL, CHIEF, UNITED STATES FOREST SERVICE, ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 816 F. 3d 119.

No. 16–167. HENRY *v.* REGENTS OF THE UNIVERSITY OF CALIFORNIA, SAN FRANCISCO. C. A. 9th Cir. Certiorari denied. Reported below: 644 Fed. Appx. 787.

No. 16–169. WISE ET UX. *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 639 Fed. Appx. 193.

No. 16–172. ARNALDO BAEZ *v.* TEXAS. Ct. App. Tex., 4th Dist. Certiorari denied. Reported below: 486 S. W. 3d 592.

No. 16–173. LOWRY *v.* ANDERSON. Ct. App. Tenn. Certiorari denied.

No. 16–178. SHEIKH *v.* KELLY, SECRETARY, CALIFORNIA STATE TRANSPORTATION AGENCY, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 627 Fed. Appx. 629.

No. 16–180. MOODY'S CORP. ET AL. *v.* FEDERAL HOME LOAN BANK OF BOSTON. C. A. 1st Cir. Certiorari denied. Reported below: 821 F. 3d 102.

No. 16–182. Garza-Medina *v.* Lynch, Attorney General. C. A. 5th Cir. Certiorari denied. Reported below: 639 Fed. Appx. 282.

No. 16–183. Flint *v.* McKinley, Chief Judge, United States District Court for the Western District of Kentucky. C. A. 6th Cir. Certiorari denied.

No. 16–184. Cripps et al. *v.* Louisiana Department of Agriculture and Forestry et al. C. A. 5th Cir. Certiorari denied. Reported below: 819 F. 3d 221.

No. 16–198. Chhetri et al. *v.* United States. C. A. 11th Cir. Certiorari denied. Reported below: 823 F. 3d 577.

No. 16–208. Robinson et al. *v.* WMC Mortgage Corp. et al. C. A. 9th Cir. Certiorari denied. Reported below: 649 Fed. Appx. 636.

No. 16–216. Michael *v.* United States. C. A. Fed. Cir. Certiorari denied. Reported below: 642 Fed. Appx. 987.

No. 16–219. Citizens for Appropriate Rural Roads, Inc., et al. *v.* Foxx, Secretary of Transportation, et al. C. A. 7th Cir. Certiorari denied. Reported below: 815 F. 3d 1068.

No. 16–221. Holmes *v.* Northrop Grumman Corp. et al. C. A. 5th Cir. Certiorari denied. Reported below: 642 Fed. Appx. 373.

No. 16–223. Stefanick *v.* Merit Systems Protection Board et al. C. A. 4th Cir. Certiorari denied. Reported below: 638 Fed. Appx. 251.

No. 16–241. Burst, Individually and as Legal Representative of Burst *v.* Shell Oil Co. et al. C. A. 5th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 170.

No. 16–249. Pool-Knight *v.* Michigan. Ct. App. Mich. Certiorari denied.

No. 16–256. Flight Attendants in Reunion et al. *v.* American Airlines, Inc., et al. C. A. 2d Cir. Certiorari denied. Reported below: 813 F. 3d 468.

No. 16–272. Vilchiz *v.* Florida. Sup. Ct. Fla. Certiorari denied.

No. 16–291. WHITFIELD *v.* COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY. C. A. 6th Cir. Certiorari denied.

No. 16–305. ENCYCLOPAEDIA BRITANNICA, INC. *v.* DICKSTEIN SHAPIRO, LLP. C. A. D. C. Cir. Certiorari denied. Reported below: 653 Fed. Appx. 764.

No. 16–5241. CARDONA-CASTILLO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 648 Fed. Appx. 782.

No. 16–5389. SPIRLES *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 136 App. Div. 3d 1315, 25 N. Y. S. 3d 462.

No. 16–5405. SEPEHRY-FARD *v.* AURORA BANK, FSB, ET AL. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 16–5407. ROBERSON *v.* PADULA, WARDEN, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 635 Fed. Appx. 141.

No. 16–5408. SANDERS *v.* WOODS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–5412. VURIMINDI *v.* SUPERIOR COURT OF PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied. Reported below: 634 Pa. 721, 131 A. 3d 43.

No. 16–5418. LOWE *v.* KARRIKER ET AL. C. A. 5th Cir. Certiorari denied.

No. 16–5420. BURTON *v.* GIDLEY ET AL. C. A. 6th Cir. Certiorari denied.

No. 16–5422. ANTOINE *v.* RIVARD, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–5425. SEPEHRY-FARD *v.* BANK OF NEW YORK MELLON ET AL. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 16–5427. RIMER *v.* DISTRICT COURT OF NEVADA, CLARK COUNTY. Sup. Ct. Nev. Certiorari denied. Reported below: 132 Nev. 1023.

No. 16–5428. SLAUGHTER *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–5429. SMITH *v.* WADDINGTON ET AL. C. A. 10th Cir. Certiorari denied.

No. 16–5444. JOHNSON *v.* WINN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–5446. LOVE *v.* HILL, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–5455. BROWN *v.* WILSON ET AL. C. A. 10th Cir. Certiorari denied.

No. 16–5459. BREWER *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–5465. COOK *v.* VANNOY, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 16–5466. HAMMER *v.* HAMMER ET AL. Sup. Ct. App. W. Va. Certiorari denied.

No. 16–5470. MANNING *v.* HUDSON COUNTY, NEW JERSEY. Super. Ct. N. J., App. Div. Certiorari denied.

No. 16–5471. LEWIS *v.* HARRIS ET AL. C. A. 8th Cir. Certiorari denied.

No. 16–5474. FLOWERS *v.* TRAVIS COUNTY, TEXAS, CIVIL COURT DIVISION ET AL. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 16–5475. GOMILLION *v.* GEORGIA. Sup. Ct. Ga. Certiorari denied. Reported below: 298 Ga. 505, 783 S. E. 2d 103.

No. 16–5477. BROWN *v.* BROWN. Ct. App. Cal., 2d App. Dist., Div. 2. Certiorari denied.

No. 16–5482. WOODS *v.* TEXAS. Ct. App. Tex., 7th Dist. Certiorari denied. Reported below: 488 S. W. 3d 809.

No. 16–5483. R. C. *v.* E. M. ET AL. Sup. Ct. Ala. Certiorari denied.

No. 16–5484. ROBINSON *v.* LOUISIANA. Sup. Ct. La. Certiorari denied. Reported below: 2016–0506 (La. 5/2/16), 206 So. 3d 879.

No. 16–5486. RODGERS *v.* LANCASTER POLICE DEPARTMENT ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 819 F. 3d 205.

No. 16–5488. ROBINSON *v.* CADLE CO. Ct. App. Mich. Certiorari denied.

No. 16–5489. WEI ZHOU *v.* MARQUETTE UNIVERSITY. C. A. 7th Cir. Certiorari denied.

No. 16–5497. MUA ET UX. *v.* CALIFORNIA CASUALTY INDEMNITY EXCHANGE ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 836.

No. 16–5498. PARINEH *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 16–5501. DRIVER *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 649 Fed. Appx. 353.

No. 16–5503. BALLARD *v.* NORTH CAROLINA. Sup. Ct. N. C. Certiorari denied. Reported below: 368 N. C. 918, 787 S. E. 2d 33.

No. 16–5509. MONTGOMERY *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–5513. BREWSTER *v.* HART, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–5514. REID *v.* HURLEY MEDICAL CENTER. Ct. App. Mich. Certiorari denied.

No. 16–5518. BARTLETT *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–5520. BALDWIN *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 193 So. 3d 892.

No. 16–5523. BAXTER *v.* TENNESSEE ET AL. Ct. App. Tenn. Certiorari denied.

No. 16–5527. JOHNSON *v.* HOOKS, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 16–5529. NICKERSON *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 16–5531. PETRUCELLI *v.* RUSIN. C. A. 3d Cir. Certiorari denied. Reported below: 642 Fed. Appx. 108.

No. 16–5533. CALDWELL ET AL. *v.* PESCE, PRESIDING JUSTICE, APPELLATE TERM OF THE NEW YORK SUPREME COURT, SECOND JUDICIAL DISTRICT, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 639 Fed. Appx. 38.

No. 16–5534. JOHNSON *v.* ECKERT, SUPERINTENDENT, WENDE CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 16–5535. RODARTE *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–5536. SHABAZZ *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 16–5538. CHRISTIAN *v.* OKLAHOMA. Ct. Crim. App. Okla. Certiorari denied.

No. 16–5539. RODARTE *v.* BENEFICIAL TEXAS, INC. Ct. App. Tex., 4th Dist. Certiorari denied. Reported below: 482 S. W. 3d 246.

No. 16–5540. JONES *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 16–5547. MCDONALD *v.* TEXAS. Ct. App. Tex., 11th Dist. Certiorari denied.

No. 16–5548. SEVILLA *v.* O'BRIEN ET AL.; and SEVILLA *v.* JENKINS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–5550. WILLIAMS *v.* TILDEN ET AL. C. A. 7th Cir. Certiorari denied.

No. 16–5553. VURIMINDI *v.* FEDER, PROTHONOTARY, COURT OF COMMON PLEAS, PHILADELPHIA COUNTY. Sup. Ct. Pa. Certiorari denied.

No. 16–5554. WILLIAMS *v.* WOODS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–5561. DUPREE *v.* KANSAS. Sup. Ct. Kan. Certiorari denied. Reported below: 304 Kan. 43, 371 P. 3d 862.

No. 16–5569. RIVERA-ARVELO *v.* SUPREME COURT OF PUERTO RICO. Sup. Ct. P. R. Certiorari denied.

No. 16–5575. REQUENA *v.* NORWOOD, SECRETARY, KANSAS DEPARTMENT OF CORRECTIONS, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 939.

No. 16–5595. JACKSON *v.* ROYAL, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 805 F. 3d 940.

No. 16–5608. PIANKA *v.* UNITED STATES ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–5634. CINTRON *v.* WENEROWICZ, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–5635. DALE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 613 Fed. Appx. 912.

No. 16–5640. SAXON *v.* SMITH, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT MUNCY, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–5656. CARRILLO-ALEJO *v.* WASHINGTON. Ct. App. Wash. Certiorari denied. Reported below: 190 Wash. App. 1002.

No. 16–5658. TURNER *v.* HOLLAND, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–5662. MACK *v.* LOUISIANA. Ct. App. La., 4th Cir. Certiorari denied. Reported below: 2012–0625 (La. App. 4 Cir. 5/6/15), 162 So. 3d 1284.

No. 16–5689. JAYNES *v.* MURPHY. C. A. 1st Cir. Certiorari denied. Reported below: 824 F. 3d 187.

No. 16–5690. ROBERTS *v.* MINNESOTA. Sup. Ct. Minn. Certiorari denied. Reported below: 876 N. W. 2d 863.

No. 16–5691. BERGER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 823 F. 3d 1174.

No. 16–5700. MEYERS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–5701. REYNOLDS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–5703. KRUEGER *v.* TORRES. C. A. 5th Cir. Certiorari denied. Reported below: 812 F. 3d 365.

No. 16–5706. MOON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–5713. CHAMBERS *v.* CREWS, WARDEN. C. A. 8th Cir. Certiorari denied. Reported below: 639 Fed. Appx. 400.

No. 16–5717. WALLAESA *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 16–5718. TATE *v.* MINNESOTA. Ct. App. Minn. Certiorari denied.

No. 16–5732. BURTON *v.* TICE, ACTING SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HUNTINGDON, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–5734. ALBERTO GARCIA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 472.

No. 16–5740. LOMAS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 826 F. 3d 1097.

No. 16–5741. EASLEY *v.* AQUILINA, JUDGE, CIRCUIT COURT OF MICHIGAN, INGHAM COUNTY. Ct. App. Mich. Certiorari denied.

No. 16–5744. DAVIS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–5747. CRANFORD *v.* OKPALA. C. A. 9th Cir. Certiorari denied.

No. 16–5748. STACEY *v.* UNITED STATES ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 644 Fed. Appx. 279.

No. 16–5751. DERRY *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 824 F. 3d 299.

No. 16–5752. JONES *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 974.

No. 16–5756. WHITSELL *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–5764. DIEHL-ARMSTRONG *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 16–5765. COX *v.* RACKLEY, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–5772. ACEVEDO *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 824 F. 3d 179.

No. 16–5773. ADEBIMPE ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 819 F. 3d 1212.

No. 16–5778. SCOTT *v.* SHARTLE, WARDEN, ET AL. C. A. 4th Cir. Certiorari denied.

No. 16–5781. GUERRERO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 499.

No. 16–5782. HUGHES *v.* CALIFORNIA. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 16–5784. FRALEY *v.* PERRY. C. A. 4th Cir. Certiorari denied. Reported below: 646 Fed. Appx. 320.

No. 16–5785. SAMPSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 641 Fed. Appx. 290.

No. 16–5786. SIMPSON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 850.

No. 16–5787. HUMPHREY *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 656 Fed. Appx. 91.

No. 16–5790. SANCHEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 656 Fed. Appx. 346.

No. 16–5795. MARTINEZ-LOPEZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 16–5796. BENNETT *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 823 F. 3d 1316.

No. 16–5797. ROOD *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 634 Fed. Appx. 394.

No. 16–5798. MSHIHIRI *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 816 F. 3d 997.

No. 16–5799. GREEN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 648 Fed. Appx. 663.

No. 16–5800. BURRIS *v.* SMITH, WARDEN. C. A. 7th Cir. Certiorari denied. Reported below: 819 F. 3d 1037.

No. 16–5801. JACKSON *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied. Reported below: 652 Fed. Appx. 745.

No. 16–5805. DISHMON *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 655 Fed. Appx. 660.

No. 16–5808. MCCOY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 804 F. 3d 349.

No. 16–5813. WILLIS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 291.

No. 16–5814. ELLIS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–5817. COOKE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 624 Fed. Appx. 126.

No. 16–5818. DENNIN, AKA DESCAMPS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 649 Fed. Appx. 812.

No. 16–5819. DRAKES *v.* CONNECTICUT. Sup. Ct. Conn. Certiorari denied. Reported below: 321 Conn. 857, 146 A. 3d 21.

No. 16–5821. MARTINEZ-RODRIGUEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 456.

No. 16–5822. DURHAM *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 630 Fed. Appx. 634.

No. 16–5824. GRAHAM *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 639 Fed. Appx. 152.

No. 16–5831. YOUNG *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 202.

No. 16–5832. YOVANI-CARRERA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 145.

No. 16–5833. SEGOVIA-HERNANDEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 116.

No. 16–5835. EZZARD *v.* BRYSON, COMMISSIONER, GEORGIA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–5838. JOSEPH *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 648 Fed. Appx. 244.

No. 16–5841. MILLER *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 645 Fed. Appx. 211.

No. 16–5845. GARCIA-BALDERAS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 486.

No. 16–5847. SMITH *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 656 Fed. Appx. 70.

No. 16–5850. COMMON *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 818 F. 3d 323.

No. 16–5852. WASHINGTON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 16–5855. BORJA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 528.

No. 16–5856. BAMDAD *v.* POWERS, ACTING WARDEN. C. A. 7th Cir. Certiorari denied.

No. 16–5858. WARE *v.* UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF GEORGIA. C. A. 11th Cir. Certiorari denied.

No. 16–5862. MOORE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 791.

No. 16–5866. RILEY *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 886.

No. 16–5867. REAVES *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 942.

No. 16–5868. AGUSTIN RAMIREZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 679.

No. 16–5872. WHITE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 956.

No. 16–5875. PHILLIPS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 917.

No. 16–5878. MERIDA *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 828 F. 3d 1203.

No. 16–5888. MCKENZIE *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–5893. TUBBS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 652 Fed. Appx. 750.

No. 16–5898. THOMPSON ET AL. *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 825 F. 3d 198.

No. 16–5901. NEKVASIL *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–5903. WRIGHT *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 15–1442. GILLETTE CO. ET AL. *v.* FRANCHISE TAX BOARD OF CALIFORNIA ET AL. Sup. Ct. Cal. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 62 Cal. 4th 468, 363 P. 3d 94.

No. 16–125. MERCK & CIE *v.* GNOSIS S. P. A. ET AL. (Reported below: 808 F. 3d 829); and SOUTH ALABAMA MEDICAL SCIENCE FOUNDATION *v.* GNOSIS S. P. A. ET AL. (808 F. 3d 823). C. A. Fed. Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 16–261. HUSAIN ET AL. *v.* SPRINGER. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 622 Fed. Appx. 13.

No. 16–268. GEOTAG, INC. *v.* GOOGLE INC. C. A. Fed. Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 817 F. 3d 1305.

No. 16–278. NASSAU COUNTY SHERIFF'S DEPARTMENT, DIVISION OF CORRECTION, ET AL. *v.* AUGUSTIN ET AL. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 639 Fed. Appx. 746.

No. 16–5794. KIRTMAN *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 650 Fed. Appx. 954.

Rehearing Denied

No. 15–1166. OLIVE *v.* UNITED STATES, 579 U. S. 928; and
No. 15–6202. WIDI *v.* UNITED STATES, 578 U. S. 946. Petitions for rehearing denied.

OCTOBER 17, 2016

Miscellaneous Orders

No. 16A244. ZHENLI YE GON *v.* DYER, SUPERINTENDENT, CENTRAL VIRGINIA REGIONAL JAIL, ET AL. D. C. W. D. Va. Application for stay, addressed to JUSTICE SOTOMAYOR and referred to the Court, denied.

No. D–2887. IN RE DISBARMENT OF MICHAEL. Disbarment entered. [For earlier order herein, see 578 U. S. 970.]

No. D–2889. IN RE DISBARMENT OF ADLER. Disbarment entered. [For earlier order herein, see 578 U. S. 971.]

No. D–2890. IN RE DISBARMENT OF WARNER. Disbarment entered. [For earlier order herein, see 578 U. S. 971.]

No. D–2891. IN RE DISBARMENT OF ALARI. Disbarment entered. [For earlier order herein, see 578 U. S. 971.]

No. D–2893. IN RE DISBARMENT OF CLAIR. Disbarment entered. [For earlier order herein, see 578 U. S. 971.]

No. D–2894. IN RE DISBARMENT OF SEEGER. Disbarment entered. [For earlier order herein, see 578 U. S. 971.]

No. D–2895. IN RE DISBARMENT OF HUFF. Disbarment entered. [For earlier order herein, see 578 U. S. 971.]

No. D–2896. In re Disbarment of Moran. Disbarment entered. [For earlier order herein, see 578 U. S. 972.]

No. D–2898. In re Disbarment of Silver. Disbarment entered. [For earlier order herein, see 578 U. S. 972.]

No. D–2899. In re Disbarment of Kerns. Disbarment entered. [For earlier order herein, see 578 U. S. 972.]

No. D–2900. In re Disbarment of Terry. Disbarment entered. [For earlier order herein, see 578 U. S. 972.]

No. D–2901. In re Disbarment of Towery. Disbarment entered. [For earlier order herein, see 578 U. S. 972.]

No. D–2902. In re Disbarment of Harris. Disbarment entered. [For earlier order herein, see 578 U. S. 972.]

No. D–2903. In re Disbarment of Tagupa. Disbarment entered. [For earlier order herein, see 578 U. S. 973.]

No. D–2904. In re Disbarment of Hayes. Disbarment entered. [For earlier order herein, see 578 U. S. 973.]

No. 16M37. Meras *v.* Jones, Secretary, Florida Department of Corrections;

No. 16M38. Makeda-Phillips *v.* White, Illinois Secretary of State, et al.; and

No. 16M39. McGuirk *v.* Chelsea New York Realty Co., L. L. C., et al. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 142, Orig. Florida *v.* Georgia. Motion of the Special Master for allowance of fees and disbursements granted, and the Special Master is awarded a total of $57,333 for the period February 1 through August 31, 2016, to be paid equally by the parties. [For earlier order herein, see, *e. g.*, 577 U. S. 1211.]

No. 14–1055. Lightfoot et al. *v.* Cendant Mortgage Corp., dba PHH Mortgage, et al. C. A. 9th Cir. [Certiorari granted, 579 U. S. 940.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 15–423. Bolivarian Republic of Venezuela et al. *v.* Helmerich & Payne International Drilling Co. et al.

C. A. D. C. Cir. [Certiorari granted, 579 U. S. 940.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 15–497. FRY ET VIR, AS NEXT FRIENDS OF MINOR E. F. *v.* NAPOLEON COMMUNITY SCHOOLS ET AL. C. A. 6th Cir. [Certiorari granted, 579 U. S. 940.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 16–5653. STONE *v.* REYES ET AL. C. A. 5th Cir.;

No. 16–5804. ROBERTSON *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 4th Cir.; and

No. 16–5826. HASSEBROCK *v.* UNITED STATES. C. A. 7th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until November 7, 2016, 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. 16–6063. IN RE MINICONE;

No. 16–6064. IN RE HOLLAND;

No. 16–6065. IN RE HOLCOMB; and

No. 16–6204. IN RE WESTE. Petitions for writs of habeas corpus denied.

No. 16–192. IN RE STEELE; and

No. 16–5664. IN RE JACKSON. Petitions for writs of mandamus denied.

Certiorari Denied

No. 15–1295. ESTATE OF HAGE ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 810 F. 3d 712.

No. 15–1361. PATTY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 238.

No. 15–9135. WILLIAMSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 621 Fed. Appx. 247.

No. 15–9273. MEEKS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 620 Fed. Appx. 493.

No. 15–9279. WATSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 620 Fed. Appx. 493.

No. 15–9414. TESSIER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 814 F. 3d 432.

No. 15–9835. WARREN *v.* NORTH CAROLINA. Sup. Ct. N. C. Certiorari denied. Reported below: 368 N. C. 756, 782 S. E. 2d 509.

No. 16–190. GARRETT ET AL. *v.* BRANSON COMMERCE PARK COMMUNITY IMPROVEMENT DISTRICT ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 645 Fed. Appx. 710.

No. 16–194. HOSCHAR ET UX. *v.* LAYNE ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 632.

No. 16–196. ELLSWORTH *v.* RAMOS, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–197. COULTER *v.* SUPERIOR COURT OF PENNSYLVANIA (two judgments). Sup. Ct. Pa. Certiorari denied.

No. 16–211. AHUJA *v.* LIGHTSQUARED INC. ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 644 Fed. Appx. 24.

No. 16–212. AZAM *v.* U. S. BANK N. A. C. A. 9th Cir. Certiorari denied. Reported below: 642 Fed. Appx. 777.

No. 16–214. WILLIAMS *v.* BROOKS ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 809 F. 3d 936.

No. 16–215. HARPER *v.* HART. Ct. App. Ga. Certiorari denied.

No. 16–224. SPANN *v.* CARTER ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 648 Fed. Appx. 586.

No. 16–226. SAVOIE ET AL. *v.* HUNTINGTON INGALLS INC. ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 817 F. 3d 457.

No. 16–243. WORLD IMPORTS, LTD., ET AL. *v.* OEC GROUP NEW YORK. C. A. 3d Cir. Certiorari denied. Reported below: 820 F. 3d 576.

No. 16–250. READ *v.* HALEY ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 492.

No. 16–259. HENDRICKSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 822 F. 3d 812.

No. 16–262. FAPPIANO *v.* CITY OF NEW YORK, NEW YORK, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 640 Fed. Appx. 115.

No. 16–265. HALVONIK *v.* MARYLAND DEPARTMENT OF SAFETY AND CORRECTIONAL SERVICES. Ct. Sp. App. Md. Certiorari denied. Reported below: 225 Md. App. 703 and 705.

No. 16–271. WILSON *v.* LOUISIANA GOVERNOR'S OFFICE OF DISABILITY AFFAIRS ET AL. Ct. App. La., 1st Cir. Certiorari denied. Reported below: 2015–1163 (La. App. 1 Cir. 2/26/16), 191 So. 3d 603.

No. 16–275. WERNER *v.* FLORIDA BAR. Sup. Ct. Fla. Certiorari denied.

No. 16–298. MERCADO *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 189 So. 3d 796.

No. 16–306. DOBLE *v.* INTERSTATE AMUSEMENTS, INC. Sup. Ct. Idaho. Certiorari denied. Reported below: 160 Idaho 307, 372 P. 3d 362.

No. 16–311. LAW ET AL. *v.* FEDERAL COMMUNICATIONS COMMISSION. C. A. D. C. Cir. Certiorari denied.

No. 16–321. BACA *v.* GARCIA. C. A. 9th Cir. Certiorari denied. Reported below: 817 F. 3d 635.

No. 16–5142. WILLIAMS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 977.

No. 16–5203. LANDRUM *v.* JENKINS, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 813 F. 3d 330.

No. 16–5232. BLURTON *v.* MISSOURI. Sup. Ct. Mo. Certiorari denied. Reported below: 484 S. W. 3d 758.

No. 16–5304. IZAGUIRRE-SUAZO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 646 Fed. Appx. 351.

No. 16–5570. EVANS *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–5571. MITCHELL *v.* ENLOE, WARDEN. C. A. 7th Cir. Certiorari denied. Reported below: 817 F. 3d 532.

No. 16–5573. LYONS *v.* LAFLER, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–5574. STEELE *v.* PASH, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 16–5578. SANDERS *v.* BAPTIST MEMORIAL HOSPITAL. C. A. 6th Cir. Certiorari denied.

No. 16–5589. KIRBY ET AL. *v.* OCWEN LOAN SERVICING, LLC, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 641 Fed. Appx. 808.

No. 16–5590. JOHNSON *v.* ARKANSAS. Sup. Ct. Ark. Certiorari denied. Reported below: 2016 Ark. 156, 489 S. W. 3d 668.

No. 16–5599. JELLIS *v.* ILLINOIS. App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 2016 IL App (3d) 130779, 50 N. E. 3d 321.

No. 16–5600. MULDROW *v.* BATTS ET AL. C. A. 5th Cir. Certiorari denied.

No. 16–5609. RICHARDSON *v.* NORTH CAROLINA. Gen. Ct. Justice, Super. Ct. Div., Nash County, N. C. Certiorari denied.

No. 16–5611. PAWLEY *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 194 So. 3d 1034.

No. 16–5614. CONEY *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. Sup. Ct. Fla. Certiorari denied.

No. 16–5617. DESPER *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. Sup. Ct. Va. Certiorari denied.

No. 16–5619. DINICOLA *v.* GARMAN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ROCKVIEW, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–5626. STOKES *v.* BENHAM ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 626 Fed. Appx. 431.

No. 16–5627. THOMPSON *v.* PASH, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 16–5628. CARTER *v.* BISHOP, WARDEN, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 639 Fed. Appx. 971.

No. 16–5629. STEVENSON *v.* AMAZON.COM, INC., ET AL. C. A. 1st Cir. Certiorari denied.

No. 16–5632. RENCHENSKI *v.* MOONEY, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT COAL TOWNSHIP, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–5633. COOPER *v.* KENNEDY, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 16–5636. CASTILLO *v.* WILSON, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–5639. ZABALA-GONZALES *v.* MCDOWELL, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–5643. LATSON *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 194 So. 3d 1033.

No. 16–5644. PHILLIPS *v.* JOHNSON, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–5646. CLARK *v.* ILLINOIS. App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 2015 IL App (3d) 140036, 40 N. E. 3d 845.

No. 16–5652. CARTER *v.* RICUMSTRICT ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 917.

No. 16–5655. SYKES *v.* UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA. C. A. 11th Cir. Certiorari denied.

No. 16–5668. TALBERT *v.* PLUMLEY, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 78.

No. 16–5688. LEE *v.* BALLARD, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 255.

No. 16–5694. JOHNSON *v.* OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION ET AL. C. A. 6th Cir. Certiorari denied.

No. 16–5704. MILLER *v.* CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 644 Fed. Appx. 783.

No. 16–5725. DURHAM *v.* MCGINLEY, ACTING SUPERINTENDENT, COAL TOWNSHIP STATE CORRECTIONAL INSTITUTION, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–5743. CEASAR *v.* CITY OF EUNICE, LOUISIANA. C. A. 5th Cir. Certiorari denied. Reported below: 642 Fed. Appx. 387.

No. 16–5775. HARRIS *v.* ALABAMA. Ct. Crim. App. Ala. Certiorari denied.

No. 16–5810. ARTURO MORENO *v.* OREGON. Ct. App. Ore. Certiorari denied. Reported below: 276 Ore. App. 102, 366 P. 3d 839.

No. 16–5820. MALDONADO *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 16–5825. IVY *v.* MINNESOTA. Ct. App. Minn. Certiorari denied. Reported below: 873 N. W. 2d 362.

No. 16–5830. TELLIS *v.* FILSON, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–5865. SLADE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 645 Fed. Appx. 296.

No. 16–5920. SANTANA *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 654 Fed. Appx. 62.

No. 16–5921. ROMO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 652 Fed. Appx. 534.

No. 16–5928. JOHNSON *v.* EBBERT, WARDEN. C. A. 3d Cir. Certiorari denied. Reported below: 653 Fed. Appx. 95.

No. 16–5930. PABON *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 819 F. 3d 26.

No. 16–5931. JIMENEZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–5935. STREADWICK *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–5958. BELOV *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 180.

No. 16–5959. BRADLEY *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–5960. BROWN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 229.

No. 16–5962. EDWARDS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–5963. BROWN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 16–5964. BROWN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 836.

No. 16–5971. ELLIS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–5975. BUESO-GUTIERREZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 375.

No. 16–5976. ROBERTS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 16–5990. PORRAS-CHAVIRA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 192.

No. 15–1444. KENTUCKY *v.* BANKS. Ct. App. Ky. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied.

No. 15–7848. ELMORE *v.* HOLBROOK, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. C. A. 9th Cir. Certiorari denied. Reported below: 799 F. 3d 1238.

JUSTICE SOTOMAYOR, with whom JUSTICE GINSBURG joins, dissenting.

Petitioner Clark Elmore was convicted of murder in 1995 and was sentenced to death. His court-appointed lawyer, who had never tried a capital case before, knew that Elmore had been exposed to toxins as a young adult and that he had a history of impulsive behavior. A more experienced attorney encouraged Elmore's lawyer to investigate whether Elmore had suffered brain

damage as a young man. Instead of doing so—indeed, instead of conducting any meaningful investigation into Elmore's life—Elmore's lawyer chose to present a 1-hour penalty-phase argument to the jury about the remorse that Elmore felt for his crime. As a result, the jury did not hear that Elmore had spent his childhood playing in pesticide-contaminated fields and had spent his service in the Vietnam War repairing Agent Orange pumps. The jury did not hear the testimony of experts who concluded that Elmore was cognitively impaired and unable to control his impulses. The jury heard only from an assortment of local judges that Elmore had looked "dejected" as he pleaded guilty to murder, not from the many independent witnesses who had observed Elmore's searing remorse.

The Constitution demands more. The penalty phase of a capital trial is "a constitutionally indispensable part of the process of inflicting the penalty of death." *Woodson* v. *North Carolina*, 428 U. S. 280, 304 (1976). It ensures that a capital sentencing is "humane and sensible to the uniqueness of the individual." *Eddings* v. *Oklahoma*, 455 U. S. 104, 110 (1982). Elmore's penalty phase fell well below the bare minimum guaranteed by the Constitution. His lawyer acted deficiently in choosing a mitigation strategy without fully exploring the alternatives and in failing to investigate the mitigation strategy that he did choose to present. And had the jury known that Elmore—who had never before been convicted of a crime of violence and felt searing remorse for the heinous act he committed—might be brain damaged, it might have sentenced him to life rather than death.

This Court has not hesitated to summarily reverse in capital cases tainted by egregious constitutional error, particularly where an attorney has rendered constitutionally deficient performance. See, *e. g.*, *Hinton* v. *Alabama*, 571 U. S. 263 (2014) (*per curiam*); *Sears* v. *Upton*, 561 U. S. 945 (2010) (*per curiam*); *Porter* v. *McCollum*, 558 U. S. 30 (2009) (*per curiam*). This case plainly meets that standard. For that reason, I respectfully dissent from the denial of certiorari.

I

A

Elmore was born in 1951 in central Oregon, where he lived until his teens. Social History, 12 Record 5524–5530. He was exposed to powerful neurotoxins from a young age. Elmore's

house in Oregon was located next to an airport from which crop dusters regularly sprayed pesticides. Trial Court Findings of Fact, No. 95–1–00310–1 (Super. Ct. Whatcom Cty., Wash., Sept. 10, 2004), 14 *id.*, at 6519–6520 (FOF). Decades after Elmore moved away, the state environmental agency took soil samples that showed toxin levels over 4,500 times the maximum amounts allowed by state law. Decl. of Raymond Singer, 11 *id.*, at 5394 (Singer Decl.). Later, Elmore worked on cars and oil pipelines where he regularly melted lead batteries and handled solvents without gloves. FOF, 14 *id.*, at 6521–6522. And when Elmore left home at age 17 to serve in the Vietnam War, he was tasked with repairing Agent Orange pumps without protective equipment. *Id.*, at 6522; Singer Decl., 11 *id.*, at 5395.

Experts who testified at Elmore's postconviction hearing agreed that this exposure placed him at serious risk of brain damage. They conducted neuropsychological tests that revealed mild to moderate cognitive impairments, see Reporter's Tr. in No. 95–1–00310–1, 15 *id.*, at 7076 (PRP Tr.), including a marked inability to control his emotions and impulses, see *id.*, at 7079–7080. Elmore tested in the bottom 1 percent on tests measuring that characteristic. *Id.*, at 7080. The experts concluded that damage to Elmore's frontal lobe had made him impulsive and susceptible to emotion. See Decl. of Dale Watson, 11 *id.*, at 5383; Decl. of Raymond Singer, 13 *id.*, at 6389 (2d Singer Decl.); Decl. of George Woods, 11 *id.*, at 5360–5361 (Woods Decl.). And they agreed that the murder Elmore later committed was linked to Elmore's cognitive deficits—for instance, by making him unable to "pu[t] on the brakes" when emotional. FOF, 14 *id.*, at 6495; see also Woods Decl., 11 *id.*, at 5358; 2d Singer Decl., 13 *id.*, at 6389–6390; PRP Tr., 15 *id.*, at 7094.

Elmore was discharged from the Army under honorable conditions in 1972, but found it hard to return to civilian life. 12 *id.*, at 5631. He moved around the United States, taking jobs in hotels, gas stations, farms, and oil fields. Social History, *id.*, at 5532–5538. Elmore was arrested three times—once for stealing checks, once for stealing furniture, and once for stealing appliances from a motel. Reporter's Tr. in No. 95–1–00310–1, 5 *id.*, at 2470–2473 (Trial Tr.); Social History, 12 *id.*, at 5532, 5536. Officers at one prison reported that Elmore was nonviolent and, if anything, was the victim of other inmates' threats. *Id.*, at 5533–5534. After his second conviction, Elmore was incarcerated for

two years in Washington state prison, where he was repeatedly raped by another inmate. *Id.*, at 5536. Until the murder for which he was ultimately sentenced to death, and despite his emotional challenges, Elmore was never convicted of a violent crime.

Elmore's death sentence arises out of a murder that he committed in 1995. The crime was horrific. Elmore raped and murdered his stepdaughter, first strangling her with a belt, then driving a sharp object through her ear, and finally bludgeoning her with a hammer. *In re Elmore*, 162 Wash. 2d 236, 244, 172 P. 3d 335, 340 (2007). Elmore was apparently motivated by fear that the victim would tell the authorities that he had previously sexually abused her. *Ibid.* After several days of misdirecting the authorities, Elmore turned himself in and confessed. FOF, 14 Record 6460. In the wake of the murder, Elmore expressed extreme remorse. A jailhouse minister who visited Elmore in prison later attested that, the day after he arrived, he "was huddled into a ball at the back of the room, shaking uncontrollably." Decl. of Dana Paul Sellars, 11 *id.*, at 5399 (Sellars Decl.). Elmore, he said, "was unlike any prisoner I had counseled before. He was wracked with anguish and dripping with remorse." *Id.*, at 5400. A correctional officer at the prison later testified that Elmore appeared "in a state of disbelief about what he had done" and was "an emotional wreck." Decl. of Donald Pierce, *id.*, at 5404–5405.

B

The jury that sentenced Elmore to death learned about the terrible crime he committed, but heard virtually nothing about his troubling background and cognitive defects. A lawyer named Jon Komorowski was appointed to represent Elmore at trial. Komorowski had never previously worked on a capital case. Decl. of Jon Komorowski, 11 *id.*, at 5325 (Komorowski Decl.). On Komorowski's advice, Elmore pleaded guilty to capital murder without any negotiations with the prosecution. *Id.*, at 5326. Because Elmore pleaded guilty, the trial consisted of only a penalty phase. During that penalty phase, the State presented nine witnesses, all of whom testified regarding the horrific circumstances of the crime. Trial Tr., 5 *id.*, at 2348–2580. The State also presented evidence of Elmore's three criminal convictions, all two decades old. *Id.*, at 2470–2473.

Komorowski's mitigation case for Elmore lasted only an hour. See 162 Wash. 2d, at 250, 172 P. 3d, at 343. The theme was

remorse: "[T]here are no excuses in this case and none are offered. There is acceptance of responsibility and punishment." Trial Tr., 5 Record 2367; see also *id.*, at 2580–2658 (defense case). The only character witnesses were the three judges who had presided over Elmore's pretrial appearances, who testified that he had sought to plead guilty from the outset. *Id.*, at 2581–2586, 2587–2589, 2590–2594. One described Elmore as "somewhat upset" and "overwhelmed," a second as "dejected." *Id.*, at 2586, 2592. The defense investigator read out a "bare bones" summary of Elmore's biography. *Id.*, at 2306, 2599–2601. Finally, an expert witness testified that Elmore's prior convictions were not violent felonies under Washington's three-strikes law. *Id.*, at 2644–2658.

Years later, in postconviction proceedings, Komorowski acknowledged his error, explaining that the decision not to investigate Elmore's medical history was "the product of . . . inexperience" and "not a strategic decision." Komorowski Decl., 11 *id.*, at 5329. He admitted that he and the defense team had reviewed Elmore's prison records and some of his hospital records, and had spoken to Elmore's family, who had told them about Elmore's hardships as a child and as a young adult. PRP Tr., 15 *id.*, at 6907–6911. And he consulted with more experienced counsel, including an attorney named Todd Maybrown, who strongly advised Komorowski to investigate indicia of "organic brain disorder" and cautioned that the testimony of a psychologist with no neurology background would not be sufficient. Decl. of Todd Maybrown, 12 *id.*, at 5540–5541 (Maybrown Decl.). Maybrown advised Komorowski that "he might need to hire a medical doctor to try to determine if his client suffered from brain damage." *Id.*, at 5541–5542.

But Komorowski did not hire a neuropsychiatrist, nor did he conduct any further investigation into the possibility of brain damage. Komorowski consulted with three mental health professionals, but none of them tested for any sort of brain damage. PRP Tr., 15 *id.*, at 6985–6986, 7406–7407. The first administered a personality test and concluded that Elmore was not insane, but recommended that Komorowski consult a second expert about whether Elmore was a psychopath. *Id.*, at 7404–7405, 7412. The second concluded that Elmore was not a psychopath: He demonstrated remorse and empathy, and his crime was impulsive and reactive, indicating heightened emotional arousal rather than psychopathy. *Id.*, at 7230–7231. The third was not a licensed psy-

chologist at all. *Id.*, at 6889, 6911, 6924. The two psychologists later agreed that, had Komorowski told them about Elmore's exposure to toxins, they would have recommended neuropsychological testing. *Id.*, at 7422–7423, 7243–7244.

C

Elmore moved for postconviction relief in state court, arguing that Komorowski's representation deprived him of effective assistance of counsel in violation of the Sixth Amendment. But the Washington Supreme Court denied his claim. *In re Elmore*, 162 Wash. 2d 236, 172 P. 3d 335. "There is no question that the defense team did investigate petitioner's mental health deficiencies," the state court held. *Id.*, at 258, 172 P. 3d, at 347. "Rather, the issue is whether counsel's failure to conduct further evaluations amounted to deficient representation. We believe it did not." *Ibid.* The Washington Supreme Court ruled that Komorowski did not perform below the constitutional standard and had instead made a "strategic" decision to curtail the investigation. *Ibid.* According to the state court, Komorowski's strategy was defensible for four reasons: Presenting more mitigation evidence might have opened the door to damaging rebuttal evidence; additional witnesses would have been "cumulative" of the judges who testified; Komorowski worried that if he did not rush to trial, the prosecution might find witnesses who would testify that Elmore's remorse was waning; and Elmore had objected to the presentation of any mitigation case. *Id.*, at 257–258, 263–265, 172 P. 3d, at 346–347, 348–350.

A Federal District Court denied Elmore's habeas petition, and the Ninth Circuit affirmed. *Elmore* v. *Sinclair*, 799 F. 3d 1238 (2015). Two judges held that the Washington Supreme Court's decision was not unreasonable. *Id.*, at 1243. The third would have found that the Washington Supreme Court's determination that Komorowski was constitutionally effective was unreasonable, but concurred because he did not believe that the question of prejudice was beyond debate. *Id.*, at 1256–1257 (opinion of Hurwitz, J.). Elmore petitioned for certiorari.

II

I would grant the petition and summarily reverse on the ground that Komorowski's performance during the penalty phase of El-

more's trial violated his Sixth Amendment right to effective assistance of counsel.

Under the Antiterrorism and Effective Death Penalty Act of 1996, Elmore is entitled to relief only if the state court's adjudication of his claim "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." 28 U. S. C. § 2254(d)(1). In other words, we may not grant relief where reasonable minds could differ over the correct application of legal principles, and we must evaluate that application on the basis of the law that was "clearly established" at the time of the state-court adjudication. See *Williams* v. *Taylor*, 529 U. S. 362, 402–409 (2000).

The legal principles that govern claims of ineffective assistance of counsel (IAC) come from *Strickland* v. *Washington*, 466 U. S. 668 (1984), and were clearly established over a decade before Elmore's trial. An IAC claim has two components: A petitioner must show that counsel's performance was deficient and that the deficiency prejudiced the defense. See *id.*, at 687. To establish deficient representation, a petitioner must demonstrate that counsel's representation "fell below an objective standard of reasonableness." *Id.*, at 688. In order to establish prejudice, a petitioner must show that, but for the constitutionally deficient representation, there is a "reasonable probability" that the outcome of the proceeding would have been different. *Id.*, at 694.

"A standard of reasonableness applied as if one stood in counsel's shoes spawns few hard-edged rules." *Rompilla* v. *Beard*, 545 U. S. 374, 381 (2005). But our cases reveal clearly established principles that, taken together, demonstrate that the state court's decision here was contrary to this Court's precedents and that the state court unreasonably applied the *Strickland* standard in evaluating Elmore's claim.

A

"This is not a case in which defense counsel simply ignored their obligation to find mitigating evidence." *Rompilla*, 545 U. S., at 381. But Komorowski's decision not to search for much of the important mitigating evidence of Elmore's life was objectively unreasonable under *Strickland*. And the Washington Supreme Court's opinion declaring Komorowski's conduct reasonable was contrary to our precedents. Clearly established legal principles make that apparent.

First, it was clearly established that constitutionally effective counsel must thoroughly investigate the defense he chooses to present. In this case, that was the remorse defense, the basket into which Komorowski had put all of Elmore's eggs. See *Wiggins* v. *Smith*, 539 U. S. 510, 526 (2003). Had Elmore's defense team interviewed even the jailhouse minister, for instance, whom they knew was visiting Elmore, the jury would have heard a description of Elmore's remorse that was far more robust than the testimony of judges who had observed Elmore for short periods during his few court appearances. *E. g.*, Sellars Decl., 11 Record 5400.

The Washington Supreme Court dismissed this testimony as "cumulative," but that conclusion was unreasonable in light of this Court's precedent. *In re Elmore*, 162 Wash. 2d, at 265, 172 P. 3d, at 350. The judges testified that Elmore wanted to plead guilty and commented on his appearance; the jailhouse minister, the correctional officer, and others would have discussed Elmore's actual emotional state over the course of months. Cf. *Williams*, 529 U. S., at 396 (faulting counsel for presenting some character witnesses, but not other, stronger character witnesses, such as certified public accountant); *Wiggins*, 539 U. S., at 518, 526 (faulting counsel where counsel stopped investigation before finding evidence about abusive childhood that was more "detailed" and "graphic" than evidence in counsel's possession).

Second, we have said time and again that while "strategic choices made after thorough investigation of law and facts relevant to plausible options are virtually unchallengeable[,] . . . strategic choices made after less than complete investigation are reasonable precisely to the extent that reasonable professional judgments support the limitations on investigation." *Strickland*, 466 U. S., at 690–691. Before Komorowski decided to focus exclusively on a remorse-based defense, he had an obligation to fully investigate other possible mitigation cases. See *Sears*, 561 U. S., at 953–954; *Wiggins*, 539 U. S., at 521–526. For example, Komorowski had been specifically told by an experienced capital attorney that the testimony of a psychologist was unlikely to be sufficient and that the details of the crime, standing alone, strongly suggested "some sort of organic brain disorder or dysfunction." Maybrown Decl., 12 Record 5541. Yet he did not pursue neuropsychological testing or investigate Elmore's exposure to neurotoxins.

The Washington Supreme Court concluded that because Komorowski had conducted some mental health investigation, any decision he made about which information to present to the jury was strategic. *In re Elmore*, 162 Wash. 2d, at 263–264, 172 P. 3d, at 349–350. This was error. This Court has squarely rejected the notion that "because counsel had *some* information with respect to petitioner's background . . . they were in a position to make a tactical choice." *Wiggins*, 539 U. S., at 527. To the contrary, we have often emphasized that an attorney who learns *some* information about a defendant's background is under an obligation to pursue that information in order to "mak[e] an informed choice among possible defenses." *Id.*, at 525. So too here: The information Komorowski did have about Elmore's background and the advice he received from Maybrown would have prompted a competent attorney to conduct further investigation and consult with experts about brain damage. See Komorowski Decl., 11 Record 5329; Social History, 12 *id.*, at 5526, 5531–5538. While Komorowski consulted with three experts as to Elmore's mental health, he neither provided them with sufficient information to make an informed evaluation nor asked any of them to administer tests designed to measure Elmore's brain functioning. PRP Tr., 15 *id.*, at 6985–6986, 7406–7407.

Third, it was clearly established that, while fear of a prosecutor's rebuttal case may justify a decision not to present certain mitigating evidence, it can rarely justify a failure to investigate in the first place. See *Williams*, 529 U. S., at 396 (counsel should have investigated juvenile records even where records contained evidence he had been previously committed to the juvenile system); *Rompilla*, 545 U. S., at 386, n. 5 (counsel should have investigated prior crime even though defense strategy was predicated on keeping evidence of prior crime out). So even if Komorowski's fear of opening the door to damaging rebuttal evidence could have justified a decision not to introduce mitigating evidence, it could not have justified his failure to investigate whether that evidence existed in the first place.

And it is questionable whether Komorowski's fear could even have justified the decision not to introduce the evidence. Komorowski identified three aggravators that he claimed the prosecution could have presented in rebuttal: the gruesome details of the crime, Elmore's sexual abuse of the victim, and his waning remorse. But the first two aggravators were presented to the jury:

the details of the crime in the State's penalty-phase argument, Trial Tr., 5 Record 2361–2362, 2500, 2502–2503, and the sexual abuse during the taped confession that was played to the jury, PRP Tr., 15 *id.*, at 6952. Nor was there a strong basis for Komorowski to conclude that Elmore's remorse was waning, as his own defense investigator testified that Elmore remained as remorseful through the day of trial as he had ever been. *Id.*, at 7439–7440.

Finally, it was clearly established that counsel has an obligation to pursue reasonable inquiries even where a client is "actively obstructi[ng]" that effort. *Rompilla*, 545 U. S., at 381. Here, evidence introduced at the postconviction hearing indicated that Elmore resisted some of Komorowski's efforts to develop a mitigation case, telling him that he would act out in the courtroom if Komorowski put on testimony about his personal life. PRP Tr., 15 Record 6994–6995. The Washington Supreme Court drew from this that Elmore "objected to the presentation of a mitigation case and threatened to act out in the courtroom if mitigation was put on for the jury." *In re Elmore*, 162 Wash. 2d, at 258, 172 P. 3d, at 347. But Komorowski said no such thing: He testified only that Elmore objected to the presentation of details about his personal life, not to the presentation of any mitigation case at all. PRP Tr., 15 Record 6994–6995. Our precedent makes clear that such an objection does not justify a wholesale failure to investigate readily available mitigating evidence. *Rompilla*, 545 U. S., at 381.

In short, all of the Washington Supreme Court's justifications for Komorowski's performance stand in sharp contrast with principles clearly established by this Court. No reasonable jurist could conclude that Komorowski's performance was not deficient.

B

Our precedents make it equally clear that Elmore was prejudiced by Komorowski's deficient performance.

First, it was clearly established that the key inquiry for prejudice purposes is the difference between what was actually presented at trial and what competent counsel could have presented. See *id.*, at 393. Here, the difference between the two is stark. At trial, Komorowski presented no witnesses who knew Elmore personally; the jury nonetheless deliberated for more than a full day. Trial Tr., 5 Record 2733–2734. By contrast, postconviction counsel put forth a wealth of mitigating information that was

available to trial counsel: well-respected community members who could attest to Elmore's remorse; neuropsychological evidence about Elmore's frontal lobe damage and how it may have directly affected the commission of his crime; and information about Elmore's history of head injuries and exposure to neurotoxins, including his exposure to Agent Orange when he served in the Vietnam War.

Second, it was clearly established that an inquiry to prejudice should not presume that an expert opinion about the magnitude and effect of a defendant's mental health issues is rendered meaningless by the State's introduction of a contrary opinion. In *Porter*, for example, the State's two experts disputed petitioner's postconviction expert's conclusion that he was acting under the influence of an extreme emotional disturbance and that brain damage impaired his ability to obey the law. 558 U. S., at 36. We nonetheless concluded that the absence of an expert witness at trial prejudiced petitioner: "While the State's experts identified perceived problems with the tests that [petitioner's expert] used and the conclusions that he drew from them, it was not reasonable to discount entirely the effect that his testimony might have had on the jury." *Id.*, at 43.

Here, too, it was not reasonable to "discount entirely" the testimony of Elmore's three postconviction experts. Particularly given that this was Elmore's first conviction for a violent crime, a jury might have been convinced that this crime was a direct result of Elmore's cognitive impairments, as Elmore's three experts opined. And even if the jury was not convinced that there was a causal nexus between the crime and Elmore's brain damage, there was a reasonable probability that the jury would have at least credited evidence on which all parties—including the State's expert—agreed, namely, that Elmore's cognitive limitations contributed in at least a "longer term" way to the crime. PRP Tr., 15 Record 7355; see, *e. g.*, *Williams*, 529 U. S., at 398 (considering evidence of borderline mental retardation even though crime was not linked to cognitive impairments); *Sears*, 561 U. S., at 945 (considering frontal lobe damage even though crime was not linked to brain damage).

Finally, it was clearly established that even a defendant who committed a heinous crime can be prejudiced by ineffective counsel. See *Williams*, 529 U. S., at 368 (petitioner "brutally assaulted an elderly woman"); *Rompilla*, 545 U. S., at 397 (KEN-

NEDY, J., dissenting) ("brutal crime"; victim was stabbed 16 times, beaten with a blunt object, gashed in the face with beer bottle shards, and set on fire); *Wiggins*, 539 U. S., at 553, n. 4 (Scalia, J., dissenting) ("bizarre crime" in which 77-year-old woman was found drowned in her bathtub, missing her underwear, and sprayed with insecticide). Elmore's crime was horrific, but there was a dramatic difference between the mitigation that was presented and the mitigation that should have been presented. The evidence presented by postconviction counsel "adds up to a mitigation case that bears no relation to the few naked pleas for mercy actually put before the jury, and although we suppose it is possible that a jury could have heard it all and still have decided on the death penalty, that is not the test." *Rompilla*, 545 U. S., at 393.

* * *

Many observers, on and off this Court, have questioned the reliability and fairness of the imposition of capital punishment in America. See, *e. g.*, *Glossip* v. *Gross*, 576 U. S. 863, 908–909 (2015) (BREYER, J., dissenting); *Baze* v. *Rees*, 553 U. S. 35, 86 (2008) (Stevens, J., concurring in judgment); *Callins* v. *Collins*, 510 U. S. 1141, 1145 (1994) (Blackmun, J., dissenting from denial of certiorari); Fletcher, Our Broken Death Penalty, 89 N. Y. U. L. Rev. 805 (2014); D. Baldus et al., Equal Justice and the Death Penalty: A Legal and Empirical Analysis (1990). Whether our system of capital punishment is inconsistent with the Eighth Amendment, as these critics have charged, is not at issue here. I do believe, however, that whatever flaws do exist in our system can be tolerated only by remaining faithful to our Constitution's procedural safeguards.

All crimes for which defendants are sentenced to death are horrific. See *Glossip*, 576 U. S., at 863 (BREYER, J., dissenting); *id.*, at 899 (THOMAS, J., concurring). But not all defendants who commit horrific crimes are sentenced to death. Some are spared by juries. The Constitution guarantees that possibility: It requires that a sentencing jury be able to fully and fairly evaluate "the characteristics of the person who committed the crime." *Gregg* v. *Georgia*, 428 U. S. 153, 197 (1976) (joint opinion of Stewart, Powell, and Stevens, JJ.). That guarantee is a bedrock premise on which our system of capital punishment depends, and it is a guarantee that must be honored—especially for defendants like Elmore, whose lives are marked by extensive mitigating circum-

stances that might convince a jury to choose life over death. Only upon hearing such facts can a jury fairly make the weighty—and final—decision whether such a person is entitled to mercy.

I respectfully dissent from the denial of certiorari.

No. 16–338. STEELE ET AL. *v.* PROCTER & GAMBLE DISTRIBUTING LLC ET AL. C. A. 11th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 652 Fed. Appx. 848.

No. 16–5665. MASON *v.* TAP PHARMACEUTICAL PRODUCTS, INC., ET AL. C. A. 6th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 16–5908. WILLIAMS *v.* ODDO, WARDEN. C. A. 3d Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 647 Fed. Appx. 65.

Rehearing Denied

No. 15–9094. GIBSON *v.* UNITED STATES, 578 U. S. 1017. Petition for rehearing denied.

OCTOBER 19, 2016

Certiorari Denied

No. 16–6485 (16A390). LAWLER *v.* SELLERS, WARDEN. Sup. Ct. Ga. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.

OCTOBER 25, 2016

Dismissal Under Rule 46

No. 15–1491. MUSNUFF *v.* HAEGER ET AL. C. A. 9th Cir. [Certiorari granted, 579 U. S. 969.] Writ of certiorari dismissed under this Court's Rule 46.1. Reported below: 813 F. 3d 1233.

OCTOBER 28, 2016

Miscellaneous Order

No. 15–1111. BANK OF AMERICA CORP. ET AL. *v.* CITY OF MIAMI, FLORIDA; and

No. 15–1112. WELLS FARGO & CO. ET AL. *v.* CITY OF MIAMI, FLORIDA. C. A. 11th Cir. [Certiorari granted, 579 U. S. 940.]

Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

Certiorari Granted

No. 15–1194. PACKINGHAM *v.* NORTH CAROLINA. Sup. Ct. N. C. Certiorari granted. Reported below: 368 N. C. 380, 777 S. E. 2d 738.

No. 16–32. KINDRED NURSING CENTERS L. P., DBA WINCHESTER CENTRE FOR HEALTH AND REHABILITATION, NKA FOUNTAIN CIRCLE HEALTH AND REHABILITATION, ET AL. *v.* CLARK ET AL. Sup. Ct. Ky. Certiorari granted. Reported below: 478 S. W. 3d 306.

No. 16–54. ESQUIVEL-QUINTANA *v.* LYNCH, ATTORNEY GENERAL. C. A. 6th Cir. Certiorari granted. Reported below: 810 F. 3d 1019.

No. 15–9260. DEAN *v.* UNITED STATES. C. A. 8th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted limited to Question 2 presented by the petition. Reported below: 810 F. 3d 521.

No. 16–273. GLOUCESTER COUNTY SCHOOL BOARD *v.* G. G., BY HIS NEXT FRIEND AND MOTHER, GRIMM. C. A. 4th Cir. Certiorari granted limited to Questions 2 and 3 presented by the petition. Reported below: 822 F. 3d 709.

OCTOBER 31, 2016

Dismissal Under Rule 46

No. 15–1398. HANCOCK ET AL. *v.* HAEGER ET AL. C. A. 9th Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 813 F. 3d 1233.

Certiorari Granted—Vacated and Remanded

No. 15–8842. PURCELL *v.* ARIZONA. Ct. App. Ariz.;*

No. 15–8878. NAJAR *v.* ARIZONA. Ct. App. Ariz.;*

No. 15–9044. ARIAS *v.* ARIZONA. Ct. App. Ariz.;* and

No. 15–9057. DESHAW *v.* ARIZONA. Ct. App. Ariz.* Motions of petitioners for leave to proceed *in forma pauperis* granted.

*[REPORTER'S NOTE: For opinions of JUSTICE SOTOMAYOR, concurring, and JUSTICE ALITO, dissenting, in this case, see No. 15–8850, *Tatum* v. *Arizona*, immediately *infra*.]

Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Montgomery* v. *Louisiana*, 577 U. S. 190 (2016).

No. 15–8850. TATUM *v.* ARIZONA. Ct. App. Ariz. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Montgomery* v. *Louisiana*, 577 U. S. 190 (2016).

JUSTICE SOTOMAYOR, concurring.*

This Court explained in *Miller* v. *Alabama*, 567 U. S. 460 (2012), that a sentencer is "require[d] . . . to take into account how children are different, and how those differences counsel against irrevocably sentencing them to a lifetime in prison." *Id.*, at 480. Children are "constitutionally different from adults for purposes of sentencing" in light of their lack of maturity and underdeveloped sense of responsibility, their susceptibility to negative influences and outside pressure, and their less well-formed character traits. *Id.*, at 471. Failing to consider these constitutionally significant differences, we explained, "poses too great a risk of disproportionate punishment." *Id.*, at 479. In the context of life without parole, we stated that "appropriate occasions for sentencing juveniles to this harshest possible penalty will be uncommon." *Ibid.*

Montgomery v. *Louisiana*, 577 U. S. 190 (2016), held that *Miller* "announced a substantive rule of constitutional law." 577 U. S., at 212. That rule draws "a line between children whose crimes reflect transient immaturity and those rare children whose crimes reflect irreparable corruption" and allows for the possibility "that life without parole could be a proportionate sentence [only] for the latter kind of juvenile offender." *Id.*, at 209.

The petitioners in these cases were sentenced to life without the possibility of parole for crimes they committed before they turned 18. A grant, vacate, and remand of these cases in light of *Montgomery* permits the lower courts to consider whether these petitioners' sentences comply with the substantive rule governing the imposition of a sentence of life without parole on a juvenile offender.

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*This opinion also applies to No. 15–8842, *Purcell* v. *Arizona*, *supra*, p. 951; No. 15–8878, *Najar* v. *Arizona*, *supra*, p. 951; No. 15–9044, *Arias* v. *Arizona*, *supra*, p. 951; and No. 15–9057, *DeShaw* v. *Arizona*, *supra*, p. 951.

JUSTICE ALITO questions this course, noting that the judges in these cases considered petitioners' youth during sentencing. As *Montgomery* made clear, however, "[e]ven if a court considers a child's age before sentencing him or her to a lifetime in prison, that sentence still violates the Eighth Amendment for a child whose crime reflects unfortunate yet transient immaturity." *Id.*, at 208 (internal quotation marks omitted).

On the record before us, none of the sentencing judges addressed the question *Miller* and *Montgomery* require a sentencer to ask: whether the petitioner was among the very "rarest of juvenile offenders, those whose crimes reflect permanent incorrigibility." 577 U. S., at 209.

Take *Najar* v. *Arizona*, No. 15–8878. There, the sentencing judge identified as mitigating factors that the defendant was "16 years of age" and "emotionally and physically immature." App. to Pet. for Cert. in No. 15–8878, p. A–51. He said no more on this front. He then discounted the petitioner's efforts to rehabilitate himself as "nothing significant," despite commending him for those efforts and expressing hope that they would continue. *Id.*, at A–52. The sentencing judge did not evaluate whether Najar represented the "rare juvenile offender who exhibits such irretrievable depravity that rehabilitation is impossible and life without parole is justified." *Montgomery*, 577 U. S., at 208.

Purcell v. *Arizona*, No. 15–8842, is no different. The sentencing judge found that Purcell's age at the time of his offense—16 years old—qualified as a statutory mitigating factor. App. to Pet. for Cert. in No. 15–8842, p. A–80. He then minimized the relevance of Purcell's troubled childhood, concluding that "this case sums up the result of defendant's family environment: he became a double-murderer at age 16. Nothing more need be said." *Id.*, at A–83. So here too, the sentencing judge did not undertake the evaluation that *Montgomery* requires. He imposed a sentence of life without parole despite finding that Purcell was "likely to do well in the structured environment of a prison and that he possesses the capacity to be meaningfully rehabilitated." App. to Pet. for Cert. in No. 15–8842, at A–83.

The other petitions are similar. In *Tatum* v. *Arizona*, No. 15–8850, and *DeShaw* v. *Arizona*, No. 15–9057, the sentencing judge merely noted age as a mitigating circumstance without further discussion. In *Arias* v. *Arizona*, No. 15–9044, the record before

us does not contain a sentencing transcript or order reflecting the factors the sentencing judge considered.

It is clear after *Montgomery* that the Eighth Amendment requires more than mere consideration of a juvenile offender's age before the imposition of a sentence of life without parole. It requires that a sentencer decide whether the juvenile offender before it is a child "whose crimes reflect transient immaturity" or is one of "those rare children whose crimes reflect irreparable corruption" for whom a life without parole sentence may be appropriate. 577 U. S., at 209. There is thus a very meaningful task for the lower courts to carry out on remand.

JUSTICE ALITO, with whom JUSTICE THOMAS joins, dissenting.*

The Court grants review and vacates and remands (GVR) in this and four other cases in which defendants convicted of committing murders while under the age of 18 were sentenced to life without parole. The Court grants this relief so that the Arizona courts can reconsider their decisions in light of *Montgomery* v. *Louisiana*, 577 U. S. 190 (2016), which we decided last Term. I expect that the Arizona courts will be as puzzled by this directive as I am.

In *Montgomery*, the Court held that *Miller* v. *Alabama*, 567 U. S. 460 (2012), is retroactive. 577 U. S., at 206. That holding has no bearing whatsoever on the decisions that the Court now vacates. The Arizona cases at issue here were decided after *Miller*, and in each case the court expressly assumed that *Miller* was applicable to the sentence that had been imposed. Therefore, if the Court is taken at its word—that is, it simply wants the Arizona courts to take *Montgomery* into account—there is nothing for those courts to do.

It is possible that what the majority wants is for the lower courts to reconsider *the application of Miller* to the cases at issue,† but if that is the Court's aim, it is misusing the GVR

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*This opinion also applies to four other petitions: No. 15–8842, *Purcell* v. *Arizona*, *supra*, p. 951; No. 15–8878, *Najar* v. *Arizona*, *supra*, p. 951; No. 15–9044, *Arias* v. *Arizona*, *supra*, p. 951; and No. 15–9057, *DeShaw* v. *Arizona*, *supra*, p. 951.

†This is certainly JUSTICE SOTOMAYOR's explanation of the GVR. She faults the lower courts for failing to heed the statement in *Miller* that "appropriate occasions for sentencing juveniles to this harshest possible penalty will be uncommon." 567 U. S., at 479. If the others in the majority have a

vehicle. We do not GVR so that a lower court can reconsider the application of a precedent that it has already considered.

In any event, the Arizona decisions at issue are fully consistent with *Miller*'s central holding, namely, that mandatory life without parole for juvenile offenders is unconstitutional. 567 U. S., at 465. A sentence of life without parole was imposed in each of these cases, not because Arizona law dictated such a sentence, but because a court, after taking the defendant's youth into account, found that life without parole was appropriate in light of the nature of the offense and the offender.

It is true that the *Miller* Court also opined that "life without parole is excessive for all but 'the rare juvenile offender whose crime reflects irreparable corruption,'" *Montgomery*, *supra*, at 208 (quoting *Miller*, *supra*, at 479–480 (internal quotation marks omitted)), but the record in the cases at issue provides ample support for the conclusion that these "children" fall into that category.

For example, in *Purcell* v. *Arizona*, No. 15–8842, a 16-year-old gang member fired a sawed-off shotgun into a group of teenagers, killing two of them, under the belief that they had flashed a rival gang's sign at him. He was ultimately convicted of two counts of first-degree murder, nine counts of attempted first-degree murder, and one count each of aggravated assault and misconduct involving weapons. The trial court considered his youth, identified his age as a mitigating factor, and still sentenced him to life without parole. The remaining cases are in the same vein. See *Tatum* v. *Arizona*, No. 15–8850 (17-year-old defendant convicted of first-degree murder, conspiracy to commit armed robbery, attempted armed robbery, and aggravated assault); *Najar* v. *Arizona*, No. 15–8878 (juvenile convicted of first-degree murder and theft); *Arias* v. *Arizona*, No. 15–9044 (16-year-old defendant pleaded guilty to two counts of first-degree murder, two counts of second-degree murder, two counts of kidnapping, four counts of armed robbery, and one count each of first-degree burglary, conspiracy to commit first-degree murder, and conspiracy to commit armed robbery); *DeShaw* v. *Arizona*, No. 15–9057 (17-year-old defendant convicted of first-degree murder, armed robbery, and kidnapping).

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similar view, the Court should grant review and decide the cases on the merits.

In short, the Arizona courts have already evaluated these sentences under *Miller*, and their conclusions are eminently reasonable. It is not clear why this Court is insisting on a do-over, or why it expects the results to be any different the second time around. I respectfully dissent.

No. 16–181. TIMM *v.* NORTH DAKOTA. Sup. Ct. N. D. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Birchfield* v. *North Dakota*, 579 U. S. 438 (2016). Reported below: 2016 ND 92, 881 N. W. 2d 256.

Vacated and Remanded After Certiorari Granted

No. 15–486. IVY ET AL. *v.* MORATH, TEXAS COMMISSIONER OF EDUCATION. C. A. 5th Cir. [Certiorari granted, 579 U. S. 940.] Judgment vacated, and case remanded with instructions to dismiss as moot. See *United States* v. *Munsingwear, Inc.*, 340 U. S. 36 (1950).

Certiorari Dismissed

No. 16–5738. REDDY *v.* NUANCE COMMUNICATIONS, INC., ET AL. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 16–6094. WOODWORTH *v.* SHARTLE, WARDEN. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

Miscellaneous Orders

No. 16A38. KINSEY *v.* UNITED STATES. Application for certificate of appealability, addressed to JUSTICE SOTOMAYOR and referred to the Court, denied.

No. 16A405. NORTHEAST OHIO COALITION FOR THE HOMELESS ET AL. *v.* HUSTED, OHIO SECRETARY OF STATE, ET AL. C. A. 6th Cir. Application for stay, presented to JUSTICE KAGAN, and by her referred to the Court, denied.

No. D–2935. IN RE DISCIPLINE OF STONE. Robert Lee Stone, of Chicago, 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–2936. IN RE DISCIPLINE OF STONE. Michael Bruce Stone, 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. D–2937. IN RE DISCIPLINE OF ELSTEAD. John Clifton Elstead, of Oakland, Cal., 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–2938. IN RE DISCIPLINE OF ACKERMAN. Richard D. Ackerman, of Menifee, Cal., 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–2939. IN RE DISCIPLINE OF HOLSTEIN. Robert Allan Holstein, of Chicago, 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–2940. IN RE DISCIPLINE OF MCPHERON. Ronald L. McPheron, of Chicago, 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–2941. IN RE DISCIPLINE OF GREGORY. Keith E. Gregory, of Lompoc, Cal., 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–2942. IN RE DISCIPLINE OF WOODRUFF. Stephen Carl Woodruff, of Saipan, N. Mar. I., 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. 16M40. PEACE *v.* ILLINOIS;

No. 16M41. BWP MEDIA USA, INC., DBA PACIFIC COAST NEWS, ET AL. *v.* CLARITY DIGITAL GROUP, LLC, NKA AXS DIGITAL MEDIA GROUP, LLC;

No. 16M42. MOYE *v.* COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY;

No. 16M43. WALLACE *v.* IDEAVILLAGE PRODUCTS CORP.;

No. 16M44. VERA *v.* SAN QUENTIN STATE PRISON ET AL.;

No. 16M45. DAVIS *v.* CLIFFORD ET AL.; and

No. 16M46. PHILLIPS *v.* PENNSYLVANIA DEPARTMENT OF CORRECTIONS ET AL. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 15–1500. LEWIS ET AL. *v.* CLARKE. Sup. Ct. Conn. [Certiorari granted, 579 U. S. 969.] Motion of petitioners to dispense with printing joint appendix granted.

No. 16–217. LENZ *v.* UNIVERSAL MUSIC CORP. ET AL. C. A. 9th Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 16–5479. SEWELL *v.* PRINCE GEORGE'S COUNTY DEPARTMENT OF SOCIAL SERVICES. C. A. 4th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 805] denied.

No. 16–5715. IN RE LAMBRIX;

No. 16–6235. IN RE BENNETT;

No. 16–6279. IN RE EVANS; and

No. 16–6322. IN RE RANSOM. Petitions for writs of habeas corpus denied.

No. 16–227. IN RE ROTHING;

No. 16–5678. IN RE WILLIAMS; and

No. 16–5767. IN RE DEATON. Petitions for writs of mandamus denied.

Certiorari Denied

No. 15–1351. HARDY ET AL. *v.* STATE LAND BOARD ET AL. Ct. App. Ore. Certiorari denied. Reported below: 274 Ore. App. 262, 360 P. 3d 647.

No. 15–1384. GILLIAM *v.* NEBRASKA. Sup. Ct. Neb. Certiorari denied. Reported below: 292 Neb. 770, 874 N. W. 2d 48.

No. 15–1456. ANGHAIE ET AL. *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 514.

No. 15–1467. Stahl York Avenue Co., LLC *v.* City of New York, New York, et al. C. A. 2d Cir. Certiorari denied. Reported below: 641 Fed. Appx. 68.

No. 15–1489. Bauer *v.* Lynch, Attorney General. C. A. 4th Cir. Certiorari denied. Reported below: 812 F. 3d 340.

No. 15–1492. JSW Steel (USA), Inc. *v.* MM Steel, L. P., et al. C. A. 5th Cir. Certiorari denied. Reported below: 806 F. 3d 835.

No. 15–1538. Merscorp Holdings, Inc., et al. *v.* Malloy et al. Sup. Ct. Conn. Certiorari denied. Reported below: 320 Conn. 448, 131 A. 3d 220.

No. 15–9323. Montoya-Gaxiola *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 612 Fed. Appx. 455.

No. 15–9365. Harcum *v.* Maryland. Ct. Sp. App. Md. Certiorari denied. Reported below: 224 Md. App. 722.

No. 15–9574. Mulay *v.* United States. C. A. 10th Cir. Certiorari denied. Reported below: 642 Fed. Appx. 853.

No. 16–20. Billings et al. *v.* Propel Financial Services, LLC, et al. C. A. 5th Cir. Certiorari denied. Reported below: 821 F. 3d 608.

No. 16–33. Zola *v.* Withers, Individually and as Administrator of the Estate of Withers, et al. C. A. 6th Cir. Certiorari denied. Reported below: 640 Fed. Appx. 416.

No. 16–92. Vinh Hoan Corp. *v.* Catfish Farmers of America et al. C. A. Fed. Cir. Certiorari denied. Reported below: 645 Fed. Appx. 1001.

No. 16–94. Farmer *v.* D & O Contractors, Inc., et al. C. A. 5th Cir. Certiorari denied. Reported below: 640 Fed. Appx. 302.

No. 16–95. J & K Administrative Management Services, Inc., et al. *v.* Robinson et al. C. A. 5th Cir. Certiorari denied. Reported below: 817 F. 3d 193.

No. 16–98. Stahl *v.* Hialeah Hospital et al. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 160 So. 3d 519.

No. 16–104. NORRIS *v.* TENNESSEE. Ct. Crim. App. Tenn. Certiorari denied.

No. 16–108. AUTOMATED CREEL SYSTEMS, INC. *v.* SHAW INDUSTRIES GROUP, INC., ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 817 F. 3d 1293.

No. 16–109. STOP RECKLESS ECONOMIC INSTABILITY CAUSED BY DEMOCRATS ET AL. *v.* FEDERAL ELECTION COMMISSION. C. A. 4th Cir. Certiorari denied. Reported below: 814 F. 3d 221.

No. 16–213. KUENZEL *v.* ALABAMA. Ct. Crim. App. Ala. Certiorari denied. Reported below: 204 So. 3d 910.

No. 16–218. UNIVERSAL MUSIC CORP. ET AL. *v.* LENZ. C. A. 9th Cir. Certiorari denied. Reported below: 815 F. 3d 1145.

No. 16–222. GALLO ET AL. *v.* MOEN, INC. C. A. 6th Cir. Certiorari denied. Reported below: 813 F. 3d 265.

No. 16–228. FORRAS ET AL. *v.* RAUF ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 812 F. 3d 1102.

No. 16–230. CAIN *v.* FIDELITY NATIONAL TITLE INSURANCE CO. ET AL. Ct. App. Ariz. Certiorari denied.

No. 16–232. SANG CHUL LEE *v.* ANC CAR RENTAL CORP. ET AL. Ct. App. Ariz. Certiorari denied.

No. 16–238. CSP TECHNOLOGIES, INC. *v.* SUD-CHEMIE AG ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 643 Fed. Appx. 953.

No. 16–244. SCHELL ET AL., INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED *v.* OXY USA INC. C. A. 10th Cir. Certiorari denied. Reported below: 814 F. 3d 1107.

No. 16–245. MELHORN *v.* BALTIMORE WASHINGTON CONFERENCE OF UNITED METHODIST CHURCH ET AL. Ct. Sp. App. Md. Certiorari denied. Reported below: 227 Md. App. 765 and 771.

No. 16–246. W. R., A MINOR CHILD, ET AL. *v.* OHIO DEPARTMENT OF HEALTH ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 514.

No. 16–248. DANIELS *v.* HOLTZ ET AL. Ct. App. Iowa. Certiorari denied. Reported below: 883 N. W. 2d 538.

No. 16–252. KINNEY *v.* STATE BAR OF CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–260. FOLEY ET UX. *v.* ORANGE COUNTY, FLORIDA, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 638 Fed. Appx. 941.

No. 16–264. GRAMAR, LLC-SERIES OAK *v.* MP 200 WEST RANDOLPH, LLC. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2015 IL App (1st) 152294–U.

No. 16–266. MUMME ET AL. *v.* SOUTHPORT SPRINGS PARK, LLC, DBA SOUTHPORT SPRINGS. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 210 So. 3d 1283.

No. 16–269. HORHN *v.* TEXAS. Ct. App. Tex., 1st Dist. Certiorari denied. Reported below: 481 S. W. 3d 363.

No. 16–277. PETTUS-BROWN *v.* LISATH, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–280. STEVENS *v.* CALIFORNIA WORKERS' COMPENSATION APPEALS BOARD ET AL. Ct. App. Cal., 1st App. Dist., Div. 1. Certiorari denied. Reported below: 241 Cal. App. 4th 1074, 194 Cal. Rptr. 3d 469.

No. 16–281. CASTILLO *v.* LYNCH, ATTORNEY GENERAL. C. A. 5th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 800.

No. 16–292. MILLER *v.* FEDERAL DEPOSIT INSURANCE CORPORATION (two judgments). C. A. Fed. Cir. Certiorari denied. Reported below: 818 F. 3d 1361 (first judgment); 818 F. 3d 1357 (second judgment).

No. 16–303. FRIENDS OF ANIMALS *v.* JEWELL, SECRETARY OF THE INTERIOR, ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 824 F. 3d 1033.

No. 16–304. ESTRADA-RODRIGUEZ *v.* LYNCH, ATTORNEY GENERAL. C. A. 8th Cir. Certiorari denied. Reported below: 825 F. 3d 397.

No. 16–316. BIERY ET AL. *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 818 F. 3d 704.

No. 16–318. COZZARELLI *v.* SUPREME COURT OF NEW JERSEY. Sup. Ct. N. J. Certiorari denied. Reported below: 225 N. J. 16, 137 A. 3d 412.

No. 16–319. ROJAS *v.* KIRKPATRICK ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 643 Fed. Appx. 451.

No. 16–320. ACEVEDO ET AL. *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 824 F. 3d 1365.

No. 16–322. AZKOUR *v.* LITTLE REST TWELVE, INC. C. A. 2d Cir. Certiorari denied. Reported below: 645 Fed. Appx. 98.

No. 16–336. BOYER ET AL. *v.* BNSF RAILWAY CO., DBA BURLINGTON NORTHERN & SANTA FE RAILWAY CO. C. A. 7th Cir. Certiorari denied. Reported below: 824 F. 3d 694 and 832 F. 3d 699.

No. 16–337. BROWN *v.* PENNSYLVANIA DEPARTMENT OF REVENUE, BUREAU OF INDIVIDUAL TAXES, ET AL. Commw. Ct. Pa. Certiorari denied. Reported below: 127 A. 3d 894.

No. 16–339. TAYLOR *v.* MARGO ET AL. Ct. App. Tex., 8th Dist. Certiorari denied. Reported below: 508 S. W. 3d 12.

No. 16–342. ZIEGLER *v.* JEWELL, SECRETARY OF THE INTERIOR. C. A. 8th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 246.

No. 16–356. REDDY, AS GUARDIAN OF THE PERSON AND ESTATE OF CHRISTOPHER AND AS REPRESENTATIVE OF THE ESTATE OF CHRISTOPHER, DECEASED *v.* DOMINO'S PIZZA, LLC. Ct. App. Tex., 9th Dist. Certiorari denied.

No. 16–357. SALADO-ALVA *v.* LYNCH, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied.

No. 16–362. FIRST RESOLUTION INVESTMENT CORP. ET AL. *v.* TAYLOR-JARVIS. Sup. Ct. Ohio. Certiorari denied. Reported below: 148 Ohio St. 3d 627, 2016-Ohio-3444, 72 N. E. 3d 573.

No. 16–365. TOWN OF FARMINGTON, NEW YORK *v.* AUSTIN ET VIR. C. A. 2d Cir. Certiorari denied. Reported below: 826 F. 3d 622.

No. 16–370. KUTTNER *v.* ZARUBA ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 819 F. 3d 970.

No. 16–371. STOVIC *v.* RAILROAD RETIREMENT BOARD ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 826 F. 3d 500.

No. 16–390. ADAME *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 827 F. 3d 637.

No. 16–394. MENDEL, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF MENDEL *v.* MORGAN KEEGAN & CO., INC. C. A. 11th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 1001.

No. 16–401. SPRUILL *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 808 F. 3d 585.

No. 16–414. WALTON *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 827 F. 3d 682.

No. 16–439. JONES *v.* BUTT ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 643 Fed. Appx. 926.

No. 16–457. BULK TRANSPORT CORP. *v.* CENTRAL STATES, SOUTHEAST AND SOUTHWEST AREAS PENSION FUND ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 820 F. 3d 884.

No. 16–5225. SON THANH TRAN *v.* CALIFORNIA. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 16–5295. RAY *v.* ALABAMA DEPARTMENT OF CORRECTIONS ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 809 F. 3d 1202.

No. 16–5312. JIMENEZ-ROJAS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 645 Fed. Appx. 317.

No. 16–5379. HENRY *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 827 F. 3d 16.

No. 16–5657. RUSSELL *v.* FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 16–5667. YADETA *v.* BEZA CONSULTING, INC., ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 630 Fed. Appx. 210.

No. 16–5673. RAMOS *v.* LEGRAND, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–5674. CARTER *v.* INDEPENDENCE SEAPORT MUSEUM. C. A. 1st Cir. Certiorari denied.

No. 16–5676. WRIGHT *v.* BROWN. Sup. Ct. Va. Certiorari denied.

No. 16–5681. SALGADO *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 134056–U.

No. 16–5685. GONZALEZ *v.* VASQUEZ, ACTING WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 511.

No. 16–5695. MINOR *v.* SHELDON, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–5699. CREWS *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 183 So. 3d 329.

No. 16–5702. FELIPE VELASCO *v.* SHERMAN, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 645 Fed. Appx. 598.

No. 16–5707. PAWLEY *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 185 So. 3d 700.

No. 16–5709. WESTBROOKS *v.* TEXAS. Ct. App. Tex., 14th Dist. Certiorari denied.

No. 16–5710. WALLACE *v.* CARTLEDGE, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 639 Fed. Appx. 955.

No. 16–5719. SELBY *v.* WENEROWICZ, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–5723. MIDDLETON *v.* GEORGIA. Ct. App. Ga. Certiorari denied.

No. 16–5728. CARTER *v.* VIRGINIA EMPLOYMENT COMMISSION ET AL. Sup. Ct. Va. Certiorari denied.

No. 16–5729. TIDWELL *v.* HATTON, ACTING WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–5730. BROOKS *v.* PATAKI, FORMER GOVERNOR OF NEW YORK, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 823 F. 3d 125.

No. 16–5731. ANDERSON *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 16–5736. VILLA *v.* UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT. C. A. 5th Cir. Certiorari denied.

No. 16–5739. DAVIS *v.* BURT, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–5742. SARVESTANEY *v.* SARVESTANEY. Sup. Ct. Iowa. Certiorari denied.

No. 16–5746. COUGHLIN *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 210 So. 3d 1278.

No. 16–5749. PAOLINO *v.* CAMERON, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HOUTZDALE, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–5750. OLAGUE *v.* WORKERS' COMPENSATION APPEALS BOARD ET AL. Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 16–5753. HUMPHREY *v.* SHERMAN, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 661.

No. 16–5755. WILSON *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 133893–U.

No. 16–5758. EBRON *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 213 So. 3d 956.

No. 16–5759. BROWN *v.* WATTLES ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–5761. MARTIN *v.* MACKIE, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–5766. ELLIS *v.* KLEE, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–5770. VIRGA *v.* LEE, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–5771. SMILLIE *v.* MARICOPA COUNTY, ARIZONA, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 646 Fed. Appx. 570.

No. 16–5776. FRAZIER *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 180 So. 3d 1067.

No. 16–5780. RHODES *v.* ROWE, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–5783. FLORENCE *v.* VIKING ASSOCIATES. Super. Ct. N. J., App. Div. Certiorari denied.

No. 16–5788. HARBISON *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 648 Fed. Appx. 371.

No. 16–5791. RAMON RODRIGUEZ *v.* SHERMAN, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 870.

No. 16–5792. WARD *v.* JORDAN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–5793. LEI KE *v.* DREXEL UNIVERSITY ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 645 Fed. Appx. 161.

No. 16–5802. CHU VUE *v.* CALIFORNIA. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 16–5809. MUNT *v.* MINNESOTA. Ct. App. Minn. Certiorari denied.

No. 16–5815. MANN *v.* KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 649 Fed. Appx. 392.

No. 16–5816. REBELO *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 137 App. Div. 3d 1315, 27 N. Y. S. 3d 699.

No. 16–5823. DOBBS *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied.

No. 16–5834. RIGGINS *v.* MILLER, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–5836. SMITH *v.* BOROUGH OF MORRISVILLE, PENNSYLVANIA. C. A. 3d Cir. Certiorari denied. Reported below: 656 Fed. Appx. 590.

No. 16–5837. KING ET UX. *v.* MISSISSIPPI ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 287.

No. 16–5839. MARTINEZ *v.* OKLAHOMA. Ct. Crim. App. Okla. Certiorari denied. Reported below: 2016 OK CR 3, 371 P. 3d 1100.

No. 16–5844. SAWYER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 825 F. 3d 287.

No. 16–5846. ESTELA-GOMEZ *v.* LYNCH, ATTORNEY GENERAL. C. A. 3d Cir. Certiorari denied.

No. 16–5849. STOCKWELL *v.* KEY, SUPERINTENDENT, AIRWAY HEIGHTS CORRECTIONS CENTER. C. A. 9th Cir. Certiorari denied.

No. 16–5857. BERNARD *v.* LOUISIANA. Ct. App. La., 4th Cir. Certiorari denied. Reported below: 2014–0580 (La. App. 4 Cir. 6/3/15), 171 So. 3d 1063.

No. 16–5869. CHRISTENSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–5871. TAYLOR *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 818 F. 3d 671.

No. 16–5873. TAYLOR *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. C. A. 8th Cir. Certiorari denied. Reported below: 825 F. 3d 466.

No. 16–5879. DUKE *v.* TENNESSEE. Ct. Crim. App. Tenn. Certiorari denied.

No. 16–5880. DORSEY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 816.

No. 16–5883. JOHONOSON *v.* THOMPSON, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT MERCER, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–5884. SMITH *v.* PHILLIPS ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 194.

No. 16–5894. WOODARD *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 640 Fed. Appx. 259.

No. 16–5897. RAMSEY *v.* KATAVICH, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–5902. NATHAN *v.* SUPERIOR COURT OF CALIFORNIA, LOS ANGELES COUNTY. Sup. Ct. Cal. Certiorari denied.

No. 16–5904. WALLAESA *v.* FEDERAL AVIATION ADMINISTRATION. C. A. D. C. Cir. Certiorari denied. Reported below: 824 F. 3d 1071.

No. 16–5905. OKUN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 645 Fed. Appx. 292.

No. 16–5906. CHAPMAN *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 8. Certiorari denied.

No. 16–5911. ROBLEDO *v.* GIPSON, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–5918. BRUETTE *v.* JEWELL, SECRETARY OF THE INTERIOR. C. A. 7th Cir. Certiorari denied. Reported below: 638 Fed. Appx. 528.

No. 16–5922. JIMENEZ *v.* MEDEIROS, SUPERINTENDENT, MASSACHUSETTS CORRECTIONAL INSTITUTION AT NORFOLK. C. A. 1st Cir. Certiorari denied.

No. 16–5925. PATTERSON *v.* GRAZIANO ET AL. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 137 App. Div. 3d 1617, 26 N. Y. S. 3d 908.

No. 16–5933. SAENZ *v.* TEXAS. Ct. App. Tex., 4th Dist. Certiorari denied. Reported below: 479 S. W. 3d 939.

No. 16–5938. WILLIAMS *v.* WASHINGTON DEPARTMENT OF SOCIAL AND HEALTH SERVICES. Ct. App. Wash. Certiorari denied. Reported below: 191 Wash. App. 1019.

No. 16–5942. REID *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 827 F. 3d 797.

No. 16–5944. MILLER *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 839.

No. 16–5945. PARNELL *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 652 Fed. Appx. 117.

No. 16–5946. REDFORD *v.* GEORGIA. Ct. App. Ga. Certiorari denied. Reported below: 335 Ga. App. 682, 782 S. E. 2d 791.

No. 16–5948. REINARD *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 134 App. Div. 3d 1407, 22 N. Y. S. 3d 270.

No. 16–5949. CZEKUS *v.* KNIPP, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–5950. JACKSON *v.* LINK, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–5952. MARCOTTE *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 835 F. 3d 652.

No. 16–5953. THORNBRUGH *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 643 Fed. Appx. 669.

No. 16–5954. ZIMMERMAN *v.* SWARTHOUT, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–5965. CONTRERAS ALCALA *v.* GARCIA HERNANDEZ. C. A. 4th Cir. Certiorari denied. Reported below: 826 F. 3d 161.

No. 16–5966. COLE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–5967. LUMSDEN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 652 Fed. Appx. 174.

No. 16–5973. MARQUEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 333.

No. 16–5974. JONES *v.* MCGINLEY, ACTING SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT COAL TOWNSHIP, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–5979. SANCHEZ-ALMARAZ *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 71.

No. 16–5981. MEDFORD *v.* TEXAS. Ct. App. Tex., 2d Dist. Certiorari denied.

No. 16–5983. PINA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 241.

No. 16–5986. SULLIVAN *v.* OHIO. Ct. App. Ohio, 10th App. Dist., Franklin County. Certiorari denied. Reported below: 2016-Ohio-218.

No. 16–5988. GOROSTIETA-CASAS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 253.

No. 16–5994. ANGEL CABADA, AKA BARRAZA, AKA CABADA-BARRAZA, AKA LEON HERNANDEZ, AKA RIVAS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–5995. TRAPPIER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 199.

No. 16–5996. ZAVALA-GARCIA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 792.

No. 16–6002. BURGESS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 652 Fed. Appx. 203.

No. 16–6007. CUA *v.* MCDOWELL, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–6008. DJENASEVIC *v.* IVES, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 626 Fed. Appx. 429.

No. 16–6010. CORREA HERNANDEZ *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 212 So. 3d 371.

No. 16–6012. HILL *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 125 A. 3d 445.

No. 16–6013. MOSES *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 653 Fed. Appx. 91.

No. 16–6015. CASTEEN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 649 Fed. Appx. 315.

No. 16–6017. RUIZ-ARAGON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 205.

No. 16–6020. THOMAS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 649 Fed. Appx. 302.

No. 16–6022. TAYLOR *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 639 Fed. Appx. 571.

No. 16–6023. JIM *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 291.

No. 16–6024. MATELYAN *v.* SUPREME COURT OF THE UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–6026. LUBY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 16–6036. MCLEOD *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 626 Fed. Appx. 25.

No. 16–6038. PARKE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–6039. RUSSELL *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 104.

No. 16–6042. HERNANDEZ-VILLEDA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 252.

No. 16–6043. GOMEZ-HERNANDEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 314.

No. 16–6044. FRISON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 16–6045. GARDNER *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 150 A. 3d 1283.

No. 16–6046. QUINTERO, AKA CUELLAR-SUAZO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 431.

No. 16–6050. GARNER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–6051. GRIMES *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 825 F. 3d 899.

No. 16–6053. GONZALEZ *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 667 Fed. Appx. 307.

No. 16–6058. FORD *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 642 Fed. Appx. 637.

No. 16–6066. HIGGINS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 16–6070. GATLING *v.* UNITED STATES. Ct. App. D. C. Certiorari denied.

No. 16–6071. GASCA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 470.

No. 16–6072. MAXWELL *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 823 F. 3d 1057.

No. 16–6073. LAWS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 240.

No. 16–6074. HAYES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–6075. SMITH *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–6078. DOBSON *v.* MILLION, WARDEN. C. A. 3d Cir. Certiorari denied.

No. 16–6082. HERNANDEZ-VEGA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 16–6083. GRANDA *v.* IVES, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–6090. FITZPATRICK *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 822 F. 3d 1.

No. 16–6091. EVANS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 634 Fed. Appx. 391.

No. 16–6092. COVINGTON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 590.

No. 16–6096. HARRIS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 16–6097. ANDERSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–6098. SMITH *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 16–6099. SHIPTON *v.* DANIELS, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 16–6100. FLOWERS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 616 Fed. Appx. 108.

No. 16–6101. HERNANDEZ-DE-LA-ROSA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 16–6108. GUTIERREZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–6109. HANNIGAN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 638 Fed. Appx. 234.

No. 16–6111. SALINAS GARCIA *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 213.

No. 16–6112. GUZMAN-FERNANDEZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 824 F. 3d 173.

No. 16–6114. WENJING LIU *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 149.

No. 16–6116. JENKINS *v.* MURPHY, SUPERINTENDENT, OLD COLONY CORRECTIONAL CENTER. C. A. 1st Cir. Certiorari denied. Reported below: 824 F. 3d 148.

No. 16–6119. WARD *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 645 Fed. Appx. 539.

No. 16–6120. WILLIS *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 826 F. 3d 1265.

No. 16–6124. BRITT *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 643 Fed. Appx. 288.

No. 16–6126. GIBSON *v.* POLLARD ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 610 Fed. Appx. 571.

No. 16–6130. SCALIA *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 654 Fed. Appx. 73.

No. 16–6134. MINJAREZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 144.

No. 16–6140. ATWOOD *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–6146. JONES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 16–6154. DURY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 621 Fed. Appx. 219.

No. 16–6155. LITTLE COYOTE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–6157. CAMACHO *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 631 Fed. Appx. 285.

No. 16–6158. DRAIN *v.* LANE, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FAYETTE. C. A. 3d Cir. Certiorari denied.

No. 16–6161. BURNS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–6163. HOLMES *v.* MERIT SYSTEMS PROTECTION BOARD. C. A. Fed. Cir. Certiorari denied. Reported below: 655 Fed. Appx. 816.

No. 16–6165. HOPE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 639 Fed. Appx. 961.

No. 16–6167. MARTINEZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 640 Fed. Appx. 18.

No. 16–6170. WHITE *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 16–6173. MAYER *v.* BEEMER, ATTORNEY GENERAL OF PENNSYLVANIA. C. A. 3d Cir. Certiorari denied.

No. 16–6178. EVANS *v.* MILLION, WARDEN. C. A. 3d Cir. Certiorari denied.

No. 16–6183. CREWS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 645 Fed. Appx. 211.

No. 16–6197. OGUNNIYI *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 655 Fed. Appx. 842.

No. 16–6201. SCHAFFER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 818 F. 3d 796.

No. 16–6202. WENFO SONG *v.* OBAMA, PRESIDENT OF THE UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 649 Fed. Appx. 367.

No. 16–6206. CAPSHAW *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 618 Fed. Appx. 618.

No. 16–6207. GEMMA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 818 F. 3d 23.

No. 16–6209. CORTES-MEDINA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 819 F. 3d 566.

No. 16–6211. CHRISTIAN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–6214. JONES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 16–6217. AYALA-YUPIT *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 233.

No. 16–6218. DOUGLAS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 508.

No. 16–6231. DUNSTON *v.* COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY. C. A. 2d Cir. Certiorari denied.

No. 16–6238. MURRAY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 436.

No. 16–6241. DONALDSON *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 646 Fed. Appx. 686.

No. 16–6246. ROBERTS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 16–6254. BRYANT *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 807.

No. 16–6255. PFEIFER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 661 Fed. Appx. 618.

No. 16–6263. CHICHAKLI, AKA CUNNING, AKA CEDOROV *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 651 Fed. Appx. 62.

No. 16–6266. LINDSEY *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 827 F. 3d 733.

No. 16–6267. LOGAN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 642 Fed. Appx. 203.

No. 16–6274. DILLARD *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 648 Fed. Appx. 564.

No. 16–6284. TREJO *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 632 Fed. Appx. 877.

No. 16–6290. SMOTHERMAN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–6296. RIVERA-MARTINEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 442.

No. 16–6298. DECRUZ *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 644 Fed. Appx. 189.

No. 16–6299. DIDIER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 775.

No. 16–6301. CORNETT *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–6304. REZA-RAMOS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 816 F. 3d 1110.

No. 15–1438. TINA M. ET AL. *v.* SAINT TAMMANY PARISH SCHOOL BOARD. C. A. 5th Cir. Motion of Southern Poverty Law Center et al. for leave to file brief as *amici curiae* granted. Certiorari denied. Reported below: 816 F. 3d 57.

No. 16–189. WASHINGTON ET AL. *v.* DENDEL. C. A. 6th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 647 Fed. Appx. 612.

No. 16–6069. HINSON *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 637 Fed. Appx. 526.

No. 16–6249. RUSSELL *v.* HOLT, WARDEN. C. A. 3d Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 639 Fed. Appx. 891.

Rehearing Denied

No. 15–7608. OKUN *v.* UNITED STATES, 577 U. S. 1162;

No. 15–9363. HAMMOND *v.* UNITED STATES, 579 U. S. 935; and

No. 15–9906. HARRIS *v.* MESSITTE, JUDGE, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND, ET AL., *ante*, p. 865. Petitions for rehearing denied.

November 3, 2016

Miscellaneous Order

No. 16A451 (16–602). Arthur *v.* Dunn, Commissioner, Alabama Department of Corrections, et al. C. A. 11th Cir. Application for stay of execution of sentence of death, presented to Justice Thomas, and by him referred to the Court, 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 and Justice Alito would deny the application.

Statement of The Chief Justice respecting the grant of the application for stay.

I do not believe that this application meets our ordinary criteria for a stay. This case does not merit the Court's review: the claims set out in the application are purely fact-specific, dependent on contested interpretations of state law, insulated from our review by alternative holdings below, or some combination of the three. Four Justices have, however, voted to grant a stay. To afford them the opportunity to more fully consider the suitability of this case for review, including these circumstances, I vote to grant the stay as a courtesy.

November 4, 2016

Certiorari Granted

No. 16–149. Coventry Health Care of Missouri, Inc., fka Group Health Plan, Inc. *v.* Nevils. Sup. Ct. Mo. Certiorari granted. Reported below: 492 S. W. 3d 918.

November 5, 2016

Miscellaneous Order

No. 16A460. Arizona Secretary of State's Office et al. *v.* Feldman et al. Application for stay, presented to Justice Kennedy, and by him referred to the Court, granted. Injunction issued by the United States Court of Appeals for the Ninth Circuit on November 4, 2016, in case No. 16–16698, is stayed pending final disposition of the appeal by that Court.

NOVEMBER 7, 2016

Certiorari Dismissed

No. 16–5848. STROUSE *v.* KIDDY ET AL. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

Miscellaneous Orders

No. 16A461. OHIO DEMOCRATIC PARTY *v.* DONALD J. TRUMP FOR PRESIDENT, INC. C. A. 6th Cir. Application to vacate stay, presented to JUSTICE KAGAN, and by her referred to the Court, denied.

Statement of JUSTICE GINSBURG respecting the denial of the application to vacate stay.

Mindful that Ohio law proscribes voter intimidation, see, *e. g.*, Ohio Rev. Code Ann. §3501.90(A)(1) (Lexis 2013) ("Harassment in violation of the election law" includes an "improper practice or attempt tending to obstruct, intimidate, or interfere with an elector in registering or voting at a place of registration or election." (internal quotation marks omitted)), I vote to deny the application.

No. D–2943. IN RE DISCIPLINE OF LOCRICCHIO. Anthony Paul Locricchio, of Kailua, Haw., 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. 16M47. ABDUL ALI *v.* CARVAJAL, WARDEN;
No. 16M48. PENKUL *v.* TOWN OF LEBANON, MAINE;
No. 16M49. NOGALES *v.* MCDONALD, WARDEN, ET AL.; and
No. 16M50. LE ET AL. *v.* AZNOE. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 15–649. CZYZEWSKI ET AL. *v.* JEVIC HOLDING CORP. ET AL. C. A. 3d Cir. [Certiorari granted, 579 U. S. 940.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 15–1262. MCCRORY, GOVERNOR OF NORTH CAROLINA, ET AL. *v.* HARRIS ET AL. D. C. M. D. N. C. [Probable jurisdiction noted, 579 U. S. 927.] Motion of the Acting Solicitor General

for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 15–9484. MOORE *v.* KLEIN. Ct. App. Idaho. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 810] denied.

No. 15–9784. ZONG *v.* MERRILL LYNCH, PIERCE, FENNER & SMITH INC. C. A. 3d Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 811] denied.

No. 16–5827. HARTMAN *v.* BANK OF NEW YORK MELLON ET AL. C. A. 3d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until November 28, 2016, 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. 16–6410. IN RE SIMUEL;
No. 16–6433. IN RE SINCLAIR; and
No. 16–6437. IN RE BRICE. Petitions for writs of habeas corpus denied.

No. 16–6434. IN RE KAPORDELIS. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of habeas corpus dismissed. See this Court's Rule 39.8. JUSTICE KAGAN took no part in the consideration or decision of this motion and this petition.

No. 16–295. IN RE HABINIAK; and
No. 16–5861. IN RE EGGERS. Petitions for writs of mandamus denied.

Certiorari Denied

No. 15–1055. SMITHKLINE BEECHAM CORP., DBA GLAXOSMITHKLINE, ET AL. *v.* KING DRUG COMPANY OF FLORENCE, INC., ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 791 F. 3d 388.

No. 16–107. OXY USA INC. *v.* SCHELL ET AL., INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED. C. A. 10th Cir. Certiorari denied. Reported below: 814 F. 3d 1107.

No. 16–151. ARCHANGEL DIAMOND CORPORATION LIQUIDATING TRUST *v.* OAO LUKOIL. C. A. 10th Cir. Certiorari denied. Reported below: 812 F. 3d 799.

No. 16–274. SUNDIN *v.* UNITED AIRLINES, INC., ET AL. Ct. App. Colo. Certiorari denied.

No. 16–282. CONSUMER HEALTH INFORMATION CORP. *v.* AMYLIN PHARMACEUTICALS, INC., ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 819 F. 3d 992.

No. 16–286. WOLFCHILD ET AL. *v.* REDWOOD COUNTY, MINNESOTA, ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 824 F. 3d 761.

No. 16–288. ALICEA DIAZ *v.* ALICEA SANTANA ET AL. Sup. Ct. P. R. Certiorari denied.

No. 16–297. GARDNER *v.* DISTRICT OF COLUMBIA COURT OF APPEALS. Ct. App. D. C. Certiorari denied. Reported below: 116 A. 3d 938.

No. 16–343. TUVELL *v.* INTERNATIONAL BUSINESS MACHINES, INC. C. A. 1st Cir. Certiorari denied. Reported below: 643 Fed. Appx. 1.

No. 16–387. GRADY *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 656 Fed. Appx. 498.

No. 16–396. MCKELLIPS *v.* WISCONSIN. Sup. Ct. Wis. Certiorari denied. Reported below: 2016 WI 51, 369 Wis. 2d 437, 881 N. W. 2d 258.

No. 16–400. MCDUFFIE *v.* CITY OF JACKSONVILLE, FLORIDA. C. A. 11th Cir. Certiorari denied. Reported below: 625 Fed. Appx. 521.

No. 16–404. NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF MULTIJURISDICTION PRACTICE ET AL. *v.* LYNCH, ATTORNEY GENERAL, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 826 F. 3d 191.

No. 16–407. VON GOETZMAN *v.* JEFF'S TRANSMISSIONS, INC. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 194 So. 3d 1030.

No. 16–437. KAHN *v.* HELVETIA ASSET RECOVERY, INC. Ct. App. Tex., 4th Dist. Certiorari denied. Reported below: 475 S. W. 3d 389.

No. 16–446. TRADING TECHNOLOGIES INTERNATIONAL, INC. *v.* LEE, UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR, UNITED STATES PATENT AND TRADEMARK OFFICE. C. A. Fed. Cir. Certiorari denied. Reported below: 815 F. 3d 816.

No. 16–454. STANFORD *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 823 F. 3d 814.

No. 16–5240. NHUONG VAN NGUYEN *v.* SUPERIOR COURT OF CALIFORNIA, RIVERSIDE COUNTY, ET AL. Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 16–5806. SPEED *v.* OKLAHOMA. Ct. Crim. App. Okla. Certiorari denied.

No. 16–5812. RUIZ *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 133806–U.

No. 16–5828. FERNANDERS *v.* WRIGHT ET AL. C. A. 6th Cir. Certiorari denied.

No. 16–5842. SURBAUGH *v.* WEST VIRGINIA. Sup. Ct. App. W. Va. Certiorari denied. Reported below: 237 W. Va. 242, 786 S. E. 2d 601.

No. 16–5843. JACKSON *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–5854. CHEATHAM *v.* BURT, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–5859. VUKICH *v.* PENNSYLVANIA ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–5860. VURIMINDI *v.* FEDER, CLERK, COURT OF COMMON PLEAS OF PENNSYLVANIA, FIRST JUDICIAL DISTRICT. Sup. Ct. Pa. Certiorari denied.

No. 16–5863. HOUTHOOFD *v.* STATE TREASURER. Ct. App. Mich. Certiorari denied.

No. 16–5864. MOSS *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–5882. LIN *v.* NEUNER ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 647 Fed. Appx. 107.

No. 16–5889. OMRAN *v.* GUNNISON ET AL. C. A. 1st Cir. Certiorari denied.

No. 16–5890. NEWELL *v.* ALDEN VILLAGE HEALTH FACILITY FOR CHILDREN AND YOUNG ADULTS. C. A. 7th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 556.

No. 16–5929. MONTAGUE *v.* TENNESSEE. Sup. Ct. Tenn. Certiorari denied.

No. 16–5936. VELASQUEZ-LOPEZ *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. Sup. Ct. Va. Certiorari denied. Reported below: 290 Va. 443, 778 S. E. 2d 504.

No. 16–5939. WOULARD *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–5987. ELESON *v.* LIZARRAGA, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–6004. BURRELL *v.* PLACE, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–6016. RAY *v.* KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION. C. A. 9th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 865.

No. 16–6025. LANE *v.* CAIN, SUPERINTENDENT, SNAKE RIVER CORRECTIONAL INSTITUTION. C. A. 9th Cir. Certiorari denied.

No. 16–6035. MCDONALD *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 654 Fed. Appx. 118.

No. 16–6055. ZAKKI *v.* CHEAPOAIR, INC. C. A. 4th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 138.

No. 16–6057. BRYANT *v.* NEW JERSEY. Super. Ct. N. J., App. Div. Certiorari denied.

No. 16–6061. BASSETT *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied.

No. 16–6062. BLACHER *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 16–6079. CLARK *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 16–6104. COGSWELL *v.* KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION. C. A. 9th Cir. Certiorari denied. Reported below: 648 Fed. Appx. 624.

No. 16–6117. SMITH *v.* CAMPBELL, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–6148. JOHNSON *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 16–6151. GORDON *v.* LEDBETTER. C. A. 8th Cir. Certiorari denied. Reported below: 642 Fed. Appx. 637.

No. 16–6198. NKWUO *v.* T-MOBILE ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–6213. NELSON *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–6227. MARR *v.* HARKNESS. Sup. Ct. Fla. Certiorari denied.

No. 16–6230. ADAMS *v.* CALIFORNIA. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 16–6234. QUEEN *v.* MATEVOUSIAN, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–6258. CLARKE *v.* JONES, DIRECTOR, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–6262. VENNES *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 16–6273. HARRIS *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 16–6294. MARSING *v.* KELLY, SUPERINTENDENT, OREGON STATE PENITENTIARY. C. A. 9th Cir. Certiorari denied. Reported below: 657 Fed. Appx. 629.

No. 16–6295. JUAN-SOLANO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 673.

No. 16–6306. VAN OSTEN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 639 Fed. Appx. 393.

No. 16–6312. YOUNG *v.* UNITED STATES; and
No. 16–6357. BURNETT *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 827 F. 3d 1108.

No. 16–6330. WOODS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 827 F. 3d 712.

No. 16–6336. MORIN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 16–6339. ARMENTA-ROMERO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 655 Fed. Appx. 575.

No. 16–6343. LUCAS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 638 Fed. Appx. 526.

No. 16–6346. PONTE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 828 F. 3d 91.

No. 16–154. DELAWARE TRUST CO., FKA CSC TRUST COMPANY DELAWARE *v.* ENERGY FUTURE HOLDINGS CORP. ET AL. C. A. 3d Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 648 Fed. Appx. 277.

No. 16–310. ALFRIEND ET AL. *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 642 Fed. Appx. 791.

Rehearing Denied

No. 15–8796. GRIGSBY *v.* UNITED STATES, 578 U. S. 985;
No. 15–9473. GRAY *v.* ZOOK, WARDEN, *ante*, p. 841;

No. 15–9549. ROBINSON *v.* TRUSTMARK NATIONAL BANK ET AL., *ante*, p. 844;

No. 15–9821. SUTTON *v.* UNITED STATES, *ante*, p. 860;

No. 15–9918. RUSSELL *v.* ALABAMA, *ante*, p. 802;

No. 16–77. CETNER, AS TRUSTEE OF THE CETNER FAMILY TRUST *v.* CARTER ET AL., AS TRUSTEES OF THE CARTER FAMILY TRUST DATED MARCH 1, 1991, *ante*, p. 871;

No. 16–5348. HARE *v.* UNITED STATES, *ante*, p. 895; and

No. 16–5601. CHOEURN *v.* MASSACHUSETTS, *ante*, p. 904. Petitions for rehearing denied.

NOVEMBER 8, 2016

Miscellaneous Order

No. 15–1248. MCLANE CO., INC. *v.* EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. C. A. 9th Cir. [Certiorari granted, 579 U. S. 969.] Stephen B. Kinnaird, Esq., of Washington, D. C., is invited to brief and argue this case as *amicus curiae* in support of the position that a district court's decision to quash or enforce an EEOC subpoena is subject to *de novo* review. Briefs for other *amici curiae* in support of judgment below are to be filed within seven days of the filing of the brief for Court-appointed *amicus curiae*.

NOVEMBER 14, 2016

Certiorari Dismissed

No. 16–5941. RIGGINS *v.* TEXAS. Ct. Crim. App. Tex. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

No. 16–6222. ST. LOUIS *v.* PIERCE, WARDEN, ET AL. C. A. 3d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

Miscellaneous Orders

No. 16M51. MARSH *v.* UNITED STATES. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 16M52. JOHNSON *v.* BAE SYSTEMS, INC., ET AL. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

No. 16M53. MACK *v.* HUSTON ET AL. Motion for leave to file petition for writ of certiorari with supplemental appendix under seal granted.

No. 15–680. BETHUNE-HILL ET AL. *v.* VIRGINIA STATE BOARD OF ELECTIONS ET AL. D. C. E. D. Va. [Probable jurisdiction noted, 578 U. S. 1021.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 15–961. VISA INC. ET AL. *v.* OSBORN ET AL.; and
No. 15–962. VISA INC. ET AL. *v.* STOUMBOS ET AL. C. A. D. C. Cir. [Certiorari granted, 579 U. S. 940.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 15–8544. BECKLES *v.* UNITED STATES. C. A. 11th Cir. [Certiorari granted, 579 U. S. 927.] Motion of respondent for additional time to argue granted, and the time is divided as follows: 25 minutes for petitioner, 25 minutes for respondent, and 15 minutes for Court-appointed *amicus curiae.* JUSTICE KAGAN took no part in the consideration or decision of this motion.

No. 16–6566. IN RE CLARK. Petition for writ of habeas corpus denied.

No. 16–6326. IN RE KACHINA. Petition for writ of mandamus denied.

Certiorari Denied

No. 15–1373. SSC MYSTIC OPERATING CO., LLC, DBA PENDLETON HEALTH AND REHABILITATION CENTER *v.* NATIONAL LABOR RELATIONS BOARD. C. A. D. C. Cir. Certiorari denied. Reported below: 801 F. 3d 302.

No. 15–9313. CALKINS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 795 F. 3d 896.

No. 15–9353. TOWNSEND *v.* CITY OF BELOIT, WISCONSIN. Sup. Ct. Wis. Certiorari denied. Reported below: 2016 WI 2, 365 Wis. 2d 745, 872 N. W. 2d 670.

No. 15–9461. BELCHER *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 515.

No. 15–9481. HAJDA *v.* UNIVERSITY OF KANSAS HOSPITAL AUTHORITY ET AL. Ct. App. Kan. Certiorari denied. Reported below: 51 Kan. App. 2d 761, 356 P. 3d 1.

No. 15–9493. CHOY *v.* COMCAST CABLE COMMUNICATIONS, LLC. C. A. 3d Cir. Certiorari denied. Reported below: 629 Fed. Appx. 362.

No. 15–9585. KEMPTON *v.* J. C. PENNEY CORP., INC. C. A. 5th Cir. Certiorari denied.

No. 15–9600. EVANS *v.* CITY OF SEATTLE, WASHINGTON. Sup. Ct. Wash. Certiorari denied. Reported below: 184 Wash. 2d 856, 366 P. 3d 906.

No. 15–9794. SLADE *v.* CITY OF MARSHALL, TEXAS, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 814 F. 3d 263.

No. 16–66. MCNEESE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 819 F. 3d 922.

No. 16–76. COOPER *v.* SQUARE, INC. C. A. Fed. Cir. Certiorari denied. Reported below: 645 Fed. Appx. 1014.

No. 16–229. COPE, AKA CITIZENS FOR OBJECTIVE PUBLIC EDUCATION, INC., ET AL. *v.* KANSAS STATE BOARD OF EDUCATION ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 821 F. 3d 1215.

No. 16–289. PURDUE PHARMA L. P. ET AL. *v.* EPIC PHARMA, LLC, ET AL.; and

No. 16–296. GRUNENTHAL GMBH *v.* TEVA PHARMACEUTICALS USA, INC., ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 811 F. 3d 1345.

No. 16–290. PAYNE *v.* UNIVERSITY OF SOUTHERN MISSISSIPPI ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 643 Fed. Appx. 409.

No. 16–314. ARRINGTON *v.* CHAVEZ. C. A. 10th Cir. Certiorari denied. Reported below: 646 Fed. Appx. 590.

No. 16–354. CAULER *v.* LEHIGH VALLEY HOSPITAL, INC., DBA LEHIGH VALLEY HOSPITAL & HEALTH NETWORK. C. A. 3d Cir. Certiorari denied. Reported below: 654 Fed. Appx. 69.

No. 16–375. DAVIDSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 289.

No. 16–380. M. B. N. S. *v.* ALABAMA. Ct. Crim. App. Ala. Certiorari denied. Reported below: 222 So. 3d 383.

No. 16–403. ELKHARWILY *v.* MAYO HOLDING CO. ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 823 F. 3d 462.

No. 16–406. TUKA *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 652 Fed. Appx. 99.

No. 16–410. DANI *v.* MILLER, OKLAHOMA STATE TREASURER, ET AL. Sup. Ct. Okla. Certiorari denied. Reported below: 2016 OK 35, 374 P. 3d 779.

No. 16–417. AMIDON ET AL. *v.* CALIFORNIA EX REL. FIRE INSURANCE EXCHANGE ET AL. Ct. App. Cal., 2d App. Dist., Div. 3. Certiorari denied.

No. 16–422. ASSAF *v.* TRINITY MEDICAL CENTER. C. A. 7th Cir. Certiorari denied. Reported below: 821 F. 3d 847.

No. 16–426. FLINT *v.* CHAUVIN, JUDGE, CIRCUIT COURT OF KENTUCKY, JEFFERSON COUNTY. C. A. 6th Cir. Certiorari denied.

No. 16–427. FIGUEROA *v.* LINK, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–429. WILLES *v.* LINN COUNTY, OREGON, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 444.

No. 16–447. CALLOWAY *v.* BANK OF AMERICA CORP. ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 646 Fed. Appx. 578.

No. 16–456. ELLIS ET UX. *v.* LEMONS ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 697.

No. 16–491. HISLOP *v.* MONTANA. Sup. Ct. Mont. Certiorari denied. Reported below: 383 Mont. 482, 373 P. 3d 834.

No. 16–5009. MACPHEAT *v.* REED. Sup. Ct. Mont. Certiorari denied. Reported below: 383 Mont. 546.

No. 16–5055. PARRILLA-FUENTES *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 16–5099. ADKINS *v.* JOCHEM ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 642 Fed. Appx. 270.

No. 16–5551. ACKERMAN *v.* INDIANA. Sup. Ct. Ind. Certiorari denied. Reported below: 51 N. E. 3d 171.

No. 16–5874. WILSON *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–5876. SALLIE *v.* SELLERS, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 16–5877. SHARRIEFF *v.* JOHNSON, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–5881. MAYS *v.* WETZEL, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–5885. SMITH *v.* CONNECTIONS COMMUNITY SUPPORT PROGRAMS, INC., ET AL. Sup. Ct. Del. Certiorari denied. Reported below: 145 A. 3d 430.

No. 16–5886. TOVAR *v.* BAUGHMAN, ACTING WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–5887. WALKER *v.* CARTLEDGE, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 639 Fed. Appx. 963.

No. 16–5892. STEVENSON *v.* BERGHUIS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–5896. CROSS *v.* PHELPS COUNTY, MISSOURI, ET AL. C. A. 8th Cir. Certiorari denied.

No. 16–5899. WATTS *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 16–5900. SINGLETON *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 187 So. 3d 1252.

No. 16–5907. WASHINGTON *v.* O'NEAL ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 641 Fed. Appx. 261.

No. 16–5914. BANDLER *v.* BPCM NYC, LTD., ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 631 Fed. Appx. 71.

No. 16–5915. LEGATE *v.* COLLIER, EXECUTIVE DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE. C. A. 5th Cir. Certiorari denied. Reported below: 822 F. 3d 207.

No. 16–5917. BOONE *v.* KENNEDY, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 16–5919. ROTHER *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 648 Fed. Appx. 381.

No. 16–5923. PAN *v.* CITY OF SUNNYVALE, CALIFORNIA. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 16–5926. VAN BUREN *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 5. Certiorari denied.

No. 16–5932. EARLS *v.* DITTMANN, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 16–5934. ROBERTSON *v.* BROWN, SUPERINTENDENT, WABASH VALLEY CORRECTIONAL FACILITY. C. A. 7th Cir. Certiorari denied.

No. 16–5940. TAVARES *v.* UNITED AIRLINES ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 108.

No. 16–5943. SALAZAR *v.* PREMO, SUPERINTENDENT, OREGON STATE PENITENTIARY. C. A. 9th Cir. Certiorari denied.

No. 16–5968. OWEISS *v.* MARYLAND. Ct. Sp. App. Md. Certiorari denied. Reported below: 223 Md. App. 790.

No. 16–5999. CARROLL *v.* NICHOLLS. Ct. App. Colo. Certiorari denied.

No. 16–6067. HART ET AL. *v.* BENTON COUNTY, OREGON SHERIFF'S OFFICE, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 270.

No. 16–6093. DAVENPORT *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 189 So. 3d 761.

No. 16–6160. ANDERSON *v.* UNITED STATES ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–6166. BROOKS *v.* MAIDA ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–6168. HARPER *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 184 So. 3d 521.

No. 16–6177. AMBERT *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 184 So. 3d 518.

No. 16–6181. DYE *v.* NEBRASKA. Sup. Ct. Neb. Certiorari denied. Reported below: 291 Neb. 989, 870 N. W. 2d 628.

No. 16–6193. HAYNIE *v.* HOLLAND, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–6199. NUNEZ *v.* GARMAN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ROCKVIEW, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–6210. COLEY *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 635 Fed. Appx. 126.

No. 16–6247. PERNELL *v.* LEWIS, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 655 Fed. Appx. 167.

No. 16–6261. TRYBOSKI *v.* PENNSYLVANIA STATE UNIVERSITY. Super. Ct. Pa. Certiorari denied. Reported below: 134 A. 3d 484.

No. 16–6269. EDWARDS *v.* MINNESOTA. Ct. App. Minn. Certiorari denied.

No. 16–6287. NUNEZ-MIROLA *v.* LYNCH, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 485.

No. 16–6289. SING *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 646.

No. 16–6293. JANAKIEVSKI *v.* GRIFFIN, EXECUTIVE DIRECTOR, ROCHESTER PSYCHIATRIC CENTER. C. A. 2d Cir. Certiorari denied.

No. 16–6323. COLEMAN *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 16–6327. DAVISON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 179.

No. 16–6344. KOH *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–6347. LOCKE *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 644 Fed. Appx. 815.

No. 16–6348. ROSS *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 837 F. 3d 85.

No. 16–6359. KRIVI *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 16–6360. JOHNSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–6370. TEGELER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 903.

No. 16–6378. GALINDO SIFUENTES *v.* BRAZELTON, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 825 F. 3d 506.

No. 16–6389. BENEVIDES *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 723.

No. 16–6391. VARGAS-ORTIZ *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 699.

No. 16–6396. BARNETT *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–6406. REYES-RIVERA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 812 F. 3d 79.

No. 16–6412. THOMAS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 656 Fed. Appx. 951.

No. 16–5468. FORD *v.* ROHR ET AL. C. A. 4th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 642 Fed. Appx. 269.

No. 16–6362. KISSI *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 649 Fed. Appx. 318.

Rehearing Denied

No. 15–1374. WILLIAMS *v.* PEREZ, SECRETARY OF LABOR, *ante*, p. 818;

No. 15–1449. WALDO ET UX. *v.* BANK OF NEW YORK MELLON ET AL., *ante*, p. 822;

No. 15–9361. FISHER *v.* UNITED STATES, 579 U. S. 935;

No. 15–9629. BELANUS *v.* CLARK ET AL., *ante*, p. 849;

No. 16–5140. HOPKINS *v.* JPMORGAN CHASE BANK, N. A., ET AL., *ante*, p. 883;

No. 16–5180. JONES *v.* CALIFORNIA, *ante*, p. 886;

No. 16–5309. MESSER *v.* CALIFORNIA, *ante*, p. 893; and

No. 16–5345. GARRY *v.* AMERICAN STANDARD TRANE, INC., ET AL., *ante*, p. 895. Petitions for rehearing denied.

NOVEMBER 17, 2016

Certiorari Dismissed

No. 15–961. VISA INC. ET AL. *v.* OSBORN ET AL.; and

No. 15–962. VISA INC. ET AL. *v.* STOUMBOS ET AL. C. A. D. C. Cir. [Certiorari granted, 579 U. S. 940.] These cases were granted to resolve "[w]hether allegations that members of a business association agreed to adhere to the association's rules and possess governance rights in the association, without more, are sufficient to plead the element of conspiracy in violation of Section 1 of the Sherman Act . . . ." Pets. for Cert. in No. 15–961, p. i, and No. 15–962, p. i. After "[h]aving persuaded us to grant certiorari" on this issue, however, petitioners "chose to rely on a different argument" in their merits briefing. *City and County of San Francisco* v. *Sheehan*, 575 U. S. 600, 608 (2015). The Court, therefore, orders that the writs in these cases be dismissed as improvidently granted.

NOVEMBER 22, 2016

Miscellaneous Order

No. 14–1538. LIFE TECHNOLOGIES CORP. ET AL. *v.* PROMEGA CORP. C. A. Fed. Cir. [Certiorari granted, 579 U. S. 927.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument filed out of time granted.

NOVEMBER 28, 2016

Certiorari Granted—Vacated and Remanded

No. 16–351. HUNTER ET AL. *v.* COLE ET AL. C. A. 5th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Mullenix* v. *Luna*, 577 U. S. 7 (2015) (*per curiam*). Reported below: 802 F. 3d 752.

No. 16–5596. LAMB *v.* UNITED STATES. C. A. 8th Cir. Reported below: 638 Fed. Appx. 575; and

No. 16–5660. STEINER *v.* UNITED STATES. C. A. 3d Cir. Reported below: 815 F. 3d 128. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Mathis* v. *United States*, 579 U. S. 500 (2016).

Certiorari Dismissed

No. 16–6048. HODGE ET UX. *v.* COLLEGE OF SOUTHERN MARYLAND ET AL. C. A. 4th Cir. Motion of petitioners for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 646 Fed. Appx. 294.

No. 16–6110. FOURSTAR *v.* UNITED STATES. C. A. Fed. Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 16–6188. HILL *v.* TRAXLER, CHIEF JUDGE, UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT, ET AL. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*). Reported below: 627 Fed. Appx. 236.

No. 16–6453. WOODWORTH *v.* SHARTLE, WARDEN. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 16–6482. WATSON *v.* UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA. C. A. D. C. Cir.; and

No. 16–6483. WATSON *v.* JARVIS, WARDEN. C. A. 11th Cir. Reported below: 644 Fed. Appx. 996. Motions of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

Miscellaneous Orders

No. 16M54. THOMAS *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS;

No. 16M55. WARD *v.* HOWARD;

No. 16M56. STAUNTON *v.* MINNESOTA ET AL.; and

No. 16M57. PATRICK *v.* HUBBARD, WARDEN. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 16M58. SEALED *v.* SEALED. Motion for leave to file petition for writ of certiorari under seal granted.

No. 145, Orig. DELAWARE *v.* PENNSYLVANIA ET AL.; and

No. 146, Orig. ARKANSAS ET AL. *v.* DELAWARE. Motion of Arkansas et al. for leave to amend bill of complaint granted. [For earlier order herein, see *ante*, p. 808.]

No. 147, Orig. NEW MEXICO *v.* COLORADO. The Acting Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 15–118. HERNANDEZ ET AL. *v.* MESA ET AL. C. A. 5th Cir. [Certiorari granted, *ante*, p. 915.] Motion of petitioners to dispense with printing joint appendix granted.

No. 15–1498. LYNCH, ATTORNEY GENERAL *v.* DIMAYA. C. A. 9th Cir. [Certiorari granted, 579 U. S. 969.] Motion of petitioner to dispense with printing joint appendix granted.

No. 15–9100. DAVID *v.* AMERICAN TELEPHONE & TELEGRAPH CO. ET AL. C. A. 11th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 802] denied.

No. 15–9477. BENITEZ *v.* MISSISSIPPI. Ct. App. Miss. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 810] denied.

No. 15–9803. NYANJOM *v.* HAWKER BEECHCRAFT CORP. C. A. 10th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 811] denied.

No. 15–9843. EVANS *v.* UNITED STATES. C. A. 8th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 811] denied.

No. 16–5135. APGAR *v.* MCDONALD, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 811] denied.

No. 16–5163. ROSS *v.* TODD. C. A. 11th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 805] denied.

No. 16–5370. FOSTER *v.* HOLDER. C. A. 5th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 811] denied.

No. 16–5371. FOSTER *v.* HOLDER. C. A. 5th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 811] denied.

No. 16–6089. WHITE *v.* MATTHEWS ET AL. Ct. App. Mich.;

No. 16–6195. HOIST *v.* NEW JERSEY ET AL. C. A. 3d Cir.;

No. 16–6236. BROOKS *v.* EMPLOYMENT DEPARTMENT ET AL. Ct. App. Ore.;

No. 16–6257. MCGRIFF *v.* STATE CIVIL SERVICE COMMISSION ET AL. C. A. 3d Cir.;

No. 16–6278. IN RE CHRISTENSON;

No. 16–6382. FINLEY *v.* EVANS. C. A. 8th Cir.; and

No. 16–6390. ALVAREZ *v.* UNITED STATES. C. A. 11th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until December 19, 2016, 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. 16–6608. IN RE FREITAG;
No. 16–6681. IN RE ZONE; and
No. 16–6731. IN RE ANTWINE. Petitions for writs of habeas corpus denied.

No. 16–6632. IN RE FIGUEROA;
No. 16–6675. IN RE HASTINGS; and
No. 16–6748. IN RE SINGLETON. Motions of petitioners for leave to proceed *in forma pauperis* denied, and petitions for writs of habeas corpus dismissed. See this Court's Rule 39.8.

No. 16–6196. IN RE GRAHAM. Petition for writ of mandamus denied.

No. 16–6223. IN RE PIANKA. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of mandamus dismissed. See this Court's Rule 39.8.

No. 16–6003. IN RE AZIZ. Petition for writ of mandamus and/or prohibition denied.

No. 16–6484. IN RE COCHRAN. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of mandamus and/or prohibition dismissed. See this Court's Rule 39.8. JUSTICE KAGAN took no part in the consideration or decision of this motion and this petition.

No. 16–6175. IN RE DAVID. Petition for writ of prohibition denied.

Certiorari Denied

No. 15–1479. KUBIAK *v.* CITY OF CHICAGO, ILLINOIS, ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 810 F. 3d 476.

No. 15–1490. STANFORD *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 805 F. 3d 557.

No. 15–9428. CARTER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 606 Fed. Appx. 94.

No. 15–9489. RAINBOW *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 813 F. 3d 1097.

No. 15–9718. TAMAYO-BAEZ *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 820 F. 3d 308.

No. 15–9776. CHEPAK *v.* NEW YORK CITY HEALTH AND HOSPITALS CORPORATION. C. A. 2d Cir. Certiorari denied. Reported below: 643 Fed. Appx. 62.

No. 15–9815. FLINT *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–63. DBN HOLDING, INC., ET AL. *v.* INTERNATIONAL TRADE COMMISSION. C. A. Fed. Cir. Certiorari denied. Reported below: 805 F. 3d 1328.

No. 16–128. CARROLL, INDIVIDUALLY AND AS HEIR OF CARROLL, DECEASED, ET AL. *v.* ELLINGTON ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 800 F. 3d 154.

No. 16–153. CAIREL ET AL. *v.* ALDERDEN ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 821 F. 3d 823.

No. 16–171. JAMGOTCHIAN *v.* KENTUCKY HORSE RACING COMMISSION ET AL. Sup. Ct. Ky. Certiorari denied. Reported below: 488 S. W. 3d 594.

No. 16–201. SOVEREIGN WEALTH FUND SAMRUK-KAZYNA JSC, AKA NATIONAL WELFARE FUND SAMRUK-KAZYNA *v.* ATLANTIC HOLDINGS, INC., ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 813 F. 3d 98.

No. 16–210. PFEIL *v.* ST. MATTHEW EVANGELICAL LUTHERAN CHURCH OF THE UNALTERED AUGSBURG CONFESSION OF WORTHINGTON, NOBLES COUNTY, MINNESOTA, ET AL. Sup. Ct. Minn. Certiorari denied. Reported below: 877 N. W. 2d 528.

No. 16–220. SYMONS INTERNATIONAL GROUP, INC., ET AL. *v.* CONTINENTAL CASUALTY CO. C. A. 7th Cir. Certiorari denied. Reported below: 817 F. 3d 979.

No. 16–242. TEXAS PACKAGE STORES ASSN., INC. *v.* FINE WINE & SPIRITS OF NORTH TEXAS, LLC, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 820 F. 3d 730.

No. 16–324. BEZERRA *v.* TEXAS. Ct. App. Tex., 7th Dist. Certiorari denied. Reported below: 485 S. W. 3d 133.

No. 16–325. WENKE *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 1. Certiorari denied.

No. 16–328. LeFever *v.* Ferguson et al. C. A. 6th Cir. Certiorari denied. Reported below: 645 Fed. Appx. 438.

No. 16–330. Lee *v.* Bevington. C. A. 4th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 275.

No. 16–335. Anderson et al. *v.* Aurora Loan Services, LLC, et al. C. A. 9th Cir. Certiorari denied. Reported below: 649 Fed. Appx. 550.

No. 16–340. Deters *v.* Kentucky Bar Assn. et al. C. A. 6th Cir. Certiorari denied. Reported below: 646 Fed. Appx. 468.

No. 16–344. Havens *v.* Mobex Network Services, LLC, et al. C. A. 3d Cir. Certiorari denied. Reported below: 820 F. 3d 80.

No. 16–350. Ledgerwood *v.* Ocwen Loan Servicing, LLC, et al. C. A. 2d Cir. Certiorari denied.

No. 16–353. Robin Singh Educational Services, Inc., et al. *v.* Testmasters Educational Services, Inc. C. A. 5th Cir. Certiorari denied. Reported below: 799 F. 3d 437.

No. 16–355. J. W., By and Through His Father and Next Friend Wikle *v.* Carrier et al. C. A. 4th Cir. Certiorari denied. Reported below: 645 Fed. Appx. 263.

No. 16–359. DataTreasury Corp. *v.* JPMorgan Chase Bank, N. A. C. A. 5th Cir. Certiorari denied. Reported below: 823 F. 3d 1006.

No. 16–363. Ghogomu *v.* Delta Airlines Global Services, LLC, et al. C. A. 10th Cir. Certiorari denied. Reported below: 652 Fed. Appx. 701.

No. 16–374. Stancu *v.* Pace Realty Corp. Ct. App. Tex., 5th Dist. Certiorari denied.

No. 16–376. Milwaukee Police Assn. et al. *v.* City of Milwaukee, Wisconsin. Sup. Ct. Wis. Certiorari denied. Reported below: 2016 WI 47, 369 Wis. 2d 272, 882 N. W. 2d 333.

No. 16–378. Flint *v.* Jackson et al. Ct. App. Ky. Certiorari denied.

No. 16–379. FLINT *v.* STILGER ET AL. Ct. App. Ky. Certiorari denied.

No. 16–381. KITRAS ET AL. *v.* TOWN OF AQUINNAH, MASSACHUSETTS, ET AL. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 474 Mass. 132, 49 N. E. 3d 198.

No. 16–385. MEDINA ORTIZ *v.* TEXAS. Ct. App. Tex., 7th Dist. Certiorari denied.

No. 16–386. RUSHDAN *v.* MARYLAND. Ct. Sp. App. Md. Certiorari denied. Reported below: 226 Md. App. 724.

No. 16–411. COOK *v.* TEXAS. Ct. App. Tex., 9th Dist. Certiorari denied.

No. 16–418. OKLEVUEHA NATIVE AMERICAN CHURCH OF HAWAII, INC., ET AL. *v.* LYNCH, ATTORNEY GENERAL, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 828 F. 3d 1012.

No. 16–419. BENDER *v.* OBAMA, PRESIDENT OF THE UNITED STATES, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 653 Fed. Appx. 31.

No. 16–434. COLLETT, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF GOODE *v.* BERLANGA. C. A. 6th Cir. Certiorari denied. Reported below: 646 Fed. Appx. 427.

No. 16–442. SHOTT *v.* KATZ. C. A. 7th Cir. Certiorari denied. Reported below: 829 F. 3d 494.

No. 16–451. JAYE *v.* OAK KNOLL VILLAGE CONDOMINIUM OWNERS ASSN., INC., ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–465. FJORD ET AL. *v.* KELLEHER. C. A. 5th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 169.

No. 16–468. GREAT STUFF, INC., ET AL. *v.* COTTER. Sup. Ct. Del. Certiorari denied. Reported below: 141 A. 3d 1018.

No. 16–485. MID-CITY NATIONAL BANK OF CHICAGO ET AL. *v.* CITY OF JOLIET, ILLINOIS. C. A. 7th Cir. Certiorari denied. Reported below: 825 F. 3d 827.

No. 16–501. BOUNDS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 826 F. 3d 363.

No. 16–502. COTTON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 823 F. 3d 430.

No. 16–506. FRISON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 825 F. 3d 437.

No. 16–524. PETRIE *v.* VIRGINIA BOARD OF MEDICINE ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 648 Fed. Appx. 352.

No. 16–526. RAND *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 835 F. 3d 451.

No. 16–537. NAKELL *v.* BARTH. C. A. 4th Cir. Certiorari denied. Reported below: 648 Fed. Appx. 324.

No. 16–540. GREEN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 828 F. 3d 331.

No. 16–547. WHITE *v.* CITY OF CHICAGO, ILLINOIS, ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 829 F. 3d 837.

No. 16–571. SCHLEICHER *v.* PREFERRED SOLUTIONS, INC. C. A. 6th Cir. Certiorari denied. Reported below: 831 F. 3d 746.

No. 16–5124. ALVARADO *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 816 F. 3d 242.

No. 16–5278. RICKS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 643 Fed. Appx. 894.

No. 16–5314. FELDMAN ET VIR *v.* H. A. BERKHEIMER, INC., DBA BERKHEIMER TAX ADMINISTRATOR, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 637 Fed. Appx. 63.

No. 16–5393. HOLLAND *v.* DEPARTMENT OF VETERANS AFFAIRS. C. A. 8th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 263.

No. 16–5592. MONTES-NUNEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 644 Fed. Appx. 350.

No. 16–5669. ANDREWS *v.* CREWS, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 16–5697. TAYLOR *v.* CULLIVER, SUPERINTENDENT, HOLMAN CORRECTIONAL FACILITY, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 638 Fed. Appx. 809.

No. 16–5714. ALLEN *v.* WILLIAMS ET AL. Ct. App. Cal., 2d App. Dist., Div. 8. Certiorari denied.

No. 16–5754. MIKE *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 195 So. 3d 378.

No. 16–5829. THORNBERG *v.* STATE FARM FIRE & CASUALTY CO. ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 638 Fed. Appx. 578.

No. 16–5947. SEPTOWSKI *v.* COMMISSION FOR LAWYER DISCIPLINE OF THE STATE BAR OF TEXAS. Sup. Ct. Tex. Certiorari denied.

No. 16–5951. MADRID *v.* GRIFFIN, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 16–5955. WILLIAMS *v.* CARTLEDGE, WARDEN, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 190.

No. 16–5957. JOHNSON *v.* BEACH PARK SCHOOL DISTRICT. C. A. 7th Cir. Certiorari denied. Reported below: 638 Fed. Appx. 501.

No. 16–5970. RYDER *v.* ROYAL, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 810 F. 3d 724.

No. 16–5972. LIGGAN *v.* KIRKPATRICK, SUPERINTENDENT, CLINTON CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied. Reported below: 652 Fed. Appx. 41.

No. 16–5978. SALADO *v.* MOHAM, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 639 Fed. Appx. 562.

No. 16–5982. DULCIO *v.* HALL, WARDEN, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–5985. SMALLS *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 128 App. Div. 3d 1229, 9 N. Y. S. 3d 700.

No. 16–5989. WIGGINS *v.* ROCKFORD HOUSING AUTHORITY ET AL. App. Ct. Ill., 2d Dist. Certiorari denied.

No. 16–5991. JONES *v.* BUTLER ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 137.

No. 16–5992. KOH *v.* DOE ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–5993. MANNING *v.* TEXAS. Ct. App. Tex., 9th Dist. Certiorari denied.

No. 16–5997. CRUITT *v.* ALABAMA ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 909.

No. 16–5998. BRITT *v.* CONWAY, SHERIFF, GWINNETT COUNTY, GEORGIA. Sup. Ct. Ga. Certiorari denied.

No. 16–6000. NIVENS *v.* MARYLAND. Ct. Sp. App. Md. Certiorari denied.

No. 16–6001. COX *v.* FLORIDA DEPARTMENT OF CORRECTIONS. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 187 So. 3d 1236.

No. 16–6005. BOHANNAN *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–6006. SINGER *v.* INDIANA. Ct. App. Ind. Certiorari denied. Reported below: 57 N. E. 3d 900.

No. 16–6009. DELGADO *v.* PENNSYLVANIA ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–6011. SMITH *v.* DALLAS COUNTY HOSPITAL DISTRICT, DBA PARKLAND HEALTH AND HOSPITAL SYSTEM. C. A. 5th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 279.

No. 16–6019. ECKLES *v.* ALABAMA. Ct. Crim. App. Ala. Certiorari denied. Reported below: 222 So. 3d 390.

No. 16–6027. CAROLINA *v.* OKLAHOMA. Ct. Crim. App. Okla. Certiorari denied.

No. 16–6028. COOK *v.* PFEIFFER, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–6029. COLEMAN *v.* CIRCUIT COURT OF WISCONSIN, MILWAUKEE COUNTY. Sup. Ct. Wis. Certiorari denied.

No. 16–6030. CONNER *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 16–6031. HARRIOTT *v.* SHEAHAN, SUPERINTENDENT, FIVE POINTS CORRECTIONAL FACILITY. Ct. App. N. Y. Certiorari denied. Reported below: 27 N. Y. 3d 1028, 53 N. E. 3d 740.

No. 16–6033. BEAN *v.* TRIBLEY ET AL. C. A. 6th Cir. Certiorari denied.

No. 16–6034. MITCHELL *v.* ELDRIDGE ET AL. C. A. 8th Cir. Certiorari denied.

No. 16–6037. MIXON *v.* MISSISSIPPI PAROLE BOARD ET AL. Sup. Ct. Miss. Certiorari denied.

No. 16–6040. FARRAR *v.* MCNESBY ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 639 Fed. Appx. 903.

No. 16–6041. GIMENEZ *v.* OCHOA, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 821 F. 3d 1136.

No. 16–6047. RIETHMILLER *v.* FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION. Sup. Ct. Fla. Certiorari denied.

No. 16–6052. HOLLAND *v.* ALLBAUGH, DIRECTOR, OKLAHOMA DEPARTMENT OF CORRECTIONS. C. A. 10th Cir. Certiorari denied. Reported below: 824 F. 3d 1222.

No. 16–6056. TAYLOR *v.* BERRY, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 16–6060. KNIEST ET AL. *v.* MISSOURI. C. A. 8th Cir. Certiorari denied.

No. 16–6068. HANSON-HODGE *v.* COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY. C. A. 4th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 176.

No. 16–6077. DUNBAR *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 1. Certiorari denied.

No. 16–6084. RAMBARAN *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied. Reported below: 821 F. 3d 1325.

No. 16–6086. REMENAR *v.* EMPLOYMENT DEPARTMENT ET AL. Ct. App. Ore. Certiorari denied.

No. 16–6087. YANEY *v.* SUPERIOR COURT OF CALIFORNIA, RIVERSIDE COUNTY, ET AL. Sup. Ct. Cal. Certiorari denied.

No. 16–6095. WELLS *v.* CITY OF NEW YORK, NEW YORK, ET AL. C. A. 2d Cir. Certiorari denied.

No. 16–6102. CHAPALET *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied.

No. 16–6103. COLEMAN *v.* JONES, WARDEN, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–6105. CONNELLY *v.* SEMPLE, COMMISSIONER, CONNECTICUT DEPARTMENT OF CORRECTION. C. A. 2d Cir. Certiorari denied.

No. 16–6106. HIGGINBOTHAM *v.* LOUISIANA. C. A. 5th Cir. Certiorari denied. Reported below: 817 F. 3d 217.

No. 16–6118. YANEY *v.* SUPERIOR COURT OF CALIFORNIA, RIVERSIDE COUNTY, ET AL. Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 16–6121. TURNER *v.* PORRINO, ATTORNEY GENERAL OF NEW JERSEY, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–6122. WINDSOR *v.* SNAP ET AL. C. A. 8th Cir. Certiorari denied.

No. 16–6123. HOWELL *v.* BASINGER. C. A. 7th Cir. Certiorari denied.

No. 16–6125. HOWELL *v.* COLLIN COUNTY, TEXAS DETENTION FACILITY, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 600 Fed. Appx. 298.

No. 16–6127. CORRAL HERNANDEZ *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 16–6128. GARDNER *v.* ARTUS, SUPERINTENDENT, ATTICA CORRECTIONAL FACILITY, ET AL. C. A. 2d Cir. Certiorari denied.

No. 16–6129. FIELDS *v.* SPRADER, DEPUTY WARDEN, ET AL. C. A. 6th Cir. Certiorari denied.

No. 16–6131. FALANA *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 16–6136. OWENS *v.* PRINGLE, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 16–6137. SAM *v.* GOODWIN, WARDEN. C. A. 5th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 329.

No. 16–6139. BECKETT *v.* TICE, ACTING SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HUNTINGDON, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–6141. SULTAANA *v.* CORRIGAN, JUDGE, COURT OF COMMON PLEAS, CUYAHOGA COUNTY, OHIO, ET AL. C. A. 6th Cir. Certiorari denied.

No. 16–6142. CASEY *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2015 IL App (1st) 123241–U.

No. 16–6143. GAFFNEY *v.* BECKSTROM, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–6144. HERRINGTON *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied. Reported below: 291 Va. 181, 781 S. E. 2d 561.

No. 16–6145. GIPSON *v.* TAMPKINS, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–6147. JONES *v.* EGELHOF ET AL. C. A. 8th Cir. Certiorari denied.

No. 16–6149. HUNTER *v.* MONTGOMERY, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–6150. HARDY *v.* DAVEY, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–6152. GULLEY *v.* ILLINOIS. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 2015 IL App (2d) 131305–U.

No. 16–6153. GRAY *v.* CALIFORNIA. C. A. 9th Cir. Certiorari denied.

No. 16–6156. CORBETT *v.* BRANKER ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 628 Fed. Appx. 185.

No. 16–6159. BARNES *v.* CORPENING, ADMINISTRATOR, MARION CORRECTIONAL CENTER. C. A. 4th Cir. Certiorari denied. Reported below: 648 Fed. Appx. 365.

No. 16–6162. THOMAS *v.* TENNESSEE. Ct. Crim. App. Tenn. Certiorari denied.

No. 16–6164. GODFREY *v.* RUSSELL ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 68.

No. 16–6169. FLINT *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 16–6171. JENNETTE *v.* THOMPSON, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT MERCER, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–6172. MALDONADO *v.* JEFFERSON ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 648 Fed. Appx. 939.

No. 16–6176. CURRY *v.* GEORGIA. Sup. Ct. Ga. Certiorari denied.

No. 16–6184. HERRING *v.* MCEWEN, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–6200. MCKINLEY *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 957.

No. 16–6226. BRADLEY *v.* KUNTZ ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 655 Fed. Appx. 56.

No. 16–6228. CLEMONS *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. C. A. 8th Cir. Certiorari denied.

No. 16–6243. DEHLER *v.* MOHR, DIRECTOR, OHIO DEPARTMENT OF REHABILITATION AND CORRECTION. C. A. 6th Cir. Certiorari denied.

No. 16–6252. CLARK *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied.

No. 16–6272. CROWE *v.* LEWIS, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 193.

No. 16–6275. CARTER *v.* WISCONSIN. Ct. App. Wis. Certiorari denied.

No. 16–6276. COLEMAN *v.* HOFFNER, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 804 F. 3d 816.

No. 16–6283. WRIGHT *v.* BAKER ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–6302. PAWELSKI *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 750.

No. 16–6305. SMITH *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 16–6310. TURNER *v.* MONTGOMERY, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 819 F. 3d 1171.

No. 16–6317. CREASON *v.* SINGH ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 462.

No. 16–6319. JORDAN *v.* ORMOND. C. A. D. C. Cir. Certiorari denied.

No. 16–6321. MUHAMMAD *v.* JACKSON. C. A. 4th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 180.

No. 16–6328. WILSON *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied.

No. 16–6333. LEPRE *v.* NEW YORK STATE INSURANCE FUND ET AL. C. A. 2d Cir. Certiorari denied.

No. 16–6334. PEEL *v.* KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION. C. A. 9th Cir. Certiorari denied. Reported below: 639 Fed. Appx. 440.

No. 16–6349. DEAN *v.* SPEARMAN, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 655 Fed. Appx. 555.

No. 16–6351. DAVIS *v.* MCCABE, INTERIM SUPERINTENDENT, HAMPTON ROADS REGIONAL JAIL, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 50.

No. 16–6361. MELLEN *v.* UNITED STATES PARK POLICE ET AL. C. A. D. C. Cir. Certiorari denied.

No. 16–6363. BRITFORD *v.* ALABAMA. Ct. Crim. App. Ala. Certiorari denied.

No. 16–6364. SPENCE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 446.

No. 16–6365. BELL *v.* BOOKER, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 58.

No. 16–6373. SANDLAIN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–6374. LY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 503.

No. 16–6375. MANNING *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 71.

No. 16–6376. LEE *v.* MAYE, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 297.

No. 16–6379. SINGH *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–6380. HALL *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 653.

No. 16–6383. HARRISON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 376.

No. 16–6384. BUSWELL *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 661 Fed. Appx. 802.

No. 16–6385. DONEY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 655 Fed. Appx. 561.

No. 16–6386. DE JESUS-CONCEPCION *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 652 Fed. Appx. 134.

No. 16–6395. BORGES *v.* DAVEY, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 656 Fed. Appx. 303.

No. 16–6400. FINCH *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied. Reported below: 643 Fed. Appx. 848.

No. 16–6402. HAMILTON *v.* DAVILA. Ct. App. Tex., 13th Dist. Certiorari denied.

No. 16–6404. MILLER *v.* CAMERON, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HOUTZDALE, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–6409. SMITH *v.* WISCONSIN. Sup. Ct. Wis. Certiorari denied. Reported below: 2016 WI 23, 367 Wis. 2d 483, 878 N. W. 2d 135.

No. 16–6411. WOMACK *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 646 Fed. Appx. 258.

No. 16–6413. TUYTJENS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 16–6418. CADET *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 649 Fed. Appx. 904.

No. 16–6421. WALKER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 851.

No. 16–6422. LUIS VILLASENOR *v.* DRUG ENFORCEMENT ADMINISTRATION. C. A. 9th Cir. Certiorari denied.

No. 16–6424. DUBOSE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–6425. SCOTT *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 652 Fed. Appx. 475.

No. 16–6426. RIVERA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 825 F. 3d 59.

No. 16–6427. ORNELAS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 828 F. 3d 1018.

No. 16–6428. HOPKINS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 824 F. 3d 726.

No. 16–6429. RUIZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–6431. EVANS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 656 Fed. Appx. 59.

No. 16–6432. SALTZER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–6438. A. C. *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 153047, 54 N. E. 3d 952.

No. 16–6439. SINHA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 655 Fed. Appx. 1015.

No. 16–6443. MANNING *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 652 Fed. Appx. 397.

No. 16–6448. ARCHIE *v.* UNITED STATES. Ct. App. D. C. Certiorari denied.

No. 16–6450. BLOUNT *v.* WHITMAN WALKER CLINIC ET AL. Ct. App. D. C. Certiorari denied. Reported below: 139 A. 3d 903.

No. 16–6452. WONSON *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 144 A. 3d 1.

No. 16–6463. ABNEY *v.* LEWIS, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 145.

No. 16–6465. BIYIKLIOGLU, AKA BRYAN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 652 Fed. Appx. 274.

No. 16–6470. LE SCHACK *v.* LE SCHACK. Super. Ct. Pa. Certiorari denied. Reported below: 136 A. 3d 1036.

No. 16–6477. AYODELE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 296.

No. 16–6486. RODRIGUEZ-GARCIA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 657 Fed. Appx. 252.

No. 16–6487. SMITH *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 579.

No. 16–6488. MAYES *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 650 Fed. Appx. 787.

No. 16–6491. AGUILERA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 655 Fed. Appx. 213.

No. 16–6492. VAZQUEZ-MENDEZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 655 Fed. Appx. 1.

No. 16–6493. ELLIS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–6500. MCGOWAN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 629 Fed. Appx. 531.

No. 16–6501. MIDDLEMASS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 16–6502. MCDONALD *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 660 Fed. Appx. 648.

No. 16–6505. BENNETT *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 139 A. 3d 903.

No. 16–6506. RAINNER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 143.

No. 16–6507. RODRIGUEZ-ISAAC *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 16–6508. HERRERA *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 829 F. 3d 689.

No. 16–6509. GOMEZ, AKA GUZMAN *v.* UNITED STATES PAROLE COMMISSION. C. A. 5th Cir. Certiorari denied. Reported below: 829 F. 3d 398.

No. 16–6512. GUTIERREZ-HERNANDEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 871.

No. 16–6526. LIOUNIS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 639 Fed. Appx. 731.

No. 16–6531. BETHEA *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied.

No. 16–6533. RIVERS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 656 Fed. Appx. 444.

No. 16–6534. STEPPES *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 697.

No. 16–6536. PATTON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 324.

No. 16–6538. GADSDEN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 192.

No. 16–6544. GUARASCIO *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 627 Fed. Appx. 194.

No. 16–6547. HOGAN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–6549. RICO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–6555. WOMACK *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 646 Fed. Appx. 258.

No. 16–6558. PLOUFFE *v.* CECALLOS ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–6559. VAUGHAN *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 643 Fed. Appx. 726.

No. 16–6570. JIAU *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 644 Fed. Appx. 92.

No. 16–6571. LUGO-LOPEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 833 F. 3d 453.

No. 16–6577. SILICANI *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 633.

No. 16–6578. ZUAREZ-MALDONADO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 745.

No. 16–6579. LATHAM *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 857.

No. 16–6583. CLARK *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 569.

No. 16–6586. MITCHELL *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 816 F. 3d 865.

No. 16–6588. PALMER *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied.

No. 16–6595. CORNEJO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 379.

No. 16–6597. RIGGS *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA. C. A. 11th Cir. Certiorari denied.

No. 16–6599. RICHARDSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 156.

No. 16–6610. FULTON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–6614. HEMPHILL *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 642 Fed. Appx. 448.

No. 16–6615. VALDEZ-CORRAL *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 506.

No. 16–6616. BROWN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 427.

No. 16–6617. PIERRE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 861.

No. 16–6621. IBARRA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 652 Fed. Appx. 290.

No. 16–323. AVCO CORP. *v.* SIKKELEE, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF SIKKELEE, DECEASED. C. A. 3d Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 822 F. 3d 680.

No. 16–329. ASSA'AD-FALTAS *v.* CARTER ET AL. C. A. 4th Cir. Motion of petitioner to defer consideration of petition for writ of certiorari denied. Certiorari denied. Reported below: 610 Fed. Appx. 245.

No. 16–5977. REYNOLDS *v.* JOHNSON, SHERIFF, WILLIAMSBURG COUNTY, SOUTH CAROLINA, ET AL. C. A. 4th Cir. Certiorari before judgment denied.

No. 16–6459. PATTERSON *v.* BEEMER, ATTORNEY GENERAL OF PENNSYLVANIA, ET AL. C. A. 3d Cir. Certiorari denied. JUS-

TICE ALITO took no part in the consideration or decision of this petition.

No. 16–6464. ALEXANDER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 651 Fed. Appx. 191.

Rehearing Denied

No. 15–1334. VUKSICH *v.* IMAGING3, INC., *ante*, p. 817;

No. 15–1395. ISRAEL SANCHEZ *v.* KERRY, SECRETARY OF STATE, ET AL., *ante*, p. 819;

No. 15–1418. LAGIOS *v.* GOLDMAN ET AL., *ante*, p. 820;

No. 15–1441. SERRA *v.* BANK OF NEW YORK MELLON, *ante*, p. 821;

No. 15–1520. MOORE *v.* LIGHTSTORM ENTERTAINMENT, INC., ET AL., *ante*, p. 825;

No. 15–7820. MOREIRA DA SILVA *v.* FLORIDA, 577 U. S. 1237;

No. 15–9002. MORRIS *v.* WESTBROOKS, WARDEN, *ante*, p. 829;

No. 15–9040. STOGSDILL *v.* SOUTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES, *ante*, p. 829;

No. 15–9136. TORRES *v.* UNKNOWN PARTY, *ante*, p. 830;

No. 15–9207. PRATER *v.* WETZEL, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL., *ante*, p. 832;

No. 15–9316. CIOTTA *v.* BRAZELTON, WARDEN, *ante*, p. 835;

No. 15–9346. ROBINSON *v.* CHESAPEAKE BANK OF MARYLAND ET AL., *ante*, p. 836;

No. 15–9456. BRAVATA *v.* UNITED STATES, *ante*, p. 841;

No. 15–9465. APONTE *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, *ante*, p. 841;

No. 15–9619. IN RE SANTOS-PINEDA, *ante*, p. 813;

No. 15–9656. STANCIK *v.* DEUTSCHE NATIONAL BANK, *ante*, p. 851;

No. 15–9661. WILLIAMS *v.* MCDONALD, SECRETARY OF VETERANS AFFAIRS, *ante*, p. 851;

No. 15–9668. RAHMANI *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL., *ante*, p. 851;

No. 15–9755. MURRAY *v.* UNITED STATES, *ante*, p. 856;

No. 15–9779. ROMERO *v.* SAUSCEDA ET AL., *ante*, p. 858;

No. 15–9786. MCDONALD *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, *ante*, p. 858;

No. 15–9801. SUMMERS *v.* COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY, *ante*, p. 859;

No. 15–9844. FERNANDEZ *v.* ROMERO, WARDEN, *ante*, p. 861;

No. 15–9846. HENDERSON *v.* ROBINSON, WARDEN, *ante*, p. 861;

No. 16–40. HOUSTON ET AL. *v.* QUEEN ET AL., *ante*, p. 868;

No. 16–170. BLEVINS *v.* HUDSON ET AL., *ante*, p. 874;

No. 16–5039. MILLER *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, *ante*, p. 878;

No. 16–5047. CARLIN *v.* BEZOS ET AL., *ante*, p. 878;

No. 16–5067. ENDACOTT *v.* UNITED STATES, *ante*, p. 879;

No. 16–5071. COX *v.* HALL, WARDEN, *ante*, p. 879;

No. 16–5088. JOHNSON *v.* APPLE, INC., ET AL., *ante*, p. 880;

No. 16–5100. ABE *v.* MICHIGAN STATE UNIVERSITY BOARD OF TRUSTEES, *ante*, p. 881;

No. 16–5145. WILLIAMS, AKA STEWART *v.* PENNSYLVANIA DEPARTMENT OF CORRECTIONS ET AL., *ante*, p. 884;

No. 16–5166. THOMAS *v.* OLENS, ATTORNEY GENERAL OF GEORGIA, ET AL., *ante*, p. 885;

No. 16–5176. SMITH *v.* KING'S DAUGHTERS AND SONS HOME, *ante*, p. 886;

No. 16–5213. IN RE BRACKEN, *ante*, p. 812;

No. 16–5255. MCDONALD *v.* CALIFORNIA, *ante*, p. 890;

No. 16–5279. APHAYAVONG *v.* CALIFORNIA, *ante*, p. 891;

No. 16–5336. SMITH *v.* UNITED STATES, *ante*, p. 895;

No. 16–5369. AUSTIN *v.* FLORIDA, *ante*, p. 897;

No. 16–5404. ROBINSON *v.* PURCELL CONSTRUCTION CORP., *ante*, p. 898;

No. 16–5438. LISTER *v.* WASHINGTON, *ante*, p. 899;

No. 16–5486. RODGERS *v.* LANCASTER POLICE DEPARTMENT ET AL., *ante*, p. 922;

No. 16–5556. IN RE CRAWFORD, *ante*, p. 813;

No. 16–5581. IN RE WELLS-ALI, *ante*, p. 812;

No. 16–5614. CONEY *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, *ante*, p. 935;

No. 16–5694. JOHNSON *v.* OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION ET AL., *ante*, p. 936;

No. 16–5757. YOUNG *v.* UNITED STATES, *ante*, p. 908; and

No. 16–5785. SAMPSON *v.* UNITED STATES, *ante*, p. 926. Petitions for rehearing denied.

No. 15–1446. COMMIL USA, LLC *v.* CISCO SYSTEMS, INC., *ante*, p. 909. Petition for rehearing denied. JUSTICE BREYER took no part in the consideration or decision of this petition.

No. 16–5054. SHEKHEM EL BEY *v.* CITY OF NEW YORK, NEW YORK, ET AL., *ante*, p. 910. Petition for rehearing denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

DECEMBER 2, 2016

Certiorari Granted

No. 15–1031. HOWELL *v.* HOWELL. Sup. Ct. Ariz. Certiorari granted. Reported below: 238 Ariz. 407, 361 P. 3d 936.

No. 15–1189. IMPRESSION PRODUCTS, INC. *v.* LEXMARK INTERNATIONAL, INC. C. A. Fed. Cir. Certiorari granted. Reported below: 816 F. 3d 721.

No. 16–254. WATER SPLASH, INC. *v.* MENON. Ct. App. Tex., 14th Dist. Certiorari granted. Reported below: 472 S. W. 3d 28.

No. 16–74. ADVOCATE HEALTH CARE NETWORK ET AL. *v.* STAPLETON ET AL. C. A. 7th Cir.;

No. 16–86. SAINT PETER'S HEALTHCARE SYSTEM ET AL. *v.* KAPLAN. C. A. 3d Cir.; and

No. 16–258. DIGNITY HEALTH ET AL. *v.* ROLLINS. C. A. 9th Cir. Certiorari granted, cases consolidated, and a total of one hour is allotted for oral argument. Reported below: No. 16–74, 817 F. 3d 517; No. 16–86, 810 F. 3d 175; No. 16–258, 830 F. 3d 900.

No. 16–369. COUNTY OF LOS ANGELES, CALIFORNIA, ET AL. *v.* MENDEZ ET AL. C. A. 9th Cir. Certiorari granted limited to Questions 1 and 3 presented by the petition. Reported below: 815 F. 3d 1178.

DECEMBER 5, 2016

Certiorari Dismissed

No. 16–6268. CARBAJAL *v.* WELLS FARGO BANK ET AL. Ct. App. Colo. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 16–6350. THORNTON *v.* BROWN, GOVERNOR OF CALIFORNIA, ET AL. C. A. 9th Cir. Motion of petitioner for leave to

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

No. 16–6619. HILL *v.* UNITED STATES. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

Miscellaneous Orders

No. 16M59. WADE *v.* ALAMANCE COUNTY DEPARTMENT OF SOCIAL SERVICES ET AL.;

No. 16M60. KAPLA *v.* FREED; and

No. 16M61. THIBES *v.* CALIFORNIA. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 16–6220. COOPER ET AL. *v.* UNITED STATES ET AL. C. A. 5th Cir.;

No. 16–6345. IN RE CHRISTENSON; and

No. 16–6456. NURITDINOVA *v.* CHILDREN'S HOSPITAL MEDICAL CENTER. C. A. 6th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until December 27, 2016, 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. 16–6818. IN RE WIMBUSH; and

No. 16–6868. IN RE BENNETT. Petitions for writs of habeas corpus denied.

No. 16–6270. IN RE DIXON; and

No. 16–6331. IN RE CHAVIS. Petitions for writs of mandamus denied.

No. 16–6303. IN RE SNIPES. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of mandamus dismissed. See this Court's Rule 39.8. As petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and

the petition is submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

Certiorari Denied

No. 15–1512. SMITH *v.* HOGAN, PRESIDENT OF THE UNIVERSITY OF CONNECTICUT, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 794 F. 3d 249.

No. 15–9256. MARDIS *v.* OKLAHOMA. Ct. Crim. App. Okla. Certiorari denied.

No. 15–9508. EVANS *v.* UNITED STATES. Ct. App. D. C. Certiorari denied.

No. 15–9733. MCMILLAN *v.* MICHIGAN. Cir. Ct. Oakland County, Mich. Certiorari denied.

No. 16–37. TRUDEAU *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 812 F. 3d 578.

No. 16–137. CARLSON ET UX. *v.* DEL WEBB COMMUNITIES, INC., ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 817 F. 3d 867.

No. 16–146. RAJASEKARAN ET AL. *v.* HAZUDA, DIRECTOR, NEBRASKA SERVICE CENTER, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 815 F. 3d 1095.

No. 16–193. HARRIS *v.* DUNN, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–234. CONDA *v.* MINNESOTA. Ct. App. Minn. Certiorari denied.

No. 16–235. SAMPSON *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 832 F. 3d 37.

No. 16–251. MUEHLGAY ET AL. *v.* CITIGROUP INC. ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 649 Fed. Appx. 110.

No. 16–263. GANIAS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 824 F. 3d 199.

No. 16–391. BENNALLACK *v.* C. V. ET AL., MINORS, BY AND THROUGH THEIR GUARDIAN AD LITEM, VILLEGAS, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 823 F. 3d 1252.

No. 16–409. JOHNSON *v.* CITY OF CANTON, MISSISSIPPI, ET AL. Ct. App. Miss. Certiorari denied. Reported below: 194 So. 3d 161.

No. 16–412. DAY-CARTEE ET AL. *v.* REGIONS BANK ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 817 F. 3d 299.

No. 16–416. VON HUGO *v.* FORMAS, SWEDISH RESEARCH COUNCIL FOR ENVIRONMENT, AGRICULTURAL SCIENCES AND SPATIAL PLANNING. C. A. 1st Cir. Certiorari denied.

No. 16–420. KIBE *v.* LYNCH, ATTORNEY GENERAL. C. A. 8th Cir. Certiorari denied. Reported below: 641 Fed. Appx. 681.

No. 16–421. MARTIN *v.* BRAVENEC ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 838 F. 3d 442.

No. 16–425. FLINT *v.* BESHEAR, GOVERNOR OF KENTUCKY. C. A. 6th Cir. Certiorari denied.

No. 16–430. CORRALES, PERSONAL REPRESENTATIVE OF THE ESTATE OF CORRALES, ET AL. *v.* IMPASTATO. C. A. 9th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 540.

No. 16–441. MOURAD ET AL. *v.* MARATHON PETROLEUM CO. LP. C. A. 6th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 792.

No. 16–459. SUNTRUST BANK *v.* BICKERSTAFF. Sup. Ct. Ga. Certiorari denied. Reported below: 299 Ga. 459, 788 S. E. 2d 787.

No. 16–486. FRANCIS *v.* NORTH DAKOTA. Sup. Ct. N. D. Certiorari denied. Reported below: 2016 ND 154, 882 N. W. 2d 270.

No. 16–520. KOVARIKOVA *v.* SOUTH ANNVILLE TOWNSHIP, LEBANON COUNTY AUTHORITY. C. A. 3d Cir. Certiorari denied. Reported below: 651 Fed. Appx. 127.

No. 16–549. ZIA SHADOWS, L. L. C. *v.* CITY OF LAS CRUCES, NEW MEXICO. C. A. 10th Cir. Certiorari denied. Reported below: 829 F. 3d 1232.

No. 16–554. ALTOBELLI *v.* HARTMANN ET AL. Sup. Ct. Mich. Certiorari denied. Reported below: 499 Mich. 284, 884 N. W. 2d 537.

No. 16–569. DOYLE *v.* TEXAS. Ct. App. Tex., 9th Dist. Certiorari denied.

No. 16–576. JEFFERSON *v.* NEBRASKA UNICAMERAL LEGISLATURE ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 243.

No. 16–5259. HOLDEN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 806 F. 3d 1227 and 625 Fed. Appx. 316.

No. 16–5261. HOUSTON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 813 Fed. Appx. 282.

No. 16–5284. CONWAY *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 638 Fed. Appx. 550.

No. 16–5351. FUQUA *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 636 Fed. Appx. 303.

No. 16–5390. SOTO-MENDOZA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 641 Fed. Appx. 691.

No. 16–5579. VASQUEZ ET AL. *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied. Reported below: 291 Va. 232, 781 S. E. 2d 920.

No. 16–5653. STONE *v.* REYES ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 256.

No. 16–5680. SAUCEDO-CANALES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 648 Fed. Appx. 458.

No. 16–5727. WATERS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 823 F. 3d 1062.

No. 16–5811. TURNIDGE *v.* OREGON. Sup. Ct. Ore. Certiorari denied. Reported below: 359 Ore. 507, 373 P. 3d 138.

No. 16–5826. HASSEBROCK *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 16–5956. ANGELES-TREJO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 191.

No. 16–6174. MARTIN *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–6180. DYE *v.* FRAKES, DIRECTOR, NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES. Sup. Ct. Neb. Certiorari denied. Reported below: 291 Neb. xxi.

No. 16–6185. GREEN *v.* KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION. C. A. 9th Cir. Certiorari denied.

No. 16–6186. HALL *v.* BERGHUIS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–6187. HARDY *v.* SCUTT, WARDEN, ET AL. C. A. 6th Cir. Certiorari denied.

No. 16–6189. BURTON *v.* COOLEY, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 16–6190. SCHUH *v.* WASHTENAW COUNTY, MICHIGAN, ET AL. C. A. 6th Cir. Certiorari denied.

No. 16–6191. GILYARD *v.* CHRISMAN, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 644 Fed. Appx. 863.

No. 16–6192. HARRIS *v.* MCLEOD ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–6194. FLORES *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2015 IL App (1st) 132661–U.

No. 16–6205. ROBINSON *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 7. Certiorari denied.

No. 16–6208. FRANKLIN *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 63 Cal. 4th 261, 370 P. 3d 1053.

No. 16–6212. EMERSON *v.* ARIZONA. Ct. App. Ariz. Certiorari denied.

No. 16–6215. KITCHEN *v.* ICKES ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 644 Fed. Appx. 243.

No. 16–6216. BROOKS *v.* GEORGIA. Sup. Ct. Ga. Certiorari denied. Reported below: 299 Ga. 474, 788 S. E. 2d 766.

No. 16–6221. DICKINSON *v.* DELAWARE. Sup. Ct. Del. Certiorari denied. Reported below: 138 A. 3d 475.

No. 16–6225. SIRIAS *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–6229. DILL *v.* MUNIZ, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–6232. COLES *v.* RUNNELS, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–6233. DEBARDELABEN *v.* BOLLING, WARDEN, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–6237. ANTHONY N. *v.* NEW YORK; and
No. 16–6355. DENNIS K. *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. Reported below: 27 N. Y. 3d 718, 59 N. E. 3d 500.

No. 16–6239. CARRASQUILLO *v.* VARGA, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 16–6240. DURHAM *v.* SUNY ROCKLAND COMMUNITY COLLEGE ET AL. C. A. 2d Cir. Certiorari denied.

No. 16–6242. DUNAHUE *v.* WATSON, WARDEN, ET AL. C. A. 8th Cir. Certiorari denied.

No. 16–6244. CHAIRS *v.* ILLINOIS. App. Ct. Ill., 5th Dist. Certiorari denied. Reported below: 2015 IL App (5th) 130415–U.

No. 16–6245. CREEK *v.* SOUTH DAKOTA BOARD OF PARDONS AND PAROLES ET AL. C. A. 8th Cir. Certiorari denied.

No. 16–6248. SELDEN *v.* FLORIDA ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–6253. MASTERS *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 62 Cal. 4th 1019, 365 P. 3d 861.

No. 16–6256. MEARIN *v.* FOLINO ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 654 Fed. Appx. 58.

No. 16–6265. RAYFORD *v.* KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION. C. A. 9th Cir. Certiorari denied.

No. 16–6271. DANIELS *v.* CALDWELL. C. A. 4th Cir. Certiorari denied. Reported below: 645 Fed. Appx. 293.

No. 16–6277. CALVIN *v.* DAVIS, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 649 Fed. Appx. 458.

No. 16–6281. BONNER *v.* BONNER. Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 16–6282. WRIGHT *v.* CIRCUIT COURT OF MISSISSIPPI, HINDS COUNTY. Sup. Ct. Miss. Certiorari denied.

No. 16–6285. MATOS *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 138 App. Div. 3d 426, 27 N. Y. S. 3d 571.

No. 16–6286. KWANG CHOL JOY *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 16–6291. SCOTT *v.* PERRY, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–6292. SOLANO *v.* DAVEY, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–6297. PLANCARTE-FRUTIS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 438.

No. 16–6300. DAVIS *v.* WATSON, SHERIFF, CITY OF PORTSMOUTH, VIRGINIA, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 842.

No. 16–6311. WEIDENBURNER *v.* INDIANA. Ct. App. Ind. Certiorari denied. Reported below: 42 N. E. 3d 176.

No. 16–6314. CLARK *v.* LEBO, WARDEN. Ct. Crim. App. Tenn. Certiorari denied.

No. 16–6341. JOHNSON *v.* CITY OF PHILADELPHIA, PENNSYLVANIA, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 644 Fed. Appx. 130.

No. 16–6377. BAYOT *v.* BACA, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–6398. HERNANDEZ *v.* TEXAS BOARD OF PARDONS AND PAROLES ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 632 Fed. Appx. 217.

No. 16–6417. FORD *v.* BRADT. C. A. 2d Cir. Certiorari denied.

No. 16–6451. WILCOXON *v.* WASHINGTON. Sup. Ct. Wash. Certiorari denied. Reported below: 185 Wash. 2d 324, 373 P. 3d 224.

No. 16–6546. GASSEW *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 16–6600. HARPER *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 635 Fed. Appx. 74.

No. 16–6612. HAYWOOD *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 16–6613. FORTSON *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 133 A. 3d 205.

No. 16–6640. CHAVEZ-NAVA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 649 Fed. Appx. 560.

No. 15–951. WASHINGTON *v.* MOI. Sup. Ct. Wash. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 184 Wash. 2d 575, 360 P. 3d 811.

Rehearing Denied

No. 15–7848. ELMORE *v.* HOLBROOK, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY, *ante*, p. 938;

No. 15–8753. HAMM *v.* ALLEN, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS, ET AL., *ante*, p. 828;

No. 15–8775. DEUERLEIN *v.* NEBRASKA ET AL., *ante*, p. 828;

No. 15–9042. ANDERSON *v.* HARRISON COUNTY, MISSISSIPPI, *ante*, p. 916;

No. 15–9097. HARRIS *v.* UNITED STATES, 578 U. S. 1017;

No. 15–9289. PLANCARTE *v.* FALK, WARDEN, ET AL., *ante*, p. 835;

No. 15–9401. JONES *v.* FINESILVER, *ante*, p. 838;

No. 15–9470. IN RE PENNINGTON-THURMAN, *ante*, p. 813;

No. 15–9531. QUINN *v.* FORSHEY, WARDEN, *ante*, p. 843;

No. 15–9568. SMALLWOOD *v.* HAWAII, *ante*, p. 845;

No. 15–9731. MARSHALL *v.* EDMONDS, WARDEN, *ante*, p. 855;

No. 15–9780. RODRIGUEZ REYNA *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, *ante*, p. 858;

No. 15–9789. ROUNDTREE *v.* MAINE MEDICAL CENTER ET AL., *ante*, p. 858;

No. 15–9834. DESPER *v.* WOODSON, WARDEN, *ante*, p. 861;

No. 16–223. STEFANICK *v.* MERIT SYSTEMS PROTECTION BOARD ET AL., *ante*, p. 919;

No. 16–5010. MARSHALL *v.* WALLER ET AL., *ante*, p. 876;

No. 16–5019. MCCLAM *v.* LAKE CITY FITNESS CENTER, FKA IH3 WELLNESS CENTER, ET AL., *ante*, p. 876;

No. 16–5032. WIDI *v.* DOLBIER ET AL., *ante*, p. 877;

No. 16–5118. TEJADA *v.* NEW YORK, *ante*, p. 882;

No. 16–5172. LURZ *v.* ILLINOIS; and TINEYBEY *v.* ILLINOIS, *ante*, p. 885;

No. 16–5346. GUMMO BEAR *v.* WASHINGTON ET AL., *ante*, p. 895;

No. 16–5420. BURTON *v.* GIDLEY ET AL., *ante*, p. 920;

No. 16–5451. VANN *v.* FLORIDA, *ante*, p. 900;

No. 16–5509. MONTGOMERY *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL., *ante*, p. 922;

No. 16–5527. JOHNSON *v.* HOOKS, WARDEN, *ante*, p. 922;

No. 16–5533. CALDWELL ET AL. *v.* PESCE, PRESIDING JUSTICE, APPELLATE TERM OF THE NEW YORK SUPREME COURT, SECOND JUDICIAL DISTRICT, ET AL., *ante*, p. 923;

No. 16–5765. COX *v.* RACKLEY, WARDEN, *ante*, p. 926;

No. 16–5768. IN RE DIXON, *ante*, p. 812;

No. 16–5824. GRAHAM *v.* UNITED STATES, *ante*, p. 927;

No. 16–5869. CHRISTENSON *v.* UNITED STATES, *ante*, p. 967; and

No. 16–6290. SMOTHERMAN *v.* UNITED STATES, *ante*, p. 976. Petitions for rehearing denied.

No. 16–5350. CHIRINO RIVERA *v.* MOSLEY, WARDEN, *ante*, p. 910. Petition for rehearing denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 16–5665. MASON *v.* TAP PHARMACEUTICAL PRODUCTS, INC., ET AL., *ante*, p. 950. Petition for rehearing denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

December 6, 2016

Miscellaneous Order

No. 145, Orig. Delaware *v.* Pennsylvania et al.; and

No. 146, Orig. Arkansas et al. *v.* Delaware. It has been suggested that the parties are in agreement on the facts relevant to a decision in this action. If this is the case, the parties are invited to file a stipulation of facts in this Court on or before 60 days from the date of this order. If such a stipulation is filed, the Court will set a schedule for briefing the legal issues. If such a stipulation is not timely filed, a Special Master will be appointed to conduct any necessary discovery and to make proposed findings of fact, and the case will proceed in the usual manner. [For earlier order herein, see, *e. g.*, *ante*, p. 995.]

Certiorari Denied

No. 16–7067 (16A548). Sallie *v.* Sellers, Warden. C. A. 11th Cir. Application for stay of execution of sentence of death, presented to Justice Thomas, and by him referred to the Court, denied. Certiorari denied.

No. 16–7096 (16A559). Sallie *v.* Sellers, Warden. Sup. Ct. Ga. Application for stay of execution of sentence of death, presented to Justice Thomas, and by him referred to the Court, denied. Certiorari denied.

December 8, 2016

Miscellaneous Order

No. 16A545 (16–7070). Smith *v.* Alabama. Sup. Ct. Ala. Application for stay of execution of sentence of death, presented to Justice Thomas, and by him referred to the Court, denied. The order heretofore entered by Justice Thomas is vacated. Justice Ginsburg, Justice Breyer, Justice Sotomayor, and Justice Kagan would grant the application for stay of execution.

No. 16A569. Smith *v.* Alabama. Application for stay of execution of sentence of death, presented to Justice Thomas, and by him referred to the Court, denied. The order heretofore entered by Justice Thomas is vacated.

DECEMBER 9, 2016

Certiorari Granted

No. 16–142. HONEYCUTT *v.* UNITED STATES. C. A. 6th Cir. Certiorari granted. Reported below: 816 F. 3d 362.

DECEMBER 12, 2016

Certiorari Granted—Vacated and Remanded

No. 15–978. SYSTEMS, INC. *v.* NORDOCK, INC. C. A. Fed. Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Samsung Electronics Co.* v. *Apple Inc.*, *ante*, p. 53. Reported below: 803 F. 3d 1344.

No. 16–204. FTS USA, LLC, ET AL. *v.* MONROE ET AL., INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED. C. A. 6th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Tyson Foods, Inc.* v. *Bouaphakeo*, 577 U. S. 442 (2016). Reported below: 815 F. 3d 1000.

Certiorari Dismissed

No. 16–6179. CORRION *v.* BERGH, WARDEN. Ct. App. Mich. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 16–6340. CARBAJAL *v.* FALK, WARDEN, ET AL. C. A. 10th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 640 Fed. Appx. 811.

No. 16–6461. PIANKA *v.* ARIZONA. Ct. App. Ariz. 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–2944. IN RE DISCIPLINE OF SUMMERS. William Lawrence Summers, of Cleveland, Ohio, 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–2945. IN RE DISCIPLINE OF LEGOME. Harris C. Legome, of Haddonfield, N. J., is suspended from the practice of law

in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. 16M62. VILLARREAL-SOLIS *v.* UNITED STATES. Motion to direct the Clerk to file petition for writ of certiorari out of time under this Court's Rule 14.5 denied.

No. 16M63. JOSEPH *v.* PENNSYLVANIA DEPARTMENT OF PUBLIC WELFARE ET AL.; and

No. 16M64. SANDERS *v.* RAWSKI, WARDEN. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 15–9260. DEAN *v.* UNITED STATES. C. A. 8th Cir. [Certiorari granted, *ante*, p. 951.] Motion of petitioner for appointment of counsel granted, and Alan G. Stoler, Esq., of Omaha, Neb., is appointed to serve as counsel for petitioner in this case.

No. 16–54. ESQUIVEL-QUINTANA *v.* LYNCH, ATTORNEY GENERAL. C. A. 6th Cir. [Certiorari granted, *ante*, p. 951.] Motion of petitioner to dispense with printing joint appendix granted.

No. 16–504. BELL *v.* BLUE CROSS & BLUE SHIELD OF OKLAHOMA ET AL. C. A. 8th Cir. Motion of respondents to expedite consideration of petition for writ of certiorari denied.

No. 16–6562. SHAH *v.* SOLARC ARCHITECTURAL & ENGINEERING, INC., ET AL. Sup. Ct. Ore.; and

No. 16–6730. JAFARI *v.* UNITED STATES. C. A. 3d Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until January 3, 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. 16–6638. IN RE JORDAN. Petition for writ of mandamus denied.

Certiorari Denied

No. 15–1474. BARAS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 624 Fed. Appx. 560.

No. 15–1511. RILEY *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 638 Fed. Appx. 56.

No. 15–8114. TYLER *v.* LOUISIANA. Sup. Ct. La. Certiorari denied. Reported below: 2013–0913 (La. 11/6/15), 181 So. 3d 678.

No. 15–9329. STOKES *v.* SOUTH CAROLINA. Ct. Common Pleas of Orangeburg County, S. C. Certiorari denied.

No. 15–9907. CAMPBELL *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2015 IL App (1st) 131196, 37 N. E. 3d 891.

No. 16–267. DIRECT MARKETING ASSN. *v.* BROHL, EXECUTIVE DIRECTOR, COLORADO DEPARTMENT OF REVENUE; and

No. 16–458. BROHL, EXECUTIVE DIRECTOR, COLORADO DEPARTMENT OF REVENUE *v.* DIRECT MARKETING ASSN. C. A. 10th Cir. Certiorari denied. Reported below: 814 F. 3d 1129.

No. 16–283. GILCHRIST, INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF GILCHRIST *v.* NATIONAL FOOTBALL LEAGUE ET AL.; and

No. 16–413. ARMSTRONG ET AL. *v.* NATIONAL FOOTBALL LEAGUE ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 821 F. 3d 410.

No. 16–284. GREENBERG ET AL. *v.* NEW YORK ET AL. Ct. App. N. Y. Certiorari denied. Reported below: 27 N. Y. 3d 490, 54 N. E. 3d 74.

No. 16–301. RAINEY *v.* MERIT SYSTEMS PROTECTION BOARD ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 824 F. 3d 1359.

No. 16–332. APOTEX INC. ET AL. *v.* AMGEN INC. ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 827 F. 3d 1052.

No. 16–432. NERO *v.* MAYAN MAINSTREET INVESTORS 1, LLC, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 645 Fed. Appx. 864.

No. 16–433. FREIDZON *v.* OAO LUKOIL ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 644 Fed. Appx. 52.

No. 16–436. FRAZIER-WHITE *v.* GEE, SHERIFF, HILLSBOROUGH COUNTY, FLORIDA. C. A. 11th Cir. Certiorari denied. Reported below: 818 F. 3d 1249.

No. 16–438. Sanchez Lopez *v.* City of Phoenix, Arizona, et al. C. A. 9th Cir. Certiorari denied. Reported below: 618 Fed. Appx. 326.

No. 16–440. Tri-Corp Housing Inc. *v.* Bauman. C. A. 7th Cir. Certiorari denied. Reported below: 826 F. 3d 446.

No. 16–443. Shott *v.* Rush University Medical Center. C. A. 7th Cir. Certiorari denied. Reported below: 652 Fed. Appx. 455.

No. 16–444. Simon *v.* Department of Justice et al. C. A. D. C. Cir. Certiorari denied.

No. 16–448. Cornish *v.* Town of Brookline, Vermont. Sup. Ct. Vt. Certiorari denied. Reported below: 202 Vt. 656, 151 A. 3d 343.

No. 16–453. Kupersmit *v.* Commissioner of Internal Revenue. C. A. 3d Cir. Certiorari denied. Reported below: 622 Fed. Appx. 144.

No. 16–462. Flint *v.* Willett, Judge, Circuit Court of Kentucky, Jefferson County, et al. C. A. 6th Cir. Certiorari denied.

No. 16–469. Kimball, Individually and as Next Friend of A. S. et al., Minors, et al. *v.* Orlans Associates P. C. et al. C. A. 6th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 477.

No. 16–480. Afzal *v.* Lynch, Attorney General. C. A. 5th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 505.

No. 16–503. San Diego Navy Broadway Complex Coalition *v.* Department of Defense et al. C. A. 9th Cir. Certiorari denied. Reported below: 817 F. 3d 653.

No. 16–505. Compart's Boar Store, Inc. *v.* United States. C. A. 8th Cir. Certiorari denied. Reported below: 829 F. 3d 600.

No. 16–514. Romanoff Equities, Inc. *v.* United States. C. A. Fed. Cir. Certiorari denied. Reported below: 815 F. 3d 809.

No. 16–565. Kimberly-Clark Corp. and Subsidiaries *v.* Minnesota Commissioner of Revenue. Sup. Ct. Minn. Certiorari denied. Reported below: 880 N. W. 2d 844.

No. 16–574. FLINT *v.* MARX. Ct. App. Ky. Certiorari denied.

No. 16–586. VAN HOUTEN ET AL. *v.* CITY OF FORT WORTH, TEXAS. C. A. 5th Cir. Certiorari denied. Reported below: 827 F. 3d 530.

No. 16–599. TAYLOR *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 138 A. 3d 1171.

No. 16–609. SEXTON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 831 F. 3d 1207 and 659 Fed. Appx. 908.

No. 16–5074. PETERMAN *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 644 Fed. Appx. 829.

No. 16–5337. RANDOLPH ET UX. *v.* SOLUTIA, INC. Sup. Ct. Fla. Certiorari denied.

No. 16–5583. VELASQUEZ-HUIPE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 461.

No. 16–5840. MOLESKI *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 641 Fed. Appx. 172.

No. 16–6315. CAMP *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–6318. SEIBERT *v.* CRICKMAR, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 16–6320. MORRIS *v.* SMITH, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–6324. CASTILLO-ALVAREZ *v.* MINNESOTA. Sup. Ct. Minn. Certiorari denied. Reported below: 836 N. W. 2d 527.

No. 16–6325. PALAFOX-DOMINGUES *v.* INDIANA. Ct. App. Ind. Certiorari denied. Reported below: 41 N. E. 3d 309.

No. 16–6329. WILLIAMS *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied.

No. 16–6332. KING *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 16–6337. CRUZ *v.* JURDEN, PRESIDENT JUDGE, SUPERIOR COURT OF DELAWARE. Sup. Ct. Del. Certiorari denied. Reported below: 133 A. 3d 204.

No. 16–6338. ECKERT *v.* MISSOURI. Ct. App. Mo., Western Dist. Certiorari denied. Reported below: 491 S. W. 3d 228.

No. 16–6352. MOSES *v.* FALKNER ET AL. Ct. App. Tenn. Certiorari denied.

No. 16–6353. O'KEEFE *v.* NEVADA. Sup. Ct. Nev. Certiorari denied. Reported below: 132 Nev. 1013.

No. 16–6354. MORRISON *v.* KOSTER. C. A. 8th Cir. Certiorari denied.

No. 16–6356. PAIGE *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 16–6358. MAYFIELD *v.* TEXAS. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 16–6393. BUHL *v.* DEPARTMENT OF JUSTICE ET AL. C. A. D. C. Cir. Certiorari denied.

No. 16–6394. CRUMP *v.* NEVADA. Sup. Ct. Nev. Certiorari denied. Reported below: 132 Nev. 959.

No. 16–6458. PATTON *v.* NEVADA ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–6468. WILKERSON *v.* CHESTERFIELD COUNTY, VIRGINIA, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 37.

No. 16–6516. LAMONT *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 16–6521. TRICOME *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 141 A. 3d 588.

No. 16–6548. SMITH *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 184.

No. 16–6591. JUAREZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 648 Fed. Appx. 857.

No. 16–6593. MORALES *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 663 Fed. Appx. 166.

No. 16–6596. MOHAMMED *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 643 Fed. Appx. 308.

No. 16–6601. GILL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 789.

No. 16–6602. GALEANA-SALMERON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 742.

No. 16–6605. GAFFNEY, AKA MUJAHID *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 610 Fed. Appx. 313.

No. 16–6606. HILL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 16–6609. GREEN *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 16–6611. GARCIA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 648 Fed. Appx. 746.

No. 16–6643. STRECKER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 652.

No. 16–6647. SHELL *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–6648. SAUNDERS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 826 F. 3d 363.

No. 16–6657. HERNANDEZ *v.* YATES, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–6661. NAVA-ARELLANO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 639 Fed. Appx. 512.

No. 16–6665. SCAGGS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–6668. ROBERTS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 824 F. 3d 1145.

No. 16–6670. PUZEY *v.* WARDEN, FEDERAL CORRECTIONAL COMPLEX ALLENWOOD. C. A. 4th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 56.

No. 16–6674. GARRISON *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–6677. THOMAS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 660 Fed. Appx. 497.

No. 16–6680. DILLARD *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 825 F. 3d 472.

No. 16–6685. NOEL *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 659 Fed. Appx. 284.

No. 16–6692. MARIA MATIAS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–6693. JACKSON *v.* SEMPLE, COMMISSIONER, CONNECTICUT DEPARTMENT OF CORRECTION. App. Ct. Conn. Certiorari denied. Reported below: 149 Conn. App. 681, 89 A. 3d 426.

No. 16–6703. TUBBS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 986.

No. 16–6707. SINGH *v.* WISCONSIN. Ct. App. Wis. Certiorari denied.

No. 16–6709. OCASIO-RUIZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 16–6712. ABAD *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 649 Fed. Appx. 449.

No. 16–6713. BEY *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 825 F. 3d 75.

No. 16–6729. MAYES *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 650 Fed. Appx. 787.

No. 16–6732. ALLEN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 568.

No. 16–6733. MCDONALD *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 641.

No. 16–6734. MORGAN *v.* BRADT, SUPERINTENDENT, ATTICA CORRECTIONAL FACILITY, ET AL. C. A. 2d Cir. Certiorari denied.

No. 16–6739. WYNN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 827 F. 3d 778.

No. 16–6749. SCOTTON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 947.

No. 16–6750. SANDUSKY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–6760. WRIGHT *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 657 Fed. Appx. 399.

No. 16–6762. MCKENZIE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 15–9708. DAKER *v.* GEORGIA. Sup. Ct. Ga. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 803] granted. Certiorari denied.

No. 16–431. WALSH *v.* GEORGE ET AL. C. A. 3d Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 650 Fed. Appx. 130.

No. 16–5247. SIRECI *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 192 So. 3d 42.

JUSTICE BREYER, dissenting.

Henry Sireci, the petitioner, was tried, convicted of murder, and first sentenced to death in 1976. He has lived in prison under threat of execution for 40 years. When he was first sentenced to death, the Berlin Wall stood firmly in place. Saigon had just fallen. Few Americans knew of the personal computer or the Internet. And over half of all Americans now alive had not yet been born. See Dept. of Commerce, Bureau of Census, Annual Estimates of the Resident Population for Selected Age Groups by Sex: April 1, 2010 to July 1, 2015 (June 2016), online at http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=PEP_2015_PEPAGESEX&prodType=table (all Internet materials as last visited Dec. 9, 2016).

Forty years is more time than an average person could expect to live his entire life when America constitutionally forbade the "inflict[ion]" of "cruel and unusual punishments." Amdt. 8; see 5 Dictionary of American History 104 (S. Kutler ed., 3d ed. 2003). This Court, speaking of a period of *four weeks*, not 40 years, once said that a prisoner's uncertainty before execution is "one of the

most horrible feelings to which he can be subjected." *In re Medley*, 134 U. S. 160, 172 (1890). I should hope that this kind of delay would arise only on the rarest of occasions. But in the ever diminishing universe of actual executions, I fear that delays of this kind have become more common. The number of yearly executions has fallen from its peak of 98 in 1999 to 19 so far this year, while the average period of imprisonment between death sentence and execution has risen from 12 years to over 18 years in that same period. See Death Penalty Information Center (DPIC), Facts About the Death Penalty, online at http://www.deathpenaltyinfo.org/documents/FactSheet.pdf (updated Dec. 7, 2016); Dept. of Justice, Bureau of Justice Statistics, T. Snell, Capital Punishment, 2013—Statistical Tables, p. 14 (rev. Dec. 19, 2014) (Table 10); DPIC Execution List 2016, online at http://www.deathpenaltyinfo.org/execution-list-2016.

Nor is this case the only case during the last few months in which the Court has received, but then rejected, a petition to review an execution taking place in what I would consider especially cruel and unusual circumstances. On September 15, 2009, the State of Ohio attempted to execute Romell Broom by lethal injection. *State* v. *Broom*, 146 Ohio St. 3d 60, 61–62, 2016-Ohio-1028, 51 N. E. 3d 620, 623. Medical team members tried for over two hours to find a useable vein, repeatedly injecting him with needles and striking bone in the process, all causing "a great deal of pain." *Id.*, at 62, 51 N. E. 3d, at 624. The State now wishes to try to execute Broom once again. Given its first failure, does its second attempt amount to a "cruel and unusual" punishment? See *In re Kemmler*, 136 U. S. 436, 447 (1890) ("Punishments are cruel when they involve . . . a lingering death"). I would have heard Broom's claim.

As I and other Justices have previously pointed out, individuals who are executed are not the "worst of the worst," but, rather, are individuals chosen at random, on the basis, perhaps of geography, perhaps of the views of individual prosecutors, or still worse on the basis of race. See *Glossip* v. *Gross*, 576 U. S. 863, 915–923 (2015) (BREYER, J., joined by GINSBURG, J., dissenting); *Furman* v. *Georgia*, 408 U. S. 238, 309–310 (1972) (Stewart, J., concurring) ("These death sentences are cruel and unusual in the same way that being struck by lightning is cruel and unusual. For, of all the people convicted of [death-eligible crimes], many just as reprehensible as these, the[se] petitioners are among a

capriciously selected random handful upon whom the sentence of death has in fact been imposed" (footnote omitted)). Cf. *Smith* v. *Alabama*, *ante*, p. 1027 (judge overrode jury's recommendation of a life sentence; this Court, by an equally divided vote, denied a stay of execution).

I have elsewhere described these matters at greater length, and I have explained why the time has come for this Court to reconsider the constitutionality of the death penalty. *Glossip*, *supra*, at 946 (dissenting opinion); see also *Knight* v. *Florida*, 528 U. S. 990, 993 (1999) (opinion dissenting from denial of certiorari); *Valle* v. *Florida*, 564 U. S. 1067 (2011) (opinion dissenting from denial of stay); *Boyer* v. *Davis*, 578 U. S. 965, 966 (2016) (opinion dissenting from denial of certiorari); *Conner* v. *Sellers*, 579 U. S. 957, 958 (2016) (opinion dissenting from denial of certiorari and denial of stay). Cases such as the ones discussed here provide additional evidence that it is important for us to do so. See *Lackey* v. *Texas*, 514 U. S. 1045 (1995) (Stevens, J., memorandum respecting denial of certiorari). I would grant this petition for certiorari, as I would in No. 16–5580, *Broom* v. *Ohio*, immediately *infra*, and *Smith*, and include this question.

No. 16–5580. Broom *v.* Ohio. Sup. Ct. Ohio. Certiorari denied. Justice Breyer and Justice Kagan would grant the petition for writ of certiorari. Reported below: 146 Ohio St. 3d 60, 2016-Ohio-1028, 51 N. E. 3d 620.

No. 16–6691. Cuong Mach Binh Tieu *v.* United States. C. A. 9th Cir. Certiorari denied. Justice Breyer took no part in the consideration or decision of this petition.

Rehearing Denied

No. 15–9319. Daniel *v.* Lynch, Attorney General, *ante*, p. 836;

No. 15–9523. Golf *v.* New York City Department of Finance et al., *ante*, p. 843;

No. 15–9611. Soro *v.* Lopez, *ante*, p. 848;

No. 15–9652. Beckham *v.* Virginia, *ante*, p. 850;

No. 15–9655. Spear *v.* Jones, Secretary, Florida Department of Corrections, et al., *ante*, p. 851;

No. 15–9853. Foster *v.* Holder, *ante*, p. 862;

No. 15–9916. LoPinto *v.* Davis, Director, Texas Department of Criminal Justice, Correctional Institutions Division, *ante*, p. 866;

No. 16–120. Avoki et ux. *v.* Ferebee et al., *ante*, p. 873;

No. 16–197. Coulter *v.* Superior Court of Pennsylvania (two judgments), *ante*, p. 933;

No. 16–5104. Ivey *v.* New York State Higher Education Services Corporation et al., *ante*, p. 881;

No. 16–5177. Johnson *v.* Palmetto Citizens Federal Credit Union, *ante*, p. 886;

No. 16–5217. Reynolds *v.* Davis, Director, Texas Department of Criminal Justice, Correctional Institutions Division, *ante*, p. 888;

No. 16–5288. In re Williamson, *ante*, p. 813;

No. 16–5326. Johnson *v.* United States, *ante*, p. 894;

No. 16–5466. Hammer *v.* Hammer et al., *ante*, p. 921;

No. 16–5489. Wei Zhou *v.* Marquette University, *ante*, p. 922;

No. 16–5525. Petrovic *v.* United States, *ante*, p. 902;

No. 16–5541. Sixing Liu *v.* United States, *ante*, p. 903;

No. 16–5576. Sayers *v.* Powell, *ante*, p. 904;

No. 16–5661. Reedy *v.* United States, *ante*, p. 906;

No. 16–5666. Ruiz *v.* Harry, Superintendent, State Correctional Institution at Camp Hill, et al., *ante*, p. 906;

No. 16–5783. Florence *v.* Viking Associates, *ante*, p. 966;

No. 16–6202. Wenfo Song *v.* Obama, President of the United States, *ante*, p. 974; and

No. 16–6241. Donaldson *v.* United States, *ante*, p. 975. Petitions for rehearing denied.

No. 16–5137. In re Akel, *ante*, p. 813. Petition for rehearing denied. Justice Kagan took no part in the consideration or decision of this petition.

December 14, 2016

Certiorari Granted

No. 16–327. Jae Lee *v.* United States. C. A. 6th Cir. Certiorari granted. Reported below: 825 F. 3d 311.

No. 16–341. TC Heartland LLC *v.* Kraft Foods Group Brands LLC. C. A. Fed. Cir. Certiorari granted. Reported below: 821 F. 3d 1338.

No. 15–1503. TURNER ET AL. *v.* UNITED STATES; and

No. 15–1504. OVERTON *v.* UNITED STATES. Ct. App. D. C. Certiorari granted limited to the following question: "Whether the petitioners' convictions must be set aside under *Brady* v. *Maryland*, 373 U. S. 83 (1963)." Cases consolidated, and a total of one hour is allotted for oral argument. Reported below: 116 A. 3d 894.

DECEMBER 15, 2016

Miscellaneous Order

No. 15–1204. JENNINGS ET AL. *v.* RODRIGUEZ ET AL., INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED. C. A. 9th Cir. [Certiorari granted, 579 U. S. 917.] The parties are directed to file supplemental briefs addressing the following questions: "(1) Whether the Constitution requires that aliens seeking admission to the United States who are subject to mandatory detention under 8 U. S. C. § 1225(b) must be afforded bond hearings, with the possibility of release into the United States, if detention lasts six months. (2) Whether the Constitution requires that criminal or terrorist aliens who are subject to mandatory detention under § 1226(c) must be afforded bond hearings, with the possibility of release, if detention lasts six months. (3) Whether the Constitution requires that, in bond hearings for aliens detained for six months under § 1225(b), § 1226(c), or § 1226(a), the alien is entitled to release unless the Government demonstrates by clear and convincing evidence that the alien is a flight risk or a danger to the community, whether the length of the alien's detention must be weighed in favor of release, and whether new bond hearings must be afforded automatically every six months."

Briefs are to be filed simultaneously with the Clerk and served upon opposing counsel on or before 2 p.m., Tuesday, January 17, 2017. *Amicus* briefs may be filed with the Clerk and served upon counsel on or before 2 p.m., Friday, January 27, 2017. Reply briefs are to be filed simultaneously with the Clerk and served upon opposing counsel on or before 2 p.m., Monday, February 6, 2017. Word limits and cover colors for briefs should correspond to the provisions of this Court's Rule 33.1(g) pertaining to briefs on the merits rather than to the provision pertaining to supplemental briefs.

December 20, 2016

Dismissal Under Rule 46

No. 16–6369. In re Windsor. Petition for writ of mandamus and motion for leave to proceed *in forma pauperis* dismissed under this Court's Rule 46.2.

December 28, 2016

Miscellaneous Orders

No. 15–827. Endrew F., a Minor, By and Through His Parents and Next Friends, Joseph F. et al. *v.* Douglas County School District RE–1. C. A. 10th Cir. [Certiorari granted, 579 U. S. 969.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 15–1391. Expressions Hair Design et al. *v.* Schneiderman, Attorney General of New York, et al. C. A. 2d Cir. [Certiorari granted, 579 U. S. 969.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 15–1500. Lewis et al. *v.* Clarke. Sup. Ct. Conn. [Certiorari granted, 579 U. S. 969.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

December 29, 2016

Dismissal Under Rule 46

No. 16–522. Nautic Management VI, L. P., et al. *v.* Cornerstone Healthcare Group Holding, Inc. Sup. Ct. Tex. Certiorari dismissed under this Court's Rule 46.2. Reported below: 493 S. W. 3d 65.

January 6, 2017

Miscellaneous Orders

No. 15–1358. Ziglar *v.* Abbasi et al.;

No. 15–1359. Ashcroft, Former Attorney General, et al. *v.* Abbasi et al.; and

No. 15–1363. Hasty et al. *v.* Abbasi et al. C. A. 2d Cir. [Certiorari granted *sub nom.* in No. 15–1358, *Ziglar* v. *Turkmen*;

in No. 15–1359, *Ashcroft* v. *Turkmen*; in No. 15–1363, *Hasty* v. *Turkmen*, *ante*, p. 915.] Motion of petitioners for enlargement of time for oral argument and for divided argument granted in part and denied in part, and the time is divided as follows: 20 minutes for the Acting Solicitor General on behalf of petitioners in Nos. 15–1358 and 15–1359, 10 minutes for petitioners in No. 13–1363, and 30 minutes for respondents. JUSTICE SOTOMAYOR and JUSTICE KAGAN took no part in the consideration or decision of this motion.

No. 16–348. MIDLAND FUNDING, LLC *v.* JOHNSON. C. A. 11th Cir. [Certiorari granted, *ante*, p. 915.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

JANUARY 9, 2017

Appeal Dismissed

No. 16–588. PARROTT ET AL. *v.* LAMONE ET AL. Appeal from D. C. Md. Motion of Campaign Legal Center et al. for leave to file brief as *amici curiae* granted. Appeal dismissed for want of jurisdiction.

Certiorari Granted—Vacated and Remanded. (See also No. 16–67, *ante*, p. 73.)

No. 16–6430. PHILLIPS *v.* UNITED STATES. C. A. 8th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Mathis* v. *United States*, 579 U. S. 500 (2016). Reported below: 817 F. 3d 567.

Certiorari Dismissed

No. 16–6454. ULLRICH *v.* UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 16–6495. CLARK *v.* DEPARTMENT OF EDUCATION ET AL. C. A. 2d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in non-

criminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

No. 16–6543. FORNEY *v.* FLORIDA. Sup. Ct. Fla. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 16–6581. WILLIAMS *v.* OKLAHOMA ET AL. C. A. 10th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*). Reported below: 667 Fed. Appx. 733.

No. 16–6628. THOMPSON *v.* KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, ET AL. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 16–6741. ASPELMEIER *v.* ILLINOIS. Sup. Ct. Ill. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

No. 16–6829. HAQUE *v.* UNITED STATES. C. A. Fed. Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. JUSTICE KAGAN took no part in the consideration or decision of this motion and this petition.

No. 16–7070. SMITH *v.* ALABAMA. Sup. Ct. Ala. Certiorari dismissed as moot.

Miscellaneous Orders

No. D–2905. In re Disbarment of Fisher. Disbarment entered. [For earlier order herein, see 579 U. S. 958.]

No. D–2906. In re Disbarment of Gracey. Disbarment entered. [For earlier order herein, see 579 U. S. 958.]

No. D–2907. In re Disbarment of Simon. Disbarment entered. [For earlier order herein, see 579 U. S. 959.]

No. D–2908. In re Disbarment of Johnson. Disbarment entered. [For earlier order herein, see 579 U. S. 959.]

No. D–2910. In re Disbarment of Kent. Disbarment entered. [For earlier order herein, see 579 U. S. 959.]

No. D–2911. In re Disbarment of Miller. Disbarment entered. [For earlier order herein, see 579 U. S. 959.]

No. D–2912. In re Disbarment of Tabone. Disbarment entered. [For earlier order herein, see 579 U. S. 959.]

No. D–2913. In re Ballner. Patricia Ballner, of New York, N. Y., having requested to resign as a member of the Bar of this Court, it is ordered that her name be stricken from the roll of attorneys admitted to the practice of law before this Court. The rule to show cause, issued on July 18, 2016, [579 U. S. 959] is discharged.

No. D–2916. In re Disbarment of Moore. Disbarment entered. [For earlier order herein, see 579 U. S. 960.]

No. 16M65. Heagney-O'Hara *v.* Colvin, Acting Commissioner of Social Security;

No. 16M66. Schaefer *v.* Athens-Clarke County, Georgia, et al.;

No. 16M67. Fries *v.* United States;

No. 16M71. Hooks *v.* United States; and

No. 16M72. Perry *v.* Railroad Commission of Texas et al. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 16M69. Taubman *v.* Hedgpeth, Warden. Motion for leave to proceed as a veteran denied.

No. 16M70. BOYAJIAN *v.* OM YENTIENG ET AL. Motion for leave to file bill of complaint denied.

No. 15–1031. HOWELL *v.* HOWELL. Sup. Ct. Ariz. [Certiorari granted, *ante*, p. 1017.] Motion of petitioner to dispense with printing joint appendix granted.

No. 16–26. BULK JULIANA, LTD., ET AL. *v.* WORLD FUEL SERVICES (SINGAPORE) PTE, LTD. C. A. 5th Cir. The Acting Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 16–334. BANK MELLI *v.* BENNETT ET AL. C. A. 9th Cir. The Acting Solicitor General is invited to file a brief in this case expressing the views of the United States. JUSTICE BREYER took no part in the consideration or decision of this petition.

No. 16–473. FENKELL *v.* ALLIANCE HOLDINGS, INC., ET AL. C. A. 7th Cir. The Acting Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 16–534. RUBIN ET AL. *v.* ISLAMIC REPUBLIC OF IRAN ET AL. C. A. 7th Cir. The Acting Solicitor General is invited to file a brief in this case expressing the views of the United States. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 16–6094. WOODWORTH *v.* SHARTLE, WARDEN. C. A. 9th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 956] denied.

No. 16–6278. IN RE CHRISTENSON. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 996] denied.

No. 16–6345. IN RE CHRISTENSON. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 1018] denied.

No. 16–6446. LEASCHAUER *v.* HUERTA, ADMINISTRATOR, FEDERAL AVIATION ADMINISTRATION. C. A. 9th Cir.;

No. 16–6447. LEASCHAUER *v.* NATIONAL TRANSPORTATION SAFETY BOARD ET AL. C. A. 9th Cir.;

No. 16–6469. LEASCHAUER *v.* FEDERAL AVIATION ADMINISTRATION ET AL. C. A. 9th Cir.;

No. 16–6513. KNOX *v.* COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY. C. A. 8th Cir.;

No. 16–6580. PUGH *v.* MONTGOMERY COUNTY BOARD OF EDUCATION. C. A. 4th Cir.;

No. 16–6676. A. C. S. *v.* FLORIDA BOARD OF BAR EXAMINERS. Sup. Ct. Fla.;

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

No. 16–6813. MOSTAGHIM *v.* STATE BAR OF CALIFORNIA. Sup. Ct. Cal.;

No. 16–6843. JOHNSON *v.* BAE SYSTEMS, INC., ET AL. C. A. D. C. Cir.;

No. 16–6845. ADAMS *v.* MERIT SYSTEMS PROTECTION BOARD ET AL. C. A. Fed. Cir.;

No. 16–6846. WALKER *v.* COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY. C. A. 9th Cir.; and

No. 16–6909. GILES *v.* BECKSTROM, WARDEN. C. A. 6th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until January 30, 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. 16–6969. IN RE FAHNBULLEH;

No. 16–7013. IN RE LEFFEBRE;

No. 16–7050. IN RE SHENEMAN;

No. 16–7081. IN RE SCOTT; and

No. 16–7248. IN RE REYNOLDS. Petitions for writs of habeas corpus denied.

No. 16–6471. IN RE ROSE;

No. 16–6572. IN RE ROBINSON;

No. 16–6695. IN RE TILLMAN; and

No. 16–6753. IN RE KELLEY. Petitions for writs of mandamus denied.

Certiorari Denied

No. 15–830. GOVERNMENT OF BELIZE *v.* BELIZE SOCIAL DEVELOPMENT LTD. C. A. D. C. Cir. Certiorari denied. Reported below: 794 F. 3d 99.

No. 15–1044. Pennsylvania Higher Education Assistance Agency *v.* Pele. C. A. 4th Cir. Certiorari denied. Reported below: 628 Fed. Appx. 870.

No. 15–1045. Pennsylvania Higher Education Assistance Agency *v.* United States ex rel. Oberg. C. A. 4th Cir. Certiorari denied. Reported below: 804 F. 3d 646.

No. 15–1419. Kreipke *v.* Wayne State University. C. A. 6th Cir. Certiorari denied. Reported below: 807 F. 3d 768.

No. 15–1437. United States et al. ex rel. Willette *v.* University of Massachusetts, Worcester, aka University of Massachusetts Medical School. C. A. 1st Cir. Certiorari denied. Reported below: 812 F. 3d 35.

No. 15–9685. Briggs *v.* United States. C. A. 8th Cir. Certiorari denied. Reported below: 820 F. 3d 917.

No. 15–9695. Roberts *v.* Workers' Compensation Appeal Board of Pennsylvania. Commw. Ct. Pa. Certiorari denied.

No. 15–9700. Bell *v.* Matthews. C. A. 4th Cir. Certiorari denied.

No. 16–14. Flytenow, Inc. *v.* Federal Aviation Administration. C. A. D. C. Cir. Certiorari denied. Reported below: 808 F. 3d 882.

No. 16–50. Brumant *v.* Texas. Ct. App. Tex., 14th Dist. Certiorari denied.

No. 16–89. Benzemann *v.* Citibank N. A. et al. C. A. 2d Cir. Certiorari denied. Reported below: 622 Fed. Appx. 16.

No. 16–135. Government of Belize *v.* Newco Ltd. C. A. D. C. Cir. Certiorari denied. Reported below: 650 Fed. Appx. 14.

No. 16–136. Government of Belize *v.* BCB Holdings Ltd. et al. C. A. D. C. Cir. Certiorari denied. Reported below: 650 Fed. Appx. 17.

No. 16–160. Harper *v.* United States. C. A. 6th Cir. Certiorari denied. Reported below: 815 F. 3d 1032.

No. 16–175. Radcliffe et al. *v.* Hernandez et al. C. A. 9th Cir. Certiorari denied. Reported below: 818 F. 3d 537.

No. 16–186. FOSTER ET UX. *v.* VILSACK, SECRETARY OF AGRICULTURE. C. A. 8th Cir. Certiorari denied. Reported below: 820 F. 3d 330.

No. 16–203. FAUST ET AL. *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Reported below: 491 S. W. 3d 733.

No. 16–236. MILBAUER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 636 Fed. Appx. 556.

No. 16–253. BINFORD *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 818 F. 3d 261.

No. 16–287. SAI *v.* TRANSPORTATION SECURITY ADMINISTRATION. C. A. D. C. Cir. Certiorari denied.

No. 16–302. GEO GROUP, INC. *v.* EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 816 F. 3d 1189.

No. 16–313. ARKANSAS STATE POLICE ET AL. *v.* WREN. Sup. Ct. Ark. Certiorari denied. Reported below: 2016 Ark. 188, 491 S. W. 3d 124.

No. 16–331. MCNB BANK & TRUST CO. *v.* WEST VIRGINIA EX REL. DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS. Sup. Ct. App. W. Va. Certiorari denied. Reported below: 237 W. Va. 655, 790 S. E. 2d 265.

No. 16–345. GUGLIUZZA *v.* FEDERAL TRADE COMMISSION. C. A. 9th Cir. Certiorari denied. Reported below: 815 F. 3d 593.

No. 16–346. C. A. F. ET AL. *v.* VIACOM INC. ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 827 F. 3d 262.

No. 16–347. CHEMTECH ROYALTY ASSOCIATES, L. P., BY DOW EUROPE, S. A., AS TAX MATTERS PARTNER, ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 823 F. 3d 282.

No. 16–352. SECURITY UNIVERSITY, LLC, ET AL. *v.* INTERNATIONAL INFORMATION SYSTEMS SECURITY CERTIFICATION CONSORTIUM, INC. C. A. 2d Cir. Certiorari denied. Reported below: 823 F. 3d 153.

No. 16–358. DYNAMO HOLDINGS L. P. ET AL. *v.* UNITED STATES ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 816 F. 3d 1310.

No. 16–361. UNITED STATES EX REL. PURCELL *v.* MWI CORP. C. A. D. C. Cir. Certiorari denied. Reported below: 807 F. 3d 281.

No. 16–367. WATSON *v.* SIMS ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 648 Fed. Appx. 49.

No. 16–382. THOMAS, INDIVIDUALLY AND AS THE ADMINISTRATOR OF THE ESTATE OF THOMAS *v.* MOODY ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 667.

No. 16–397. FANNING *v.* FEDERAL TRADE COMMISSION. C. A. 1st Cir. Certiorari denied. Reported below: 821 F. 3d 164.

No. 16–408. KMART CORP. *v.* UNITED STATES EX REL. GARBE. C. A. 7th Cir. Certiorari denied. Reported below: 824 F. 3d 632.

No. 16–415. RICH *v.* SHRADER ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 823 F. 3d 1205.

No. 16–428. SINO LEGEND (ZHANGJIAGANG) CHEMICAL CO. LTD. ET AL. *v.* INTERNATIONAL TRADE COMMISSION ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 623 Fed. Appx. 1016.

No. 16–449. BOHANNON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 824 F. 3d 242.

No. 16–450. MING TUNG ET AL. *v.* CHINA BUDDHIST ASSN. ET AL. Ct. App. N. Y. Certiorari denied. Reported below: 26 N. Y. 3d 1152, 48 N. E. 3d 497.

No. 16–461. CHRISTENSEN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 828 F. 3d 763 and 624 Fed. Appx. 466.

No. 16–463. FIRST HORIZON ASSET SECURITIES, INC., ET AL. *v.* FEDERAL DEPOSIT INSURANCE CORPORATION. C. A. 2d Cir. Certiorari denied. Reported below: 821 F. 3d 372.

No. 16–472. KARANGWA *v.* LYNCH, ATTORNEY GENERAL. C. A. 3d Cir. Certiorari denied. Reported below: 649 Fed. Appx. 149.

No. 16–474. GREEN *v.* GREEN ET AL. C. A. 6th Cir. Certiorari denied.

No. 16–475. Wheeling & Lake Erie Railway Co. *v.* Brotherhood of Locomotive Engineers and Trainmen et al. C. A. 6th Cir. Certiorari denied.

No. 16–478. Aslam *v.* California. Ct. App. Cal., 1st App. Dist., Div. 3. Certiorari denied.

No. 16–484. Serna et al. *v.* Transport Workers Union of America, AFL–CIO, et al. C. A. 5th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 665.

No. 16–487. Gateway Estates, Inc. *v.* New Castle County, Delaware, et al. Sup. Ct. Del. Certiorari denied. Reported below: 140 A. 3d 1142.

No. 16–488. Fields *v.* Vannoy, Warden. C. A. 5th Cir. Certiorari denied.

No. 16–490. Flint *v.* Hewlett Packard Co. Ct. App. Ky. Certiorari denied.

No. 16–494. Biolitec AG et al. *v.* AngioDynamics, Inc. C. A. 1st Cir. Certiorari denied. Reported below: 823 F. 3d 1.

No. 16–507. Taylor *v.* Nevada. Sup. Ct. Nev. Certiorari denied. Reported below: 132 Nev. 309, 371 P. 3d 1036.

No. 16–509. Angel Herrera *v.* Texas. Sup. Ct. Tex. Certiorari denied. Reported below: 494 S. W. 3d 690.

No. 16–510. Devaney *v.* Town of Narragansett, Rhode Island, et al. C. A. 1st Cir. Certiorari denied.

No. 16–512. Koziol, Individually and as Natural Parent of Child A et al. *v.* King et al. C. A. 2d Cir. Certiorari denied. Reported below: 667 Fed. Appx. 331.

No. 16–516. Diaz *v.* Lynch, Attorney General. C. A. 8th Cir. Certiorari denied. Reported below: 824 F. 3d 758.

No. 16–517. Malasky *v.* Malasky et al. Ct. App. Cal., 1st App. Dist., Div. 3. Certiorari denied.

No. 16–518. Farmer *v.* Eagle Systems & Services, Inc., et al. C. A. 4th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 157.

No. 16–519. GIL-DE LA MADRID *v.* BOWLES CUSTOM POOLS & SPA, INC. C. A. 1st Cir. Certiorari denied. Reported below: 817 F. 3d 371.

No. 16–525. NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF MULTIJURISDICTION PRACTICE ET AL. *v.* LYNCH, ATTORNEY GENERAL, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 658 Fed. Appx. 127.

No. 16–527. ORELLANA *v.* COUNTY OF LOS ANGELES, CALIFORNIA, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 630 Fed. Appx. 730.

No. 16–528. PALDO SIGN & DISPLAY CO., INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED *v.* WAGENER EQUITIES, INC., ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 825 F. 3d 793.

No. 16–530. KIDD ET AL. *v.* DOE ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 656 Fed. Appx. 643.

No. 16–532. AGUIAR DE SOUZA *v.* LYNCH, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 292.

No. 16–539. MACKINAC TRIBE *v.* JEWELL, SECRETARY OF THE INTERIOR. C. A. D. C. Cir. Certiorari denied. Reported below: 829 F. 3d 754.

No. 16–541. EDWARDS *v.* BURWELL, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 657 Fed. Appx. 242.

No. 16–542. ERGUR PRIVATE EQUITY GROUP, LLC *v.* CATRON. Ct. App. Ohio, 6th App. Dist., Lucas County. Certiorari denied.

No. 16–546. WICKY *v.* OXONIAN ET AL. Cir. Ct. Pinellas County, Fla. Certiorari denied.

No. 16–550. THOMAS ET AL. *v.* COUNTY OF SACRAMENTO, CALIFORNIA, ET AL. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 16–551. EON CORP. IP HOLDINGS LLC *v.* SILVER SPRING NETWORKS, INC. C. A. Fed. Cir. Certiorari denied. Reported below: 815 F. 3d 1314.

No. 16–552. McLaughlin, Warden *v.* Lejeuene. Sup. Ct. Ga. Certiorari denied. Reported below: 299 Ga. 546, 789 S. E. 2d 191.

No. 16–553. Bolus, Individually and dba Bolus Truck Sales Center *v.* Fleetwood RV, Inc., et al. C. A. 4th Cir. Certiorari denied. Reported below: 646 Fed. Appx. 316.

No. 16–555. Durham *v.* Haslam, Governor of Tennessee, et al. Ct. App. Tenn. Certiorari denied.

No. 16–556. Keller et al. *v.* Herder Spring Hunting Club (Reported below: 636 Pa. 344, 143 A. 3d 358); and Hoyt Royalty, LLC *v.* Bailey et al. (636 Pa. 669, 145 A. 3d 722). Sup. Ct. Pa. Certiorari denied.

No. 16–557. Yan Ping Xu *v.* New York City Department of Health and Mental Hygiene. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 121 App. Div. 3d 559, 995 N. Y. S. 2d 23.

No. 16–559. Koninklijke Philips N. V., aka Royal Philips, et al. *v.* Washington. Sup. Ct. Wash. Certiorari denied. Reported below: 186 Wash. 2d 169, 375 P. 3d 1035.

No. 16–560. Ascira Partners, LLC, et al. *v.* Daniel et al. C. A. 6th Cir. Certiorari denied.

No. 16–561. Jian Wang *v.* International Business Machines Corp. C. A. 2d Cir. Certiorari denied. Reported below: 634 Fed. Appx. 326.

No. 16–563. Stallings *v.* Detroit Public Schools. C. A. 6th Cir. Certiorari denied. Reported below: 658 Fed. Appx. 221.

No. 16–566. Jones, Individually and as Executrix of the Estates of Jones et al., Deceased *v.* Sandusky County, Ohio, et al. C. A. 6th Cir. Certiorari denied. Reported below: 652 Fed. Appx. 348.

No. 16–568. Patterson *v.* United States Senate et al. C. A. 9th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 962.

No. 16–570. Cottrell *v.* Smith et al. Sup. Ct. Ga. Certiorari denied. Reported below: 299 Ga. 517, 788 S. E. 2d 772.

No. 16–573. FOUDY ET VIR *v.* MIAMI-DADE COUNTY, FLORIDA. C. A. 11th Cir. Certiorari denied. Reported below: 823 F. 3d 590.

No. 16–575. HARRIS *v.* HAHN ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 827 F. 3d 359.

No. 16–580. LIBERTARIAN PARTY OF OHIO ET AL. *v.* HUSTED, OHIO SECRETARY OF STATE, ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 831 F. 3d 382.

No. 16–583. FLINT *v.* COACH HOUSE, INC. Ct. App. Ky. Certiorari denied.

No. 16–584. HAWKINS *v.* SUNTRUST BANK. Ct. App. Cal., 2d App. Dist., Div. 6. Certiorari denied. Reported below: 246 Cal. App. 4th 1387, 206 Cal. Rptr. 3d 681.

No. 16–585. FLINT *v.* KENTUCKY LEGISLATIVE ETHICS COMMISSION. Ct. App. Ky. Certiorari denied.

No. 16–587. UNARA *v.* MERIT SYSTEMS PROTECTION BOARD ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 656 Fed. Appx. 1002.

No. 16–590. MOORE *v.* LOUISIANA. Ct. App. La., 1st Cir. Certiorari denied.

No. 16–591. MCKEEVER ET VIR *v.* GMAC MORTGAGE, LLC, ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 332.

No. 16–592. SPIEGEL *v.* NOVACK, JUDGE, CIRCUIT COURT OF ILLINOIS, COOK COUNTY. Sup. Ct. Ill. Certiorari denied.

No. 16–593. SELF-INSURANCE INSTITUTE OF AMERICA, INC. *v.* SNYDER, GOVERNOR OF MICHIGAN, ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 827 F. 3d 549.

No. 16–594. MALOFIY *v.* UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA. C. A. 3d Cir. Certiorari denied. Reported below: 653 Fed. Appx. 148.

No. 16–597. BECKER *v.* WELLS FARGO BANK, N. A., ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–598. PUBLIC INTEREST LAW FIRM, INC., ET AL. *v.* STATE BAR OF NEVADA. Sup. Ct. Nev. Certiorari denied. Reported below: 132 Nev. 1020.

No. 16–600. VENTURA, AKA JANOS *v.* KYLE, EXECUTOR OF THE ESTATE OF KYLE. C. A. 8th Cir. Certiorari denied. Reported below: 825 F. 3d 876.

No. 16–604. CANUTO *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 651 Fed. Appx. 996.

No. 16–606. KINNEY *v.* SUPREME COURT OF CALIFORNIA ET AL. Sup. Ct. Cal. Certiorari denied.

No. 16–607. WELCOME *v.* MABUS, SECRETARY OF THE NAVY. C. A. 11th Cir. Certiorari denied. Reported below: 634 Fed. Appx. 256.

No. 16–608. CHAVEZ-OCHOA, AKA OCHOA CHAVEZ *v.* LYNCH, ATTORNEY GENERAL. C. A. 10th Cir. Certiorari denied. Reported below: 657 Fed. Appx. 797.

No. 16–611. ATTALLAH *v.* NEW YORK COLLEGE OF OSTEOPATHIC MEDICINE ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 643 Fed. Appx. 7.

No. 16–614. CARTER *v.* SLATERY, ATTORNEY GENERAL OF TENNESSEE. Ct. App. Tenn. Certiorari denied.

No. 16–615. BLAKE *v.* JOSSART ET AL. Sup. Ct. Wis. Certiorari denied. Reported below: 2016 WI 57, 370 Wis. 2d 1, 884 N. W. 2d 484.

No. 16–616. NISENAN TRIBE OF THE NEVADA CITY RANCHERIA ET AL. *v.* JEWELL, SECRETARY OF THE INTERIOR, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 497.

No. 16–618. FLANDER *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied.

No. 16–621. SOLARI *v.* NEW JERSEY. Super. Ct. N. J., App. Div. Certiorari denied.

No. 16–622. PAUNESCU ET UX. *v.* ECKERT ET AL. Ct. App. Wash. Certiorari denied. Reported below: 193 Wash. App. 1050.

No. 16–624. SNELLING *v.* KENNY ET AL. Ct. App. Mo., Eastern Dist. Certiorari denied. Reported below: 491 S. W. 3d 606.

No. 16–625. RODRIGUEZ, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF VENTURA, ET AL. *v.* CITY OF HOUSTON, TEXAS. C. A. 5th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 282.

No. 16–627. MCNICOL, AKA REITANO, INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF REITANO, DECEASED *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 829 F. 3d 77.

No. 16–630. CHHABRA *v.* LYNCH, ATTORNEY GENERAL. C. A. 2d Cir. Certiorari denied.

No. 16–633. HOLKESVIG *v.* SUPREME COURT OF NORTH DAKOTA. Sup. Ct. N. D. Certiorari denied.

No. 16–640. ASBACH *v.* NORTH DAKOTA. Sup. Ct. N. D. Certiorari denied. Reported below: 2016 ND 152, 882 N. W. 2d 251.

No. 16–644. CRANTS *v.* GOTTLIEB & GOTTLIEB, P. A. C. A. 11th Cir. Certiorari denied. Reported below: 657 Fed. Appx. 920.

No. 16–645. LINGFEI SUN *v.* CITY OF NEW YORK, NEW YORK, ET AL. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 131 App. Div. 3d 1015, 16 N. Y. S. 3d 319.

No. 16–647. FINAL CALL, INC. *v.* MUHAMMAD-ALI. C. A. 7th Cir. Certiorari denied. Reported below: 832 F. 3d 755.

No. 16–651. FARSTONE TECHNOLOGY, INC. *v.* APPLE INC. C. A. Fed. Cir. Certiorari denied. Reported below: 668 Fed. Appx. 366.

No. 16–654. MARTIN ET AL. *v.* LONG & FOSTER REAL ESTATE, INC., ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 833.

No. 16–662. JIMENEZ-MORALES *v.* LYNCH, ATTORNEY GENERAL. C. A. 11th Cir. Certiorari denied. Reported below: 821 F. 3d 1307.

No. 16–666. AVILA BARRAZA *v.* UNITED STATES ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 825 F. 3d 365.

No. 16–667. LILES *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 191 So. 3d 484.

No. 16–675. GWINN *v.* MICHIGAN. Sup. Ct. Mich. Certiorari denied. Reported below: 499 Mich. 967, 880 N. W. 2d 236.

No. 16–691. BROWN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 286.

No. 16–700. ARBANAS *v.* TEXAS. Ct. App. Tex., 5th Dist. Certiorari denied.

No. 16–713. DAVID NETZER CONSULTING ENGINEER LLC *v.* SHELL OIL CO. ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 824 F. 3d 989.

No. 16–715. WILSON *v.* JAMES ET AL. C. A. D. C. Cir. Certiorari denied.

No. 16–716. SPECTOR *v.* DIAZ, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–717. PATEL *v.* GEORGIA DEPARTMENT OF BEHAVIOR HEALTH. Ct. App. Ga. Certiorari denied.

No. 16–719. GONZALEZ *v.* HUERTA. C. A. 5th Cir. Certiorari denied. Reported below: 826 F. 3d 854.

No. 16–727. DAVIS *v.* EVANS ET AL. C. A. 2d Cir. Certiorari denied.

No. 16–740. EZRA *v.* DCC LITIGATION FACILITY, INC. C. A. 6th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 538.

No. 16–5186. GONZALEZ SANTANA *v.* NEW JERSEY. Super. Ct. N. J., App. Div. Certiorari denied.

No. 16–5268. PRICE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 644 Fed. Appx. 875.

No. 16–5339. TRANE *v.* NORTHROP GRUMMAN CORP. C. A. 2d Cir. Certiorari denied. Reported below: 639 Fed. Appx. 50.

No. 16–5364. ST. HILL *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 16–5568. HUDSON *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 823 F. 3d 11.

No. 16–5598. NIEVES *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 648 Fed. Appx. 152.

No. 16–5604. HALE *v.* BURT, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 645 Fed. Appx. 409.

No. 16–5622. ROLAND *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 16–5647. HOLLINGSHED *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 651 Fed. Appx. 68.

No. 16–5696. DAVIS *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 16–5724. RODAS-DE LEON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 643 Fed. Appx. 463.

No. 16–5763. WARD *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 296.

No. 16–5789. PALACIOS-GOMEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 643 Fed. Appx. 614.

No. 16–5827. HARTMAN *v.* BANK OF NEW YORK MELLON ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 650 Fed. Appx. 89.

No. 16–5851. WILSON *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 649 Fed. Appx. 159.

No. 16–5870. TURNER *v.* NEW YORK. Certiorari denied. Reported below: 137 App. Div. 3d 463, 26 N. Y. S. 3d 281.

No. 16–5912. RANGEL *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 62 Cal. 4th 1192, 367 P. 3d 649.

No. 16–5916. BURKHOLDER *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 816 F. 3d 607.

No. 16–5937. VELASCO *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–5961. CARDENAS RAMIREZ *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITU-

TIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 820 F. 3d 197.

No. 16–5969. CHAPMAN *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 659 Fed. Appx. 92.

No. 16–6085. SIMON *v.* FISHER, COMMISSIONER, MISSISSIPPI DEPARTMENT OF CORRECTIONS. C. A. 5th Cir. Certiorari denied. Reported below: 641 Fed. Appx. 386.

No. 16–6088. WARREN *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 614.

No. 16–6089. WHITE *v.* MATTHEWS ET AL. Ct. App. Mich. Certiorari denied.

No. 16–6132. FUENTES *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 619 Fed. Appx. 94.

No. 16–6135. MUHLENBERG *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 615.

No. 16–6182. CUMMINGS *v.* DAVIS, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 796 F. 3d 1135 and 822 F. 3d 1010.

No. 16–6251. LOPEZ-COLLAZO *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 824 F. 3d 453.

No. 16–6257. MCGRIFF *v.* STATE CIVIL SERVICE COMMISSION ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 650 Fed. Appx. 95.

No. 16–6260. CLEGG *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 686.

No. 16–6307. MITCHELL *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 651.

No. 16–6366. LATIMER ET AL. *v.* SOCIAL SECURITY ADMINISTRATION ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 833.

No. 16–6367. BLACK *v.* NEVADA. Ct. App. Nev. Certiorari denied.

No. 16–6368. JONES *v.* CALIFORNIA. Ct. App. Cal., 3d App. Dist. Certiorari denied. Reported below: 246 Cal. App. 4th 92, 200 Cal. Rptr. 3d 671.

No. 16–6371. WILSON *v.* WINN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–6372. WILSON *v.* CARLOS ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–6381. HAYMON *v.* CALIFORNIA. App. Div., Super. Ct. Cal., County of San Joaquin. Certiorari denied.

No. 16–6382. FINLEY *v.* EVANS. C. A. 8th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 252.

No. 16–6399. SEKENDUR *v.* UNITED STATES EX REL. MCCANDLISS. C. A. 7th Cir. Certiorari denied. Reported below: 631 Fed. Appx. 447.

No. 16–6401. FITZGERALD *v.* JOHNSON, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–6403. HYNOSKI *v.* ATWOOD, MALONE, TURNER & SABIN, ET AL. Ct. App. N. M. Certiorari denied.

No. 16–6405. COMEAUX *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–6407. LEMAR *v.* AMERICAN TRADING CORPS. ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 643 Fed. Appx. 79.

No. 16–6408. JONES *v.* ILLINOIS DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES ET AL. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2015 IL App (1st) 140399–U.

No. 16–6414. WILKENS *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 16–6415. WYCHE *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 170 So. 3d 898.

No. 16–6416. JACOB H. *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 1. Certiorari denied.

No. 16–6419. ZOICA *v.* MACKIE, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–6420. WOODARD *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–6423. WALTON *v.* DISTRICT COURT OF OKLAHOMA, TULSA COUNTY. Ct. Crim. App. Okla. Certiorari denied.

No. 16–6435. BROWN *v.* FLORIDA STATE ATTORNEY OFFICE ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–6440. DURHAM *v.* TEXAS. Ct. App. Tex., 4th Dist. Certiorari denied.

No. 16–6441. EVANS-BEY *v.* CASSADY, WARDEN. Sup. Ct. Mo. Certiorari denied.

No. 16–6442. CLERK *v.* CASSADY, WARDEN. Sup. Ct. Mo. Certiorari denied.

No. 16–6449. ALEJANDRO *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–6455. WILLIAMS *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied.

No. 16–6457. MICKEY *v.* SPANAGAL, JUDGE, ET AL. C. A. 6th Cir. Certiorari denied.

No. 16–6462. BRUMFIELD *v.* VANNOY, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 16–6466. MCELROY *v.* CASSADY, WARDEN. Sup. Ct. Mo. Certiorari denied.

No. 16–6467. CARTER *v.* JENKINS, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 829 F. 3d 455.

No. 16–6472. STEVENS *v.* BITER, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–6473. STOKES *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–6474. BROWN *v.* BOWERSOX, WARDEN. Sup. Ct. Mo. Certiorari denied.

No. 16–6479. ALFRED *v.* BONDI, ATTORNEY GENERAL OF FLORIDA. Sup. Ct. Fla. Certiorari denied.

No. 16–6480. DAVIS *v.* GRIFFITH, WARDEN. Sup. Ct. Mo. Certiorari denied.

No. 16–6481. RALSTON-CHARNLEY *v.* TOWN OF SOUTH PALM BEACH, FLORIDA, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 649 Fed. Appx. 874.

No. 16–6494. MINGO *v.* RAEMISCH, EXECUTIVE DIRECTOR, COLORADO DEPARTMENT OF CORRECTIONS, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 655 Fed. Appx. 646.

No. 16–6499. O'KROLEY *v.* FASTCASE, INC., ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 831 F. 3d 352.

No. 16–6503. PETERSON *v.* BRILL, CHIEF JUSTICE, SUPREME COURT OF ARKANSAS, ET AL. C. A. 8th Cir. Certiorari denied.

No. 16–6504. PATTON *v.* WILLIAMS ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–6510. BARNETT *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 190 So. 3d 643.

No. 16–6511. HALE *v.* JULIAN, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 829 F. 3d 1162.

No. 16–6514. JAMALI *v.* MARICOPA COUNTY, ARIZONA, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 722.

No. 16–6515. DRAPER *v.* WHORTON. C. A. 5th Cir. Certiorari denied.

No. 16–6517. RAMSEY *v.* PASH, WARDEN. Sup. Ct. Mo. Certiorari denied.

No. 16–6518. BROWN, NKA ANKH EL *v.* INDIANA ET AL. C. A. 7th Cir. Certiorari denied.

No. 16–6519. BROWN, NKA ANKH EL *v.* RAY SKILLMAN WESTSIDE IMPORTS, INC., ET AL. C. A. 7th Cir. Certiorari denied.

No. 16–6520. THARPE *v.* CAPITOL ONE BANK, N. A. Sup. Ct. Fla. Certiorari denied.

No. 16–6522. WHITEHEAD *v.* CALIFORNIA. Ct. App. Cal., 3d App. Dist. Certiorari denied. Reported below: 245 Cal. App. 4th 778, 200 Cal. Rptr. 3d 133.

No. 16–6523. CLAUDIO *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–6524. DEE *v.* VANNOY, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 16–6527. MADDREY *v.* CLARK, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ALBION, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–6528. LOVINGS *v.* TEXAS. Ct. App. Tex., 14th Dist. Certiorari denied.

No. 16–6529. LONGARIELLO *v.* AURA AT MIDTOWN/ALLIANCE RESIDENTIAL, LLC. Ct. App. Ariz. Certiorari denied.

No. 16–6530. WILLIAMS *v.* STEELE, WARDEN. Sup. Ct. Mo. Certiorari denied.

No. 16–6535. SMITH *v.* PARAMO, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–6537. COPE *v.* OHIO. Ct. App. Ohio, 12th App. Dist., Butler County. Certiorari denied.

No. 16–6539. HOCKENSMITH *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 175 So. 3d 302.

No. 16–6540. IRISH *v.* DEPARTMENT OF JUSTICE ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 636 Fed. Appx. 703.

No. 16–6541. GUZMAN-RIVADENEIRA *v.* LYNCH, ATTORNEY GENERAL. C. A. 7th Cir. Certiorari denied. Reported below: 822 F. 3d 978.

No. 16–6542. FRASER *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 187 So. 3d 1256.

No. 16–6545. FOSTER *v.* REYNOLDS, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 640 Fed. Appx. 258.

No. 16–6551. SATERSTAD *v.* WINGARD, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SOMERSET, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–6552. RAMIREZ-GOMEZ *v.* LYNCH, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied. Reported below: 656 Fed. Appx. 314.

No. 16–6553. VANPELT *v.* ILLINOIS. App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 2015 IL App (4th) 140904–U.

No. 16–6554. WILLIAMS *v.* WHITE, WARDEN, ET AL. C. A. 6th Cir. Certiorari denied.

No. 16–6556. NETTLES *v.* GROUNDS, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 830 F. 3d 922.

No. 16–6557. PROPST *v.* GEORGIA. Sup. Ct. Ga. Certiorari denied. Reported below: 299 Ga. 557, 788 S. E. 2d 484.

No. 16–6560. BROWN *v.* WILLIAMS. Sup. Ct. Ohio. Certiorari denied. Reported below: 146 Ohio St. 3d 1500, 2016-Ohio-5792, 58 N. E. 3d 1172.

No. 16–6563. DEMOLA *v.* LATTIMORE, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–6564. ARMISTEAD *v.* CLAY, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 490.

No. 16–6565. CARTER *v.* GEORGIA. Sup. Ct. Ga. Certiorari denied. Reported below: 298 Ga. 867, 785 S. E. 2d 274.

No. 16–6567. BROWN *v.* MISSISSIPPI. Ct. App. Miss. Certiorari denied. Reported below: 198 So. 3d 325.

No. 16–6568. BRIGHTLEY *v.* CAPRA, SUPERINTENDENT, SING SING CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 16–6573. BOOTH *v.* PRINGLE, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 16–6575. STARUH *v.* TORMA, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT CAMBRIDGE SPRINGS, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 827 F. 3d 251.

No. 16–6576. STYERS *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS. C. A. 9th Cir. Certiorari denied. Reported below: 632 Fed. Appx. 329.

No. 16–6582. DOCHERTY AKA DOCKHERTY *v.* BUSH, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 621 Fed. Appx. 258.

No. 16–6584. CHEATHAM *v.* BAILEY ET AL. C. A. 6th Cir. Certiorari denied.

No. 16–6585. MCCORMICK *v.* MCFADDEN, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 639 Fed. Appx. 953.

No. 16–6587. PEACOCK *v.* PERRY, SECRETARY, NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY. C. A. 4th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 178.

No. 16–6589. PATTERSON *v.* HOLLOWAY, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–6590. JOHNSON *v.* MACKIE, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–6592. KIEL *v.* UNITED STATES; and
No. 16–6754. MARSHALL *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 658 Fed. Appx. 701.

No. 16–6594. YANEY *v.* SUPERIOR COURT OF CALIFORNIA, RIVERSIDE COUNTY, ET AL. (two judgments). Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 16–6598. MADDEN, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED *v.* BROWN, GOVERNOR OF CALIFORNIA, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 814 F. 3d 1007.

No. 16–6607. JONAS *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–6618. WILLIAMS *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. C. A. 8th Cir. Certiorari denied. Reported below: 830 F. 3d 770.

No. 16–6620. FITZGERALD *v.* JOHNSON, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–6623. STRINGER *v.* GILMORE, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GREENE, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–6624. FULTON *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied.

No. 16–6625. FARRAY *v.* LYNCH, ATTORNEY GENERAL. C. A. 2d Cir. Certiorari denied.

No. 16–6626. GAYOL *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2015 IL App (1st) 131112–U.

No. 16–6627. YOUNG *v.* LOS ANGELES COUNTY, CALIFORNIA, ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–6629. WEST *v.* KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION. C. A. 9th Cir. Certiorari denied.

No. 16–6630. FREDERICK *v.* CLARK, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ALBION. C. A. 3d Cir. Certiorari denied.

No. 16–6631. HUNTER *v.* BALLARD ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 627 Fed. Appx. 612.

No. 16–6633. FREEMAN *v.* BRAZELTON, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–6634. HOWARD *v.* CLARK, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ALBION, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–6635. GOODMAN *v.* INDIANA. Ct. App. Ind. Certiorari denied. Reported below: 54 N. E. 3d 453.

No. 16–6636. WILLIAMS *v.* MACLAREN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–6637. TAYLOR *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–6639. PORTER *v.* OHIO. Ct. App. Ohio, 8th App. Dist., Cuyahoga County. Certiorari denied. Reported below: 2016-Ohio-1115, 61 N. E. 3d 589.

No. 16–6641. CARABALLO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 831 F. 3d 95.

No. 16–6644. RICHARDSON *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 780 F. 3d 812.

No. 16–6645. RASAKI *v.* LYNN. Ct. App. Ind. Certiorari denied. Reported below: 48 N. E. 3d 392.

No. 16–6646. GARCIA *v.* UNITED STATES POSTAL SERVICE. C. A. 7th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 934.

No. 16–6649. RODRIGUEZ *v.* DAVEY, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–6651. HORTON *v.* GARMAN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ROCKVIEW, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–6652. GIVENS *v.* CALIFORNIA. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 16–6653. HUNTER *v.* MISSOURI DEPARTMENT OF CORRECTIONS. Sup. Ct. Mo. Certiorari denied.

No. 16–6654. HATCHER *v.* CLARK, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ALBION, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–6655. FERREIRA *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 2. Certiorari denied.

No. 16–6656. GARDNER *v.* TEXAS. Ct. App. Tex., 10th Dist. Certiorari denied.

No. 16–6658. GARDNER *v.* RYAN ET AL. C. A. 2d Cir. Certiorari denied.

No. 16–6659. GOODMAN *v.* PEARSON, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 799.

No. 16–6660. HICKLIN *v.* STEELE, WARDEN. Sup. Ct. Mo. Certiorari denied.

No. 16–6662. JACKSON *v.* CITY OF MEMPHIS, TENNESSEE. C. A. 6th Cir. Certiorari denied.

No. 16–6663. MANSHIP *v.* MCAULIFFE ET AL. Sup. Ct. Va. Certiorari denied.

No. 16–6664. KELLY *v.* VANNOY, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 16–6666. SATTLER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 794.

No. 16–6667. SERIO *v.* ROHLFING. App. Ct. Ill., 5th Dist. Certiorari denied.

No. 16–6669. METTS *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 122 A. 3d 1124.

No. 16–6671. NENG SAYPAO PHA *v.* SWARTHOUT, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 658 Fed. Appx. 849.

No. 16–6672. GARCIA-TICAS *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–6673. FLORENCE *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 652 Fed. Appx. 271.

No. 16–6678. WALTEMYER *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 145 A. 3d 775.

No. 16–6679. YOUNG *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 16–6682. VELAZCO *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied.

No. 16–6683. WASHINGTON *v.* VANNOY, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 16–6684. GRIFFIN *v.* KEITH, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 16–6686. GRIMES *v.* TODD. C. A. 11th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 647.

No. 16–6687. HARPER *v.* OHIO. Ct. App. Ohio, 5th App. Dist., Guernsey County. Certiorari denied. Reported below: 2016-Ohio-471.

No. 16–6688. HORTON *v.* NORTH CAROLINA. Ct. App. N. C. Certiorari denied. Reported below: 225 N. C. App. 655, 738 S. E. 2d 453.

No. 16–6689. GODWIN *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 160 So. 3d 497.

No. 16–6690. GOODSON *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 16–6696. WELLS *v.* MILLER, JUDGE, JUDICIAL CIRCUIT COURT OF FLORIDA, PALM BEACH COUNTY, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 652 Fed. Appx. 874.

No. 16–6697. THOMPSON *v.* KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–6698. CLAY *v.* MCDONALD, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. Certiorari denied. Reported below: 639 Fed. Appx. 649.

No. 16–6699. MINOR *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 831 F. 3d 601.

No. 16–6700. PICKETT *v.* NEVADA BOARD OF PAROLE COMMISSIONERS ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 244.

No. 16–6701. ONYEGBALA *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 141 A. 3d 1105.

No. 16–6702. TORRES *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 136 App. Div. 3d 1329, 24 N. Y. S. 3d 467.

No. 16–6704. CAMPBELL *v.* TENNESSEE. Ct. Crim. App. Tenn. Certiorari denied.

No. 16–6705. ANDERSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 795.

No. 16–6706. BURGIE *v.* ARKANSAS. Sup. Ct. Ark. Certiorari denied. Reported below: 2016 Ark. 144.

No. 16–6708. DOVE *v.* PATE ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 188.

No. 16–6710. PRINTUP *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied.

No. 16–6711. BOSLEY *v.* CALIFORNIA. Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 16–6714. HAWKINS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 16–6715. HICKS *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–6716. GRIMES *v.* MCFADDEN, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 217.

No. 16–6717. HOOD *v.* PASH, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 16–6718. HERNANDEZ *v.* GIDLEY, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–6719. HODGES *v.* JARVIS, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 16–6720. FRENCH *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–6721. ANTONIO GARCIA *v.* LYNCH, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied.

No. 16–6722. HARPER *v.* SUPREME COURT OF OHIO. Sup. Ct. Ohio. Certiorari denied. Reported below: 146 Ohio St. 3d 1463, 2016-Ohio-4969, 54 N. E. 3d 1263.

No. 16–6723. QUATRINE *v.* BERGHUIS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–6724. STINE *v.* SAMUELS. C. A. 10th Cir. Certiorari denied.

No. 16–6727. HENDON *v.* BAROYA ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–6728. GREEN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 624 Fed. Appx. 80.

No. 16–6735. JACKSON *v.* SLOAN, WARDEN. Sup. Ct. Ohio. Certiorari denied. Reported below: 150 Ohio St. 3d 14, 2016-Ohio-5106, 78 N. E. 3d 822.

No. 16–6736. WALDEN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 663 Fed. Appx. 778.

No. 16–6737. MAXIME *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–6738. TURNIDGE *v.* OREGON. Sup. Ct. Ore. Certiorari denied. Reported below: 359 Ore. 364, 374 P. 3d 853.

No. 16–6740. ANDERSON *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–6742. PILOTO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 649 Fed. Appx. 816.

No. 16–6744. DAVIS *v.* PRINGLE, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 16–6745. CLAUDIO *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–6751. MIESEGAES *v.* HARRIS, ATTORNEY GENERAL OF CALIFORNIA, ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–6752. KOH *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–6755. LUIS LEONOR *v.* FRAKES, DIRECTOR, NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES. Sup. Ct. Neb. Certiorari denied. Reported below: 293 Neb. c.

No. 16–6756. LANE *v.* MURRIE. C. A. 7th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 666.

No. 16–6757. JUDY *v.* WILSON, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 803.

No. 16–6758. VISICH *v.* WALSH, SUPERINTENDENT, SULLIVAN CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 16–6759. ALEXANDER *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 190 So. 3d 83.

No. 16–6763. MORROW *v.* BRENNAN, POSTMASTER GENERAL. C. A. 7th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 480.

No. 16–6764. MORROW *v.* BRENNAN, POSTMASTER GENERAL. C. A. 7th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 480.

No. 16–6765. MEGWA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 656 Fed. Appx. 674.

No. 16–6766. JOHNSON *v.* MISSISSIPPI. Ct. App. Miss. Certiorari denied. Reported below: 191 So. 3d 732.

No. 16–6767. NEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 659 Fed. Appx. 376.

No. 16–6768. CHARLES *v.* HARRY, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT CAMP HILL, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–6769. CARTER *v.* SHERMAN, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–6770. SMITH *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 16–6771. LONGORIA *v.* UNITED STATES;
No. 16–6779. LONGORIA *v.* UNITED STATES; and
No. 16–6794. RODRIGUEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 831 F. 3d 663.

No. 16–6772. MOSS *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 199 So. 3d 273.

No. 16–6773. MULLENS *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 197 So. 3d 16.

No. 16–6774. MELENDEZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 735.

No. 16–6775. PATRICIO MENDIETA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 352.

No. 16–6776. NEYHART *v.* IDAHO. Ct. App. Idaho. Certiorari denied. Reported below: 160 Idaho 746, 378 P. 3d 1045.

No. 16–6777. MORTON *v.* PERRY, SECRETARY, NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY. C. A. 4th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 780.

No. 16–6778. CHETTANA *v.* KIRKPATRICK, SUPERINTENDENT, CLINTON CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 16–6781. STEVENSON *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 832 F. 3d 412.

No. 16–6782. NORTHERN *v.* TEGELS. Ct. App. Wis. Certiorari denied.

No. 16–6783. MELENDEZ-JIMENEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 856.

No. 16–6784. TEVIS *v.* KENTUCKY. Ct. App. Ky. Certiorari denied.

No. 16–6785. WILLIAMS *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 656 Fed. Appx. 17.

No. 16–6787. JUANICO *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 658 Fed. Appx. 906.

No. 16–6788. PAYNE *v.* AMERICAN CORRECTIONAL ASSN. ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 149.

No. 16–6789. MYERS *v.* MATHIAS, JUDGE, COURT OF APPEALS OF INDIANA, THIRD DISTRICT, ET AL. C. A. 7th Cir. Certiorari denied.

No. 16–6790. PHILLIPS *v.* BITER, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 299.

No. 16–6791. TOLBERT *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 16–6792. DIMPERIO *v.* NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION. C. A. 2d Cir. Certiorari denied. Reported below: 653 Fed. Appx. 52.

No. 16–6793. SANTA *v.* TEXAS. C. A. 5th Cir. Certiorari denied.

No. 16–6797. MAGWOOD *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 652 Fed. Appx. 841.

No. 16–6798. LAL *v.* PFEIFFER, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–6799. BOONE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 828 F. 3d 705.

No. 16–6800. BONVENTRE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 646 Fed. Appx. 73.

No. 16–6803. LYNN *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 639 Fed. Appx. 67.

No. 16–6804. BUTLER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 659 Fed. Appx. 390.

No. 16–6805. ECCLESTON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 648 Fed. Appx. 606.

No. 16–6808. GADDY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 656 Fed. Appx. 628.

No. 16–6809. BENDEL *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied.

No. 16–6810. PICKFORD *v.* JANDA, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 660 Fed. Appx. 494.

No. 16–6811. PRESTON *v.* UNITED STATES; and
No. 16–6819. ALLEN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 659 Fed. Appx. 169.

No. 16–6816. RUSSELL *v.* UNITED STATES; and
No. 16–6877. LANGE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 834 F. 3d 58.

No. 16–6820. BROWN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 492.

No. 16–6821. BRANDON *v.* BORDERS, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–6822. CATERBONE *v.* HALLETT, SUPERINTENDENT, MASSACHUSETTS CORRECTIONAL INSTITUTION AT FRAMINGHAM, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–6824. FISHER *v.* CITY OF IRONTON, OHIO. Sup. Ct. Ohio. Certiorari denied. Reported below: 146 Ohio St. 3d 1412, 2016-Ohio-3390, 51 N. E. 3d 657.

No. 16–6825. FRANKLIN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 622 Fed. Appx. 501.

No. 16–6826. HORTON *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 638 Fed. Appx. 126.

No. 16–6827. MOSQUERA GAMBOA *v.* UNITED STATES ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–6830. HEDRICK *v.* UNITED STATES MARSHALS SERVICE. C. A. 4th Cir. Certiorari denied. Reported below: 642 Fed. Appx. 292.

No. 16–6832. HORNER *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied.

No. 16–6833. FEREBEE *v.* INTERNATIONAL HOUSE OF PANCAKES. C. A. 4th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 536.

No. 16–6834. ROGERS *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 657 Fed. Appx. 735.

No. 16–6836. GIL-MARTINEZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 809 F. 3d 686.

No. 16–6838. FREEMAN *v.* STEELE, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 16–6839. GUERRA-GUALA *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 16–6841. MAGUEYAL *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 655 Fed. Appx. 392.

No. 16–6847. BAPTISTE *v.* HOPSON ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 649 Fed. Appx. 469.

No. 16–6848. JONES *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 829 F. 3d 476.

No. 16–6851. LANDRON-CLASS *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 16–6852. STARR *v.* OBENLAND. C. A. 9th Cir. Certiorari denied.

No. 16–6853. CAMPOS, AKA GONZALEZ-REYES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–6854. VIVES-MACIAS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 865.

No. 16–6857. WILLIAMS *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 182 So. 3d 645.

No. 16–6858. JONES *v.* VIRGA, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–6859. DUBRULE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 822 F. 3d 866.

No. 16–6860. JOHNSON *v.* DAVEY, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 518.

No. 16–6862. CAVAZOS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 831 F. 3d 663.

No. 16–6864. SAUNDERS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 16–6865. NELSON *v.* BALLARD, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 654 F. 3d 633.

No. 16–6867. BRUCE *v.* DREW, WARDEN. C. A. 11th Cir. Certiorari denied. Reported below: 658 Fed. Appx. 935.

No. 16–6869. MORAN DIAZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 652 Fed. Appx. 839.

No. 16–6871. WOODS *v.* ARIZONA ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–6873. HEARD *v.* KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION. Sup. Ct. Cal. Certiorari denied.

No. 16–6874. HERNANDEZ-AYALA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 440.

No. 16–6876. JONES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 128.

No. 16–6878. BIKUNDI *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied.

No. 16–6881. LOPEZ-NEGRON *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 16–6888. CARTER *v.* BRENNAN, POSTMASTER GENERAL. C. A. 2d Cir. Certiorari denied. Reported below: 667 Fed. Appx. 349.

No. 16–6889. ESPINOZA-SANTOS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 108.

No. 16–6892. ESTRADA *v.* MCDOWELL, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–6893. MCCALL *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 833 F. 3d 560.

No. 16–6894. RUDDOCK *v.* LYNCH, ATTORNEY GENERAL. C. A. 8th Cir. Certiorari denied.

No. 16–6896. TAFFNER ET UX. *v.* ARKANSAS DEPARTMENT OF HUMAN SERVICES ET AL. Sup. Ct. Ark. Certiorari denied. Reported below: 2016 Ark. 231, 493 S. W. 3d 319.

No. 16–6897. SHOCKEY *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 660 Fed. Appx. 470.

No. 16–6898. MITCHELL *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 825 F. 3d 422.

No. 16–6900. SCOTT *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 110.

No. 16–6905. DAVIS *v.* UNITED STATES. Ct. App. D. C. Certiorari denied.

No. 16–6906. BURGESS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–6910. EVANS *v.* DORETHY, WARDEN. C. A. 7th Cir. Certiorari denied. Reported below: 833 F. 3d 758.

No. 16–6912. DUKES *v.* JENKINS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–6914. LEE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–6916. MARTIN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 265.

No. 16–6924. RODRIGUEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 114.

No. 16–6929. NGUYEN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 829 F. 3d 907.

No. 16–6933. HAIRE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 23.

No. 16–6934. GARCIA-ESCALERA *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 632 Fed. Appx. 942.

No. 16–6935. LAWRENCE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–6936. BASURTO *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 834 F. 3d 1109.

No. 16–6937. AL-AMIN, AKA ROBINSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–6938. LOZOYA-VASQUEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 866.

No. 16–6942. SMITH *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 821 F. 3d 1293.

No. 16–6945. NAPOLI *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 661 Fed. Appx. 221.

No. 16–6946. REDD *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 652 Fed. Appx. 300.

No. 16–6949. BROCK *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–6950. CAMERON *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 835 F. 3d 46.

No. 16–6951. VERNACE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 811 F. 3d 609.

No. 16–6954. ROACH *v.* MARYLAND. Ct. Sp. App. Md. Certiorari denied. Reported below: 227 Md. App. 768.

No. 16–6955. FOX *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–6956. HALL *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 803 F. 3d 209.

No. 16–6959. RUIZ *v.* BUTLER, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 16–6962. GRIFFIN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 617 Fed. Appx. 618.

No. 16–6963. LENZ *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 197 So. 3d 56.

No. 16–6965. JOHNSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–6966. BARELA *v.* COLORADO. Ct. App. Colo. Certiorari denied.

No. 16–6967. BAKER *v.* PFISTER, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 16–6968. BUTLER *v.* TENNESSEE. Ct. Crim. App. Tenn. Certiorari denied.

No. 16–6970. GRADY *v.* NORTH CAROLINA. Ct. App. N. C. Certiorari denied. Reported below: 247 N. C. App. 479, 787 S. E. 2d 465.

No. 16–6974. BRYANT *v.* UNITED STATES POSTAL SERVICE. C. A. Fed. Cir. Certiorari denied.

No. 16–6975. AGUILAR *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 16–6977. ALVARADO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 524.

No. 16–6978. VILLALOBOS-ALCALA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 833 F. 3d 453.

No. 16–6979. MCMILLON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 657 Fed. Appx. 326.

No. 16–6980. POPA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 835 F. 3d 506.

No. 16–6981. MORSETTE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 499.

No. 16–6983. LEWIS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 660 Fed. Appx. 396.

No. 16–6986. BRENNAN *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 646 Fed. Appx. 662.

No. 16–6990. HARRIS *v.* MEEKS, WARDEN. C. A. 3d Cir. Certiorari denied.

No. 16–6997. TORRES-RIVAS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 825 F. 3d 483.

No. 16–6998. BROWNE *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 834 F. 3d 403.

No. 16–7003. RIVERA-RIVERA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 827 F. 3d 184.

No. 16–7004. WITTEN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 649 Fed. Appx. 880.

No. 16–7005. WILSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 433.

No. 16–7009. GARCIA-LAGUNAS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 835 F. 3d 479.

No. 16–7011. WILLIAMS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 656 Fed. Appx. 381.

No. 16–7015. RAY *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 831 F. 3d 431.

No. 16–7017. EWING *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 919.

No. 16–7018. CANNON *v.* JANDA, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 217.

No. 16–7021. PRIGGE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 830 F. 3d 1094.

No. 16–7024. JAMES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 68.

No. 16–7026. BOYKIN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 660 Fed. Appx. 35.

No. 16–7027. WASHINGTON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 654 Fed. Appx. 11.

No. 16–7029. CUNNINGHAM *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 16–7031. TERRY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–7033. MCQUEEN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 636 Fed. Appx. 652.

No. 16–7039. PIERRE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 825 F. 3d 1183.

No. 16–7040. BARBEE *v.* CABARRUS COUNTY, NORTH CAROLINA, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 691.

No. 16–7041. NEWSOME *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 655 Fed. Appx. 980.

No. 16–7042. OMRAN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 641 Fed. Appx. 427.

No. 16–7045. MURRAY *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 659 Fed. Appx. 1023.

No. 16–7047. HARRISON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 659 Fed. Appx. 166.

No. 16–7049. RANDLE *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 16–7057. LARABEL *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 620.

No. 16–7058. JENKINS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 659 Fed. Appx. 327.

No. 16–7062. JUSTICE *v.* PARRIS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–7068. SISCO *v.* ARIZONA. Sup. Ct. Ariz. Certiorari denied. Reported below: 239 Ariz. 532, 373 P. 3d 549.

No. 16–7074. HALL *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–7075. MYTON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 16–7076. HERNANDEZ-GARCIA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 576.

No. 16–7085. CLEMMONS *v.* LYNCH, ATTORNEY GENERAL, ET AL. C. A. 2d Cir. Certiorari denied.

No. 16–7089. GOCHIE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 668 Fed. Appx. 384.

No. 16–7090. GONZALEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 658 Fed. Appx. 748.

No. 16–7091. GUY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 457.

No. 16–7094. VIREN *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 828 F. 3d 535.

No. 16–7095. WARREN *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 660 Fed. Appx. 611.

No. 16–7097. GARDNER *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 140 A. 3d 1172.

No. 16–7098. LLOYD *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 594.

No. 16–7102. SMITH *v.* OKLAHOMA CITY, OKLAHOMA, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 505.

No. 16–7106. FREEMAN *v.* MEDEIROS, SUPERINTENDENT, MASSACHUSETTS CORRECTIONAL INSTITUTION AT NORFOLK. C. A. 1st Cir. Certiorari denied. Reported below: 691 Fed. Appx. 642.

No. 16–7108. EASTER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 589.

No. 16–7113. ALSBORG *v.* SWARTHOUT, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 883.

No. 16–7114. BLACK *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 652 Fed. Appx. 376.

No. 16–7117. MCGEE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–7119. MONROE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 661 Fed. Appx. 247.

No. 16–7126. MCDOWELL *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–7128. OKEAYAINNEH *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 681.

No. 16–7129. GALIANY-CRUZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 16–7130. FABRICANT *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–7139. BRUNSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 658 Fed. Appx. 685.

No. 16–7140. ANNESE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 656 Fed. Appx. 761.

No. 16–7142. THINH HUNG LE *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 661 Fed. Appx. 162.

No. 16–7143. KREBS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 830 F. 3d 800.

No. 16–7147. AWULYE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 662 Fed. Appx. 15.

No. 16–7149. ACOSTA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 660 Fed. Appx. 749.

No. 16–7161. EDWARDS *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 827 F. 3d 1134.

No. 16–200. GOOGLE INC. *v.* CIOFFI ET AL. C. A. Fed. Cir. Motion of Public Knowledge et al. for leave to file brief as *amici curiae* granted. Certiorari denied. Reported below: 632 Fed. Appx. 1013.

No. 16–231. SOUTH CAROLINA *v.* MILLER. Sup. Ct. S. C. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied.

No. 16–276. DOE ET AL. *v.* BACKPAGE.COM, LLC, ET AL. C. A. 1st Cir. Motions of Human Trafficking Institute et al., National Center for Missing and Exploited Children, FAIR Girls, Coalition Against Trafficking Women et al., Professor Chad Flanders et al., and Legal Momentum et al. for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 817 F. 3d 12.

No. 16–360. MYLAN PHARMACEUTICALS INC. ET AL. *v.* ACORDA THERAPEUTICS INC. ET AL. C. A. Fed. Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 817 F. 3d 755.

No. 16–366. ETHICON ENDO-SURGERY, INC. *v.* COVIDIEN LP ET AL. C. A. Fed. Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 812 F. 3d 1023.

No. 16–377. LIFESCAN SCOTLAND, LTD. *v.* PHARMATECH SOLUTIONS, INC., ET AL. C. A. Fed. Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 633 Fed. Appx. 789.

No. 16–493. MERCK & CIE ET AL. *v.* WATSON LABORATORIES, INC. C. A. Fed. Cir. Certiorari denied. JUSTICE ALITO took

no part in the consideration or decision of this petition. Reported below: 822 F. 3d 1347.

No. 16–500. R. P. ET UX. *v.* LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES ET AL. Ct. App. Cal., 2d App. Dist., Div. 5. Motions of respondents Minor, Alexandria P.; and Father J. E. for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 1 Cal. App. 5th 331, 204 Cal. Rptr. 3d 617.

No. 16–511. KOLAILAT *v.* MCKENNETT. Ct. App. Mich. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied.

No. 16–558. SKINNER *v.* SCHLUMBERGER TECHNOLOGY CORP. ET AL. C. A. 5th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 655 Fed. Appx. 188.

No. 16–601. HARRIS *v.* VANGUARD GROUP, INC. C. A. 4th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 667 Fed. Appx. 815.

No. 16–6604. GERONIMO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 16–6650. FINCH *v.* MOORE ET AL. C. A. 11th Cir. Certiorari before judgment denied.

No. 16–6726. CARTER *v.* LANE, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FAYETTE, ET AL. C. A. 3d Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 16–6875. GIORDANO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR and JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 16–6960. GORBEY *v.* RATHMAN, WARDEN. C. A. 11th Cir. Certiorari denied. THE CHIEF JUSTICE and JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 16–6961. GORBEY *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. THE CHIEF JUSTICE and JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 16–7052. GORBEY *v.* TAYLOR, WARDEN, ET AL. C. A. 11th Cir. Certiorari denied. THE CHIEF JUSTICE and JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 16–7061. MORROW *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition.

Rehearing Denied

No. 15–9141. IN RE BRASCOM, *ante*, p. 814;

No. 15–9276. IN RE WHITTAKER, *ante*, p. 813;

No. 15–9322. BAZZO *v.* ASUNCION, ACTING WARDEN, *ante*, p. 836;

No. 15–9328. STOCKMAN *v.* BERGHUIS, WARDEN, *ante*, p. 836;

No. 15–9355. KENNEDY *v.* TEXAS, *ante*, p. 837;

No. 15–9514. KORSCHGEN *v.* MCKINNEY, WARDEN, *ante*, p. 843;

No. 15–9546. TRICOME *v.* PENNSYLVANIA, *ante*, p. 844;

No. 15–9581. BASHAW *v.* PARAMO, WARDEN, *ante*, p. 846;

No. 15–9650. REED *v.* KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, *ante*, p. 850;

No. 15–9711. EVERETT *v.* CONLEY, WARDEN, *ante*, p. 854;

No. 15–9842. DAKER *v.* NATIONAL BROADCASTING CO. ET AL., *ante*, p. 861;

No. 16–19. BARNUM *v.* OHIO STATE UNIVERSITY MEDICAL CENTER ET AL., *ante*, p. 867;

No. 16–44. SHEK *v.* ACE-USA/ESIS ET AL., *ante*, p. 869;

No. 16–119. RICKS *v.* QUALITY CARRIERS, INC., ET AL., *ante*, p. 873;

No. 16–147. LANHAM *v.* HAZLETT ET AL., *ante*, p. 918;

No. 16–322. AZKOUR *v.* LITTLE REST TWELVE, INC., *ante*, p. 962;

No. 16–339. TAYLOR *v.* MARGO ET AL., *ante*, p. 962;

No. 16–343. TUVELL *v.* INTERNATIONAL BUSINESS MACHINES, INC., *ante*, p. 980;

No. 16–403. ELKHARWILY *v.* MAYO HOLDING CO. ET AL., *ante*, p. 988;

No. 16–404. NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF MULTIJURISDICTION PRACTICE ET AL. *v.* LYNCH, ATTORNEY GENERAL, ET AL., *ante*, p. 980;

No. 16–5069. MOAN *v.* WISE, *ante*, p. 879;

No. 16–5115. MARTINEZ *v.* UNITED STATES, *ante*, p. 882;

No. 16–5134. LATIMER ET AL. *v.* CITY OF CHARLOTTE, NORTH CAROLINA, *ante*, p. 883;

No. 16–5156. LEWIS *v.* UNITED STATES, *ante*, p. 884;

No. 16–5167. TRIPLETT *v.* LEBLANC, SECRETARY, LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS, ET AL., *ante*, p. 885;

No. 16–5219. ROGERS *v.* NORTH CAROLINA, *ante*, p. 888;

No. 16–5254. RAHMAN *v.* UNITED STATES, *ante*, p. 890;

No. 16–5290. ADETILOYE *v.* UNITED STATES, *ante*, p. 892;

No. 16–5312. JIMENEZ-ROJAS *v.* UNITED STATES, *ante*, p. 963;

No. 16–5328. VOLPENTESTA *v.* UNITED STATES, *ante*, p. 894;

No. 16–5342. IN RE RAMON, *ante*, p. 813;

No. 16–5425. SEPEHRY-FARD *v.* BANK OF NEW YORK MELLON ET AL., *ante*, p. 920;

No. 16–5470. MANNING *v.* HUDSON COUNTY, NEW JERSEY, *ante*, p. 921;

No. 16–5497. MUA ET UX. *v.* CALIFORNIA CASUALTY INDEMNITY EXCHANGE ET AL., *ante*, p. 922;

No. 16–5503. BALLARD *v.* NORTH CAROLINA, *ante*, p. 922;

No. 16–5514. REID *v.* HURLEY MEDICAL CENTER, *ante*, p. 922;

No. 16–5534. JOHNSON *v.* ECKERT, SUPERINTENDENT, WENDE CORRECTIONAL FACILITY, *ante*, p. 923;

No. 16–5535. RODARTE *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, *ante*, p. 923;

No. 16–5539. RODARTE *v.* BENEFICIAL TEXAS, INC., *ante*, p. 923;

No. 16–5569. RIVERA-ARVELO *v.* SUPREME COURT OF PUERTO RICO, *ante*, p. 924;

No. 16–5571. MITCHELL *v.* ENLOE, WARDEN, *ante*, p. 935;

No. 16–5575. REQUENA *v.* NORWOOD, SECRETARY, KANSAS DEPARTMENT OF CORRECTIONS, ET AL., *ante*, p. 924;

No. 16–5577. SMOTHERMAN *v.* UNITED STATES, *ante*, p. 904;

No. 16–5617. DESPER *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, *ante*, p. 935;

No. 16–5741. EASLEY *v.* AQUILINA, JUDGE, CIRCUIT COURT OF MICHIGAN, INGHAM COUNTY, *ante*, p. 925;

No. 16–5742. SARVESTANEY *v.* SARVESTANEY, *ante*, p. 965;

No. 16–5750. OLAGUE *v.* WORKERS' COMPENSATION APPEALS BOARD ET AL., *ante*, p. 965;

No. 16–5761. MARTIN *v.* MACKIE, WARDEN, *ante*, p. 965;

No. 16–5793. LEI KE *v.* DREXEL UNIVERSITY ET AL., *ante*, p. 966;

No. 16–5834. RIGGINS *v.* MILLER, WARDEN, ET AL., *ante*, p. 966;

No. 16–5836. SMITH *v.* BOROUGH OF MORRISVILLE, PENNSYLVANIA, *ante*, p. 966;

No. 16–5903. WRIGHT *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, *ante*, p. 929;

No. 16–5928. JOHNSON *v.* EBBERT, WARDEN, *ante*, p. 937;

No. 16–5950. JACKSON *v.* LINK, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL., *ante*, p. 969;

No. 16–5974. JONES *v.* MCGINLEY, ACTING SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT COAL TOWNSHIP, ET AL., *ante*, p. 969;

No. 16–6024. MATELYAN *v.* SUPREME COURT OF THE UNITED STATES, *ante*, p. 971;

No. 16–6060. KNIEST ET AL. *v.* MISSOURI, *ante*, p. 1004;

No. 16–6066. HIGGINS *v.* UNITED STATES, *ante*, p. 971;

No. 16–6070. GATLING *v.* UNITED STATES, *ante*, p. 971;

No. 16–6083. GRANDA *v.* IVES, WARDEN, *ante*, p. 972;

No. 16–6096. HARRIS *v.* UNITED STATES, *ante*, p. 972;

No. 16–6155. LITTLE COYOTE *v.* UNITED STATES, *ante*, p. 974;

No. 16–6161. BURNS *v.* UNITED STATES, *ante*, p. 974;

No. 16–6163. HOLMES *v.* MERIT SYSTEMS PROTECTION BOARD, *ante*, p. 974;

No. 16–6165. HOPE *v.* UNITED STATES, *ante*, p. 974;

No. 16–6293. JANAKIEVSKI *v.* GRIFFIN, EXECUTIVE DIRECTOR, ROCHESTER PSYCHIATRIC CENTER, *ante*, p. 991; and

No. 16–6538. GADSDEN *v.* UNITED STATES, *ante*, p. 1013. Petitions for rehearing denied.

No. 15–9925. BATISTA *v.* COUNTRYWIDE HOME LOANS, INC., ET AL., *ante*, p. 910. Petition for rehearing denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 16–310. ALFRIEND ET AL. *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA ET AL., *ante*, p. 984. Petition for rehearing denied. JUSTICE BREYER took no part in the consideration or decision of this petition.

No. 16–5458. AKEL *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF FLORIDA, *ante*, p. 910; and

No. 16–6362. KISSI *v.* UNITED STATES, *ante*, p. 992. Petitions for rehearing denied. JUSTICE KAGAN took no part in the consideration or decision of these petitions.

No. 15–1130. IN RE RATCLIFF, 578 U. S. 1011. Motion of petitioner for leave to file petition for rehearing denied.

JANUARY 10, 2017

Miscellaneous Order

No. 16A646. NORTH CAROLINA ET AL. *v.* COVINGTON ET AL. Application for stay of the order of the United States District Court for the Middle District of North Carolina, case No. 1:15–cv–399, entered on November 29, 2016, presented to THE CHIEF JUSTICE, and by him referred to the Court, granted pending the timely filing of a statement as to jurisdiction. Should such statement be timely filed, this order shall remain in effect pending this Court's action on the appeal. If the judgment should be affirmed, or the appeal dismissed, this stay shall expire automatically. In the event jurisdiction is noted or postponed, this order will remain in effect pending the sending down of the judgment of this Court.

JANUARY 11, 2017

Certiorari Denied

No. 16–723 (16A584). WILKINS *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 THOMAS, and by him referred to the Court, denied. Certiorari denied. Reported below: 832 F. 3d 547.

JANUARY 13, 2017

Certiorari Granted

No. 16–240. WEAVER *v.* MASSACHUSETTS. Sup. Jud. Ct. Mass. Certiorari granted. Reported below: 474 Mass. 787, 54 N. E. 3d 495.

No. 16–299. NATIONAL ASSOCIATION OF MANUFACTURERS *v.* DEPARTMENT OF DEFENSE ET AL. C. A. 6th Cir. Certiorari granted. Reported below: 817 F. 3d 261.

No. 16–309. MASLENJAK *v.* UNITED STATES. C. A. 6th Cir. Certiorari granted. Reported below: 821 F. 3d 675.

No. 16–349. HENSON ET AL. *v.* SANTANDER CONSUMER USA INC. C. A. 4th Cir. Certiorari granted. Reported below: 817 F. 3d 131.

No. 16–399. PERRY *v.* MERIT SYSTEMS PROTECTION BOARD. C. A. D. C. Cir. Certiorari granted. Reported below: 829 F. 3d 760.

No. 16–529. KOKESH *v.* SECURITIES AND EXCHANGE COMMISSION. C. A. 10th Cir. Certiorari granted. Reported below: 834 F. 3d 1158.

No. 16–605. TOWN OF CHESTER, NEW YORK *v.* LAROE ESTATES, INC. C. A. 2d Cir. Certiorari granted. Reported below: 828 F. 3d 60.

No. 15–1039. SANDOZ INC. *v.* AMGEN INC. ET AL.; and

No. 15–1195. AMGEN INC. ET AL. *v.* SANDOZ INC. C. A. Fed. Cir. Motion of Apotex, Inc., et al. for leave to file brief as *amici curiae* granted. Certiorari granted, cases consolidated, and a total of one hour is allotted for oral argument. Reported below: 794 F. 3d 1347.

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, cases consolidated, and a total of one hour is allotted for oral argument. Reported below: No. 16–285, 823 F. 3d 1147; No. 16–300, 834 F. 3d 975; No. 16–307, 808 F. 3d 1013.

No. 16–373. CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM *v.* ANZ SECURITIES, INC., ET AL. C. A. 2d Cir. Certiorari granted limited to Question 1 presented by the petition. Reported below: 655 Fed. Appx. 13.

No. 16–405. BNSF RAILWAY CO. *v.* TYRRELL, SPECIAL ADMINISTRATOR FOR THE ESTATE OF TYRRELL, DECEASED, ET AL. Sup. Ct. Mont. Motions of National Association of Manufacturers, Chamber of Commerce of the United States of America et al., Association of American Railroads, and Washington Legal Foun-

dation for leave to file briefs as *amici curiae* granted. Certiorari granted. Reported below: 383 Mont. 417, 373 P. 3d 1.

No. 16–5294. McWilliams *v.* Dunn, Commissioner, Alabama Department of Corrections, et al. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted limited to Question 1 presented by the petition. Reported below: 634 Fed. Appx. 698.

No. 16–6219. Davila *v.* Davis, Director, Texas Department of Criminal Justice, Correctional Institutions Division. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted limited to Question 1 presented by the petition. Reported below: 650 Fed. Appx. 860.

January 17, 2017

Miscellaneous Orders

No. D–2936. In re Disbarment of Stone. Disbarment entered. [For earlier order herein, see *ante*, p. 957.]

No. 16M73. Ortiz *v.* Jimenez-Sanchez et al. Motion for leave to proceed as a veteran denied.

No. 16–476. Christie, Governor of New Jersey, et al. *v.* National Collegiate Athletic Assn. et al. C. A. 3d Cir.; and

No. 16–477. New Jersey Thoroughbred Horsemen's Assn., Inc. *v.* National Collegiate Athletic Assn. et al. C. A. 3d Cir. The Acting Solicitor General is invited to file a brief in these cases expressing the views of the United States.

No. 16–6048. Hodge et ux. *v.* College of Southern Maryland et al. C. A. 4th Cir. Motion of petitioners for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 994] denied. The Chief Justice took no part in the consideration or decision of this motion.

No. 16–6814. Ashe *v.* PNC Financial Services Group, Inc. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until February 7, 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. Justice Alito took no part in the consideration or decision of this motion.

No. 16–7262. IN RE WILLIAMS. Petition for writ of habeas corpus denied.

No. 16–637. IN RE SCHAAP. Petition for writ of mandamus denied.

No. 16–653. IN RE MCDONALD. Petition for writ of mandamus and/or prohibition denied.

Certiorari Denied

No. 15–9532. JEWEL *v.* UAW INTERNATIONAL ET AL. C. A. 6th Cir. Certiorari denied.

No. 15–9725. MCDONALD *v.* MCHUGH, SECRETARY OF THE ARMY. C. A. 5th Cir. Certiorari denied. Reported below: 627 Fed. Appx. 356.

No. 16–123. DAVIS *v.* MONTANA (Reported below: 383 Mont. 281, 371 P. 3d 979); and SHERMAN *v.* MONTANA (384 Mont. 552). Sup. Ct. Mont. Certiorari denied.

No. 16–237. SERRANO-MERCADO *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 784 F. 3d 838.

No. 16–482. ABBOTT ET AL. *v.* BANNER HEALTH NETWORK, FKA BANNER HEALTH, INC., ET AL. Sup. Ct. Ariz. Certiorari denied. Reported below: 239 Ariz. 409, 372 P. 3d 933.

No. 16–483. SIGHTSOUND TECHNOLOGIES, LLC *v.* APPLE INC. C. A. Fed. Cir. Certiorari denied. Reported below: 809 F. 3d 1307.

No. 16–495. BROOKLINE HOUSING AUTHORITY ET AL. *v.* DECAMBRE. C. A. 1st Cir. Certiorari denied. Reported below: 826 F. 3d 1.

No. 16–545. BANK OF AMERICA CORP. ET AL. *v.* GELBOIM ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 823 F. 3d 759.

No. 16–623. MUNN, DIRECTOR OF THE NEBRASKA DEPARTMENT OF BANKING AND FINANCE, ET AL. *v.* BENNIE. C. A. 8th Cir. Certiorari denied. Reported below: 822 F. 3d 392.

No. 16–631. TOWN OF BALL, LOUISIANA *v.* HOWELL ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 827 F. 3d 515.

No. 16–634. CREPEA *v.* COCHISE COUNTY, ARIZONA, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 605.

No. 16–638. SILVERS *v.* IREDELL COUNTY DEPARTMENT OF SOCIAL SERVICES ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 182.

No. 16–648. KOUASSI *v.* WESTERN ILLINOIS UNIVERSITY ET AL. C. A. 7th Cir. Certiorari denied.

No. 16–650. GREENE *v.* HARRIS CORP. ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 160.

No. 16–664. NERONI *v.* GRIEVANCE COMMITTEE OF THE FIFTH JUDICIAL DISTRICT OF NEW YORK. Ct. App. N. Y. Certiorari denied. Reported below: 27 N. Y. 3d 943, 49 N. E. 3d 1197.

No. 16–690. CHICAGO REGIONAL COUNCIL OF CARPENTERS PENSION FUND ET AL. *v.* SCHAL BOVIS, INC. C. A. 7th Cir. Certiorari denied. Reported below: 826 F. 3d 397.

No. 16–724. FROLING ET AL. *v.* CITY OF BLOOMFIELD HILLS, MICHIGAN. C. A. 6th Cir. Certiorari denied.

No. 16–738. ROGERS *v.* PEARLAND INDEPENDENT SCHOOL DISTRICT. C. A. 5th Cir. Certiorari denied. Reported below: 827 F. 3d 403.

No. 16–749. BARBEAU *v.* WISCONSIN. Ct. App. Wis. Certiorari denied. Reported below: 2016 WI App 51, 370 Wis. 2d 736, 883 N. W. 2d 520.

No. 16–754. BATTERSON *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 200 So. 3d 71.

No. 16–776. WALKER *v.* SHONDRICK-NAU, EXECUTRIX OF THE ESTATE OF NOON AND SUCCESSOR TRUSTEE OF THE JOHN R. NOON TRUST. Sup. Ct. Ohio. Certiorari denied. Reported below: 149 Ohio St. 3d 282, 2016-Ohio-5793, 74 N. E. 3d 427.

No. 16–5924. BELLO MURILLO *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 826 F. 3d 152.

No. 16–5980. BRENES *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 700.

No. 16–5984. BRICE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 251.

No. 16–6236. BROOKS *v.* EMPLOYMENT DEPARTMENT ET AL. Ct. App. Ore. Certiorari denied.

No. 16–6478. LACY *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 16–6642. ADAMS *v.* JENKINS, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 826 F. 3d 306.

No. 16–6802. LOTT *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–6807. ALEXANDER *v.* GEORGIA. C. A. 11th Cir. Certiorari denied.

No. 16–6815. RUNNER *v.* HOFFNER, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–6817. G. I. *v.* FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES ET AL. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 187 So. 3d 898.

No. 16–6823. SHIPE *v.* RAY, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 223.

No. 16–6828. HOLLEY *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 16–6831. FULLER *v.* HOLLOWAY, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–6835. MARTINEZ *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–6837. KALAK *v.* TRIERWEILER, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–6840. GARDNER *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 16–6842. PURDIE *v.* GAGE, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 16–6844. MACK *v.* HUSTON ET AL. C. A. 2d Cir. Certiorari denied.

No. 16–6849. BALLARD *v.* BUCHANAN ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 655 Fed. Appx. 167.

No. 16–6850. MELANDER *v.* WYOMING ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 661 Fed. Appx. 521.

No. 16–6863. MUNNS *v.* ABOOTALEBI. Ct. App. Cal., 2d App. Dist., Div. 5. Certiorari denied.

No. 16–6866. MORRIS *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 199 So. 3d 278.

No. 16–6870. WHITE *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. C. A. 8th Cir. Certiorari denied. Reported below: 824 F. 3d 753.

No. 16–6879. PETER-TAKANG *v.* SONNIER, SECRETARY, LOUISIANA DEPARTMENT OF CHILDREN AND FAMILY SERVICES, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 663 Fed. Appx. 315.

No. 16–6884. BLAND *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–6885. LOZANO-TENORIO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 634.

No. 16–6921. REMENAR *v.* SCARP, ATTORNEY ADMISSION CLERK, UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON. C. A. 9th Cir. Certiorari denied.

No. 16–6928. PEDERSON *v.* PRINGLE, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 16–6947. RACE *v.* STOUT MANAGEMENT ET AL. Sup. Ct. Nev. Certiorari denied. Reported below: 132 Nev. 1020, 385 P. 3d 51.

No. 16–6971. GRAY *v.* HILL, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–6988. BESTER *v.* STEWART, WARDEN, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 836 F. 3d 1331.

No. 16–6994. STARKS *v.* EASTERLING, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 659 Fed. Appx. 277.

No. 16–7006. CLARK *v.* OHIO. Ct. App. Ohio, 1st App. Dist., Hamilton County. Certiorari denied. Reported below: 2016-Ohio-948.

No. 16–7007. HILL *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 835 F. 3d 796.

No. 16–7051. MARSHALL *v.* BRADLEY, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–7103. RIDDICK *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 669 Fed. Appx. 613.

No. 16–7120. MUNT *v.* GRANDLIENARD, WARDEN. C. A. 8th Cir. Certiorari denied. Reported below: 829 F. 3d 610.

No. 16–7131. GROOVER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–7148. BRANCH, AKA BRANCH-EL *v.* CARRILLO ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 215.

No. 16–7153. SEBOLT *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 641 Fed. Appx. 289.

No. 16–7158. LUSTYIK *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 833 F. 3d 1263.

No. 16–7159. BOODE *v.* ADAMS, ACTING WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 663 Fed. Appx. 536.

No. 16–7162. RINCON-RINCON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 606.

No. 16–7170. JAMEEL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 626 Fed. Appx. 415.

No. 16–7173. VALENZUELA-SANCHEZ, AKA ANGEL CONTRERAS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 419.

No. 16–7178. ABELLERA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–7185. SMITH *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–7192. PERRY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 659 Fed. Appx. 146.

No. 16–7193. CAZAREZ-SANTOS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 655 Fed. Appx. 543.

No. 16–7200. AYALA-VENTURA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 661 Fed. Appx. 908.

No. 16–7202. LASLEY *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 832 F. 3d 910.

No. 16–7213. VALDEZ-JAIME *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 615.

No. 16–452. BENNIE *v.* MUNN, DIRECTOR OF THE NEBRASKA DEPARTMENT OF BANKING AND FINANCE, ET AL. C. A. 8th Cir. Motions of Nine Law Professors, Cato Institute et al., Center for Competitive Politics, and Southeastern Legal Foundation et al. for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 822 F. 3d 392.

No. 16–489. JOHNSON & JOHNSON VISION CARE, INC. *v.* REMBRANDT VISION TECHNOLOGIES, L. P. C. A. Fed. Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 818 F. 3d 1320.

No. 16–641. CLAUSE *v.* UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI ET AL. C. A. 8th Cir. Motion of Pension Rights Center for leave to file brief as *amicus curiae* granted. Certiorari denied.

Rehearing Denied

No. 15–9399. BURTON *v.* CALIFORNIA, *ante*, p. 838;

No. 16–456. ELLIS ET UX. *v.* LEMONS ET AL., *ante*, p. 988;

No. 16–5393. HOLLAND *v.* DEPARTMENT OF VETERANS AFFAIRS, *ante*, p. 1001;

No. 16–5982. DULCIO *v.* HALL, WARDEN, ET AL., *ante*, p. 1002;

No. 16–6079. CLARK *v.* CALIFORNIA, *ante*, p. 983; and

No. 16–6125. HOWELL *v.* COLLIN COUNTY, TEXAS DETENTION FACILITY, ET AL., *ante*, p. 1005. Petitions for rehearing denied.

JANUARY 18, 2017

Miscellaneous Order

No. 16A707. GRAY *v.* MCAULIFFE, GOVERNOR OF VIRGINIA, ET AL. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied.

JANUARY 19, 2017

Dismissal Under Rule 46

No. 16–473. FENKELL *v.* ALLIANCE HOLDINGS, INC., ET AL. C. A. 7th Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 829 F. 3d 803.

Certiorari Granted

No. 16–466. BRISTOL-MYERS SQUIBB CO. *v.* SUPERIOR COURT OF CALIFORNIA, SAN FRANCISCO COUNTY, ET AL. Sup. Ct. Cal. Certiorari granted. Reported below: 1 Cal. 5th 783, 377 P. 3d 874.

No. 15–1485. DISTRICT OF COLUMBIA ET AL. *v.* WESBY ET AL. C. A. D. C. Cir. Motion of International Municipal Lawyers Association, Inc., for leave to file brief as *amicus curiae* granted. Certiorari granted. Reported below: 765 F. 3d 13.

JANUARY 23, 2017

Miscellaneous Orders

No. 16M74. WI-LAN USA, INC., ET AL. *v.* APPLE INC. Motion for leave to file petition for writ of certiorari with supplemental appendix under seal granted.

No. 16M75. WOODMAN'S FOOD MARKET, INC. *v.* CLOROX CO. ET AL. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

No. 15–118. HERNANDEZ ET AL. *v.* MESA ET AL. C. A. 5th Cir. [Certiorari granted, *ante*, p. 915.] Motion of federal respondents for divided argument granted.

No. 15–1248. McLane Co., Inc. *v.* Equal Employment Opportunity Commission. C. A. 9th Cir. [Certiorari granted, 579 U. S. 969.] Motion of respondent for allocation of argument time granted.

No. 16–142. Honeycutt *v.* United States. C. A. 6th Cir. [Certiorari granted, *ante*, p. 1028.] Motion of petitioner to dispense with printing joint appendix granted.

No. 16–6895. Roberts *v.* Ferman et al. C. A. 3d Cir.; and
No. 16–6913. Caceres *v.* Skanska USA Building Inc. et al. C. A. 2d Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until February 13, 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. 16–6890. In re Caldwell et al.; and
No. 16–6919. In re Thomas. Petitions for writs of mandamus denied.

No. 16–720. In re MacNeill. Petition for writ of mandamus and/or prohibition denied.

Certiorari Denied

No. 15–1527. Aronshtein *v.* United States;
No. 15–1528. Mazer *v.* United States; and
No. 16–152. Denault *v.* United States. C. A. 2d Cir. Certiorari denied. Reported below: 631 Fed. Appx. 57.

No. 15–1539. Kaley *v.* United States. C. A. 11th Cir. Certiorari denied. Reported below: 643 Fed. Appx. 930.

No. 16–257. Hawkins *v.* Woods, Warden. C. A. 6th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 305.

No. 16–333. Brown et al. *v.* Buhman. C. A. 10th Cir. Certiorari denied. Reported below: 822 F. 3d 1151.

No. 16–392. H&R Block, Inc., et al. *v.* Lopez. Ct. App. Mo., Western Dist. Certiorari denied. Reported below: 491 S. W. 3d 221.

No. 16–435. Iowa *v.* Marshall. Sup. Ct. Iowa. Certiorari denied. Reported below: 882 N. W. 2d 68.

No. 16–455. DRYWALL DYNAMICS, INC. *v.* SOUTHWEST REGIONAL COUNCIL OF CARPENTERS. C. A. 9th Cir. Certiorari denied. Reported below: 823 F. 3d 524.

No. 16–471. CEJA-LUA *v.* LYNCH, ATTORNEY GENERAL. C. A. 5th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 508.

No. 16–521. MARSHALL *v.* HONEYWELL TECHNOLOGY SYSTEMS INC. ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 828 F. 3d 923.

No. 16–595. ARTHUR *v.* ALABAMA. Sup. Ct. Ala. Certiorari denied.

No. 16–642. GROSSMAN *v.* WEHRLE. C. A. 6th Cir. Certiorari denied. Reported below: 652 Fed. Appx. 330.

No. 16–655. LOS ANGELES COUNTY, CALIFORNIA, ET AL. *v.* CASTRO. C. A. 9th Cir. Certiorari denied. Reported below: 833 F. 3d 1060.

No. 16–657. VON GOETZMAN *v.* WILLY SCHREIBER ENTERPRISES INC., DBA SEFFNER SELF STORAGE EAST, ET AL. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 209 So. 3d 586.

No. 16–659. BERRON ET AL. *v.* ILLINOIS CONCEALED CARRY LICENSING REVIEW BOARD ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 825 F. 3d 843.

No. 16–660. AGUAYO ET AL. *v.* JEWELL, SECRETARY OF INTERIOR, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 827 F. 3d 1213.

No. 16–663. RUBEY *v.* VANNETT. Ct. App. Minn. Certiorari denied.

No. 16–665. SNYDER *v.* GROUNDS, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–669. UNITED STATES EX REL. JALLALI *v.* SUN HEALTHCARE GROUP ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 745.

No. 16–671. STOKES *v.* CORSBIE. Ct. App. Tex., 6th Dist. Certiorari denied. Reported below: 496 S. W. 3d 270.

No. 16–696. FRAKES *v.* OTT ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 130.

No. 16–702. RUSSELL *v.* TEXAS. Ct. App. Tex., 14th Dist. Certiorari denied.

No. 16–751. LANDELL *v.* DEPARTMENT OF DEFENSE. C. A. Fed. Cir. Certiorari denied. Reported below: 616 Fed. Appx. 1001.

No. 16–761. BARE ET AL. *v.* ASSURANCE GROUP, INC. Ct. App. N. C. Certiorari denied. Reported below: 245 N. C. App. 566, 782 S. E. 2d 581.

No. 16–766. MEDINA *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 642 Fed. Appx. 59.

No. 16–787. MARGARYAN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 289.

No. 16–5515. BROWN *v.* OVERMYER, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FOREST, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–5726. SHAW *v.* ALABAMA. Ct. Crim. App. Ala. Certiorari denied. Reported below: 207 So. 3d 79.

No. 16–5779. COLE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–6018. RODRIGUEZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 16–6049. HILL *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 820 F. 3d 1003.

No. 16–6054. HOLMES *v.* NEAL, SUPERINTENDENT, INDIANA STATE PRISON. C. A. 7th Cir. Certiorari denied. Reported below: 816 F. 3d 949.

No. 16–6113. LOPEZ-AQUIRRE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 917.

No. 16–6203. WYMER *v.* UNITED STATES; and
No. 16–6886. WYMER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 735.

No. 16–6456. NURITDINOVA *v.* CHILDREN'S HOSPITAL MEDICAL CENTER. C. A. 6th Cir. Certiorari denied.

No. 16–6460. MOON *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 802 F. 3d 135.

No. 16–6475. MCBRIDE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 826 F. 3d 293.

No. 16–6498. DAMREN *v.* FLORIDA ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 776 F. 3d 816.

No. 16–6603. SULLY *v.* DAVIS, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–6746. BOHANNON *v.* ALABAMA. Sup. Ct. Ala. Certiorari denied. Reported below: 222 So. 3d 525.

No. 16–6882. DENOCE *v.* NEFF. C. A. 9th Cir. Certiorari denied. Reported below: 824 F. 3d 1181.

No. 16–6883. DAVIS *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 16–6891. CONYERS-CARSON *v.* GERMANTOWN HOMES ET AL. Super. Ct. Pa. Certiorari denied. Reported below: 136 A. 3d 1030.

No. 16–6899. STEELMAN *v.* LONG, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–6901. SANAI *v.* UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON. C. A. 9th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 560.

No. 16–6902. SCOTT *v.* GROVES ET AL. C. A. 6th Cir. Certiorari denied.

No. 16–6904. JOHNSON *v.* MOONEY, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT RETREAT, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–6907. CANALES *v.* FOX, ASSISTANT WARDEN, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 644 Fed. Appx. 346.

No. 16–6911. CAMPBELL *v.* KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 632 Fed. Appx. 355.

No. 16–6915. JOHNSON *v.* MICHIGAN ET AL. C. A. 6th Cir. Certiorari denied.

No. 16–6917. WIGGINS *v.* ROCKFORD HOUSING AUTHORITY ET AL. App. Ct. Ill., 2d Dist. Certiorari denied.

No. 16–6918. WELLS *v.* OHIO. Ct. App. Ohio, 7th App. Dist., Jefferson County. Certiorari denied. Reported below: 2016-Ohio-892.

No. 16–6920. WELLS *v.* KONVISER, ACTING JUSTICE, SUPREME COURT OF NEW YORK, NEW YORK COUNTY, ET AL. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 138 App. Div. 3d 501, 28 N. Y. S. 3d 307.

No. 16–6940. TSCHEU *v.* SMITH, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 16–6964. KNOX *v.* STEWART, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–6985. BAKER *v.* URS FEDERAL SERVICES. C. A. 5th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 502.

No. 16–7025. JONES *v.* MCCULLICK, ACTING WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–7038. MCKENZIE *v.* JORIZZO ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 738.

No. 16–7044. OBERMILLER *v.* OHIO. Sup. Ct. Ohio. Certiorari denied. Reported below: 147 Ohio St. 3d 175, 2016-Ohio-1594, 63 N. E. 3d 93.

No. 16–7079. RICHARD TT. *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. Reported below: 27 N. Y. 3d 718, 59 N. E. 3d 500.

No. 16–7086. SAUNDERS *v.* GARMAN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ROCKVIEW, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–7164. SCOTT *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 609.

No. 16–7180. STENHOUSE *v.* ARKANSAS. Sup. Ct. Ark. Certiorari denied. Reported below: 2016 Ark. 295, 497 S. W. 3d 679.

No. 16–7194. KOLE *v.* COLORADO. Dist. Ct. Colo., Larimer County. Certiorari denied.

No. 16–7208. ADEOLU *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 836 F. 3d 330.

No. 16–7216. CARON *v.* STATE BAR OF CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 16–7218. SPICER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 119.

No. 16–7222. SYLVESTER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–7226. VALENCIA, AKA VILLANUEVA-ACOSTA *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 829 F. 3d 1007.

No. 16–7227. BATTS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 661 Fed. Appx. 787.

No. 16–7231. MARKOSIAN *v.* UNITED STATES; and
No. 16–7247. SHAROPETROSIAN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 289.

No. 16–7240. CRUZ ET AL. *v.* UNITED STATES; and
No. 16–7259. VASQUEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: No. 16–7240, 649 Fed. Appx. 373; No. 16–7259, 838 F. 3d 968.

No. 16–7241. CASEY *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 825 F. 3d 1.

No. 16–7242. EVANS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 830 F. 3d 761.

No. 16–7243. DAVIS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 840 F. 3d 99.

No. 16–7250. HASLAM *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 833 F. 3d 840.

No. 16–7255. FREEBURG *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 655 Fed. Appx. 649.

No. 16–7258. VIDES-CONTRERAS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–7260. THOMAS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 838 F. 3d 926.

No. 16–7261. TOWNS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 886.

No. 16–7266. ABAKPORO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 649 Fed. Appx. 117.

No. 16–7275. BROWN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 289.

No. 16–7283. LAMAR *v.* COLORADO. Ct. App. Colo. Certiorari denied.

No. 16–7310. BARTOK *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 16–7328. ANDREWS *v.* INDIRECT PURCHASER CLASS. C. A. 6th Cir. Certiorari denied.

No. 16–393. ABBOTT, GOVERNOR OF TEXAS, ET AL. *v.* VEASEY ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 830 F. 3d 216.

Statement of CHIEF JUSTICE ROBERTS respecting the denial of certiorari.

In 2011, the Texas Legislature enacted Senate Bill 14 (SB14). The law requires voters to present government-issued photo identification before, or shortly after, casting a ballot in person. The United States and private plaintiffs filed suit in the United States District Court for the Southern District of Texas seeking to enjoin enforcement of the law. They argued that SB14 violates the Fourteenth and Fifteenth Amendments because the Texas Legislature acted with discriminatory intent, and that the law violates §2 of the Voting Rights Act of 1965 because it "results in a denial or abridgment of the right . . . to vote on account of race or color." After conducting a bench trial, the District Court ruled in plaintiffs' favor on both claims and enjoined the voter-

identification provisions of SB14. *Veasey* v. *Perry*, 71 F. Supp. 3d 627, 633, 707 (2014).

The United States Court of Appeals for the Fifth Circuit stayed the injunction, heard the case en banc, and sent it back to the District Court. First, the Fifth Circuit vacated the District Court's finding of discriminatory intent and remanded for further consideration of the facts. 830 F. 3d 216, 230 (2016). Second, the court affirmed the District Court's conclusion that SB14 violates § 2 of the Voting Rights Act. *Id.*, at 264–265. Because the § 2 violation did not justify enjoining SB14 in its entirety, however, the court remanded for further proceedings on an appropriate remedy. *Id.*, at 268–271. Six judges would have reversed the District Court's conclusion that SB14 is unconstitutional and violates § 2. *Id.*, at 280, 326 (opinions of Jones, J., and Elrod, J., concurring in part and dissenting in part).

The Texas officials who are defendants in this lawsuit have petitioned for certiorari. Their petition asks the Court to review whether the Texas Legislature enacted SB14 with a discriminatory purpose and whether the law results in a denial or abridgment of the right to vote under § 2. Although there is no barrier to our review, the discriminatory purpose claim is in an interlocutory posture, having been remanded for further consideration. As for the § 2 claim, the District Court has yet to enter a final remedial order. Petitioners may raise either or both issues again after entry of final judgment. The issues will be better suited for certiorari review at that time.

No. 16–670. VON SCHOENEBECK ET AL. *v.* KONINKLIJKE LUCHTVAART MAATSCHAPPIJ N. V., AKA KLM ROYAL DUTCH AIRLINES. C. A. 9th Cir. Motion of Flyers Rights Education Fund et al. for leave to file brief as *amici curiae* granted. Certiorari denied. Reported below: 659 Fed. Appx. 392.

No. 16–7249. HARRIS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 838 F. 3d 98.

Rehearing Denied

No. 15–1490. STANFORD *v.* UNITED STATES, *ante*, p. 997;

No. 16–5295. RAY *v.* ALABAMA DEPARTMENT OF CORRECTIONS ET AL., *ante*, p. 963;

No. 16–5434. Bell *v.* Florida Highway Patrol et al., *ante*, p. 899;

No. 16–5655. Sykes *v.* United States District Court for the Middle District of Florida, *ante*, p. 936;

No. 16–5697. Taylor *v.* Culliver, Superintendent, Holman Correctional Facility, et al., *ante*, p. 1001;

No. 16–5714. Allen *v.* Williams et al., *ante*, p. 1002;

No. 16–5864. Moss *v.* Davis, Director, Texas Department of Criminal Justice, Correctional Institutions Division, *ante*, p. 982;

No. 16–5887. Walker *v.* Cartledge, Warden, *ante*, p. 989;

No. 16–5890. Newell *v.* Alden Village Health Facility for Children and Young Adults, *ante*, p. 982;

No. 16–5919. Rother *v.* Clarke, Director, Virginia Department of Corrections, *ante*, p. 990;

No. 16–5940. Tavares *v.* United Airlines et al., *ante*, p. 990;

No. 16–5946. Redford *v.* Georgia, *ante*, p. 968;

No. 16–5957. Johnson *v.* Beach Park School District, *ante*, p. 1002;

No. 16–6095. Wells *v.* City of New York, New York, et al., *ante*, p. 1005;

No. 16–6227. Marr *v.* Harkness, *ante*, p. 983; and

No. 16–6643. Strecker *v.* United States, *ante*, p. 1034. Petitions for rehearing denied.

January 25, 2017

Miscellaneous Orders

No. 15–1039. Sandoz Inc. *v.* Amgen Inc. et al.; and

No. 15–1195. Amgen Inc. et al. *v.* Sandoz Inc. C. A. Fed. Cir. [Certiorari granted, *ante*, p. 1089.] The following briefing schedule is adopted: Petitioner in No. 15–1039 will file opening brief limited to the question presented in its petition, not to exceed 15,000 words, on or before Friday, February 10, 2017. Petitioners in No. 15–1195 will file consolidated opening brief on the question presented in their petition and response brief, not to exceed 19,000 words, on or before Friday, March 10, 2017. Petitioner in No. 15–1039 will file consolidated response brief and reply brief, not to exceed 10,000 words, on or before Friday, March 31, 2017. Petitioners in No. 15–1195 will file reply brief, not to exceed 6,000 words, on or before Friday, April 14, 2017.

Any brief for *amicus curiae* in support of petitioner in No. 15–1039 or in support of neither party is to be filed on or before Friday, February 17, 2017, and the brief should bear a light green cover. Any brief for *amicus curiae* in support of petitioners in No. 15–1195 is to be filed on or before Friday, March 17, 2017, and the brief should bear a dark green cover. An *amicus curiae* may file only a single brief in these cases.

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, *ante*, p. 1089.] The following briefing schedule is adopted: Petitioners in Nos. 16–285 and 16–300 and respondents in No. 16–307 will file opening and reply briefs under the schedule set forth in this Court's Rules 25.1 and 25.3. Respondents in Nos. 16–285 and 16–300 and petitioner in No. 16–307 will file response briefs under the schedule set forth in Rule 25.2.

JANUARY 26, 2017

Miscellaneous Order

No. 16A750. EDWARDS *v.* COLLIER, EXECUTIVE DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, ET AL. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied.

Certiorari Denied

No. 16–7710 (16A752). EDWARDS *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 THOMAS, and by him referred to the Court, denied. Certiorari denied. Reported below: 865 F. 3d 197.

No. 16–7714 (16A759). EDWARDS *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 THOMAS, and by him referred to the Court, denied. Certiorari denied. Reported below: 676 Fed. Appx. 319.

January 27, 2017

Dismissal Under Rule 46

No. 14–7506. Arboleda Ortiz *v.* United States. C. A. 8th Cir. Certiorari dismissed under this Court's Rule 46.

Miscellaneous Order

No. 16A683 (16–880). Habeas Corpus Resource Center et al. *v.* Department of Justice et al. Application to recall and stay the mandate pending disposition of the petition for writ of certiorari, presented to Justice Kennedy, and by him referred to the Court, denied.

January 31, 2017

Certiorari Denied

No. 16–7730 (16A769). Christeson *v.* Griffith, Warden. C. A. 8th Cir. Application for stay of execution of sentence of death, presented to Justice Alito, and by him referred to the Court, denied. Certiorari denied. Justice Ginsburg would grant the application for stay of execution. Reported below: 860 F. 3d 585.

February 17, 2017

Miscellaneous Order

No. 16–149. Coventry Health Care of Missouri, Inc., fka Group Health Plan, Inc. *v.* Nevils. Sup. Ct. Mo. [Certiorari granted, *ante*, p. 977.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

February 21, 2017

Certiorari Granted—Vacated and Remanded

No. 16–578. Bishop et al. *v.* Wells Fargo & Co. et al. C. A. 2d Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Universal Health Services, Inc.* v. *United States ex rel. Escobar*, 579 U. S. 176 (2016). Reported below: 823 F. 3d 35.

Certiorari Dismissed

No. 16–6943. Villa *v.* Davis, Director, Texas Department of Criminal Justice, Correctional Institutions Division.

C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 16–6958. AMIR-SHARIF *v.* COLLIER, EXECUTIVE DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, ET AL. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 16–7188. LORDMASTER, FKA GOLDADER *v.* SUSSEX II STATE PRISON ET AL. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

No. 16–7279. DA VANG *v.* WISCONSIN. Ct. App. Wis. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 2016 WI App 50, 370 Wis. 2d 261, 881 N. W. 2d 358.

No. 16–7290. MAGWOOD *v.* FLORIDA COURTS ET AL. 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. As petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

Miscellaneous Orders

No. 16A632. FISCH *v.* UNITED STATES. S. D. Tex. Application for stay, addressed to JUSTICE KAGAN and referred to the Court, denied.

No. 16A716. ARZU-SUAZO *v.* JOHNSON, SECRETARY, DEPARTMENT OF HOMELAND SECURITY, ET AL. Application for injunc-

tive relief, addressed to JUSTICE SOTOMAYOR and referred to the Court, denied.

No. D–2943. IN RE DISBARMENT OF LOCRICCHIO. Disbarment entered. [For earlier order herein, see *ante*, p. 978.]

No. D–2946. IN RE DISCIPLINE OF PICKERSTEIN. Harold James Pickerstein, of Fairfield, Conn., 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–2947. IN RE DISCIPLINE OF HUDGENS. David Erickson Hudgens, of Daphne, Ala., 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–2948. IN RE DISCIPLINE OF DAVIDSON. Marvin S. Davidson, of West Orange, N. J., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D–2949. IN RE DISCIPLINE OF JOHNSON. Rankin Johnson IV, of Portland, Ore., 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–2950. IN RE DISCIPLINE OF THOMPSON. Robert Thomas Thompson, Jr., of Atlanta, Ga., 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–2951. IN RE DISCIPLINE OF SCHWARTZ. Jeffrey Scott Schwartz, of San Diego, Cal., 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. 16M76. SMITH *v.* JACKSON;
No. 16M77. SALATA *v.* FULTON ET AL.;

No. 16M78. ADAMS ET UX. *v.* COMMISSIONER OF INTERNAL REVENUE;

No. 16M79. GRIFFIN *v.* ADAMS ET AL.;

No. 16M80. SMITH *v.* HOUSTON INDEPENDENT SCHOOL DISTRICT;

No. 16M81. FARLEY *v.* JOHNSON, WARDEN;

No. 16M85. ROUSER *v.* CALIFORNIA; and

No. 16M86. HELVEY *v.* THOMPSON. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 16M82. ORTIZ *v.* JIMENEZ-SANCHEZ ET AL. Motion of petitioner for leave to proceed *in forma pauperis* with declaration of indigency under seal denied.

No. 16M83. BLOCKER *v.* KELLEY ET AL.; and

No. 16M84. BLOCKER *v.* NASHVILLE RESCUE MISSION. Motions to direct the Clerk to file petitions for writs of certiorari out of time under this Court's Rule 14.5 denied.

No. 142, Orig. FLORIDA *v.* GEORGIA. Motion of the Special Master for allowance of fees and disbursements granted, and the Special Master is awarded a total of $213,547.35 for the period September 1 through December 31, 2016, to be paid equally by the parties. [For earlier order herein, see, *e. g.*, *ante*, p. 931.]

No. 15–214. MURR ET AL. *v.* WISCONSIN ET AL. Ct. App. Wis. [Certiorari granted, 577 U. S. 1098.] Motion of Nevada et al. for leave to participate in oral argument as *amici curiae* and for divided argument denied.

No. 15–1039. SANDOZ INC. *v.* AMGEN INC. ET AL.; and

No. 15–1195. AMGEN INC. ET AL. *v.* SANDOZ INC. C. A. Fed. Cir. [Certiorari granted, *ante* p. 1089.] Motion of the parties to dispense with printing joint appendix granted.

No. 15–1503. TURNER ET AL. *v.* UNITED STATES; and

No. 15–1504. OVERTON *v.* UNITED STATES. Ct. App. D. C. [Certiorari granted, *ante*, p. 1040.] Motion of the parties to deem the Court of Appeals' joint appendix as supplemental volumes to the joint appendix filed with this Court granted.

No. 16–299. NATIONAL ASSOCIATION OF MANUFACTURERS *v.* DEPARTMENT OF DEFENSE ET AL. C. A. 6th Cir. [Certiorari granted, *ante*, p. 1088.] Motion of petitioner to dispense with printing joint appendix granted.

No. 16–529. KOKESH *v.* SECURITIES AND EXCHANGE COMMISSION. C. A. 10th Cir. [Certiorari granted, *ante*, p. 1089.] Motion of petitioner to dispense with printing joint appendix granted.

No. 16–6179. CORRION *v.* BERGH, WARDEN. Ct. App. Mich Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 1028] denied.

No. 16–6268. CARBAJAL *v.* WELLS FARGO BANK ET AL. Ct. App. Colo. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 1017] denied.

No. 16–6806. WEST *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 1st Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 1046] denied.

No. 16–6845. ADAMS *v.* MERIT SYSTEMS PROTECTION BOARD ET AL. C. A. Fed. Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 1046] denied.

No. 16–7022. NOBLE *v.* VAUGHN, WARDEN, ET AL. C. A. 3d Cir.;

No. 16–7069. ADKINS *v.* WHOLE FOODS MARKET GROUP, INC. C. A. 4th Cir.;

No. 16–7155. SAMPLE *v.* JPMORGAN CHASE BANK, N. A. Ct. App. S. C.;

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

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

No. 16–7281. UPADHYAY *v.* AETNA LIFE INSURANCE CO. C. A. 9th Cir.; and

No. 16–7325. SOLIZ *v.* TEXAS. Ct. App. Tex., 4th Dist. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until March 14, 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. 16–7157. NOBLE *v.* UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE. C. A. 3d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is

allowed until March 14, 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. JUSTICE ALITO took no part in the consideration or decision of this motion.

No. 16–7390. BAHEL *v.* UNITED STATES. C. A. 2d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until March 14, 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. JUSTICE SOTOMAYOR took no part in the consideration or decision of this motion.

No. 16–7475. IN RE JACKSON;
No. 16–7483. IN RE BELL;
No. 16–7543. IN RE PENDLETON;
No. 16–7724. IN RE STARKS; and
No. 16–7728. IN RE ZONE. Petitions for writs of habeas corpus denied.

No. 16–7014. IN RE JONES;
No. 16–7030. IN RE SAMAD;
No. 16–7107. IN RE ZATER;
No. 16–7135. IN RE CARTER; and
No. 16–7190. IN RE WIDEMAN. Petitions for writs of mandamus denied.

No. 16–7177. IN RE KIDD. Petition for writ of mandamus and/or prohibition denied.

Certiorari Granted

No. 16–424. CLASS *v.* UNITED STATES. C. A. D. C. Cir. Certiorari granted.

Certiorari Denied

No. 16–199. DENELSBECK *v.* NEW JERSEY. Sup. Ct. N. J. Certiorari denied. Reported below: 225 N. J. 103, 137 A. 3d 462.

No. 16–255. BISHWAKARMA *v.* SESSIONS, ATTORNEY GENERAL. C. A. 5th Cir. Certiorari denied. Reported below: 644 Fed. Appx. 314.

No. 16–279. NEWSPAPER AND MAIL DELIVERERS' UNION OF NEW YORK AND VICINITY *v.* NATIONAL LABOR RELATIONS

Board. C. A. 2d Cir. Certiorari denied. Reported below: 644 Fed. Appx. 16.

No. 16–312. Banco Bilbao Vizcaya Argentaria, S. A. *v.* Vera, as Personal Representative of the Estate of Vera, et al. C. A. 2d Cir. Certiorari denied. Reported below: 651 Fed. Appx. 22.

No. 16–326. Wilson *v.* United States. C. A. 11th Cir. Certiorari denied. Reported below: 649 Fed. Appx. 827.

No. 16–364. Blackman *v.* Gascho, Individually and on Behalf of All Others Similarly Situated, et al.; and

No. 16–383. Zik et al. *v.* Gascho, Individually and on Behalf of All Others Similarly Situated, et al. C. A. 6th Cir. Certiorari denied. Reported below: 822 F. 3d 269.

No. 16–384. Left Field Media LLC *v.* City of Chicago, Illinois, et al. C. A. 7th Cir. Certiorari denied. Reported below: 822 F. 3d 988.

No. 16–470. Boston Scientific Corp. et al. *v.* Mirowski Family Ventures, LLC. Ct. Sp. App. Md. Certiorari denied. Reported below: 227 Md. App. 177, 133 A. 3d 1176.

No. 16–496. Big Baboon, Inc. *v.* Lee, Director, United States Patent and Trademark Office, et al. C. A. Fed. Cir. Certiorari denied. Reported below: 667 Fed. Appx. 995.

No. 16–497. Smith *v.* Internal Revenue Service. C. A. 9th Cir. Certiorari denied. Reported below: 828 F. 3d 1094.

No. 16–513. Trask et al. *v.* Shulkin, Secretary of Veterans Affairs. C. A. 11th Cir. Certiorari denied. Reported below: 822 F. 3d 1179.

No. 16–535. Huse *v.* Texas. Ct. Crim. App. Tex. Certiorari denied. Reported below: 491 S. W. 3d 833.

No. 16–544. Vicinay Cadenas, S. A. *v.* Petobras America, Inc., et al. C. A. 5th Cir. Certiorari denied. Reported below: 815 F. 3d 211 and 829 F. 3d 770.

No. 16–562. Rinehart et al. *v.* Lehman Brothers Holdings, Inc., et al. C. A. 2d Cir. Certiorari denied. Reported below: 817 F. 3d 56.

No. 16–567. American Business USA Corp. *v.* Florida Department of Revenue. Sup. Ct. Fla. Certiorari denied. Reported below: 191 So. 3d 906.

No. 16–589. Morva *v.* Zook, Warden. C. A. 4th Cir. Certiorari denied. Reported below: 821 F. 3d 517.

No. 16–613. True the Vote, Inc. *v.* Lerner et al. C. A. D. C. Cir. Certiorari denied. Reported below: 831 F. 3d 551.

No. 16–619. White *v.* Condict. C. A. 3d Cir. Certiorari denied. Reported below: 655 Fed. Appx. 87.

No. 16–620. Czech Republic-Ministry of Health *v.* Diag Human S. E. C. A. D. C. Cir. Certiorari denied. Reported below: 824 F. 3d 131.

No. 16–628. Seahorn Investments, L. L. C. *v.* Goodman Manufacturing Co., L. P., et al. C. A. 5th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 452.

No. 16–632. Hutto et al. *v.* South Carolina Retirement System et al. Sup. Ct. S. C. Certiorari denied.

No. 16–635. American Freedom Law Center et al. *v.* Obama, Former President of the United States, et al. C. A. D. C. Cir. Certiorari denied. Reported below: 821 F. 3d 44.

No. 16–674. Hanson *v.* Meadows. Ct. App. Tenn. Certiorari denied.

No. 16–680. Perkins *v.* Texas. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 16–681. McKay *v.* Goins et al. C. A. 6th Cir. Certiorari denied.

No. 16–682. Jenkins *v.* Grant Thornton LLP et al. C. A. 11th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 754.

No. 16–693. Hare *v.* Neufeld. Ct. App. Minn. Certiorari denied.

No. 16–694. United States ex rel. Gage *v.* Davis S. R. Aviation, LLC, et al. C. A. 5th Cir. Certiorari denied. Reported below: 658 Fed. Appx. 194.

No. 16–695. MOLINA *v.* CALIFORNIA; and
No. 16–7065. MCGUIRE *v.* CALIFORNIA. Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 16–711. OHIO *v.* HAND. Sup. Ct. Ohio. Certiorari denied. Reported below: 149 Ohio St. 3d 94, 2016-Ohio-5504, 73 N. E. 3d 448.

No. 16–714. TAVARES *v.* BRICKELL COMMERCE PLAZA, INC., ET AL. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 194 So. 3d 1036.

No. 16–718. ASAP SERVICES, INC., ET AL. *v.* COURT OF APPEAL OF CALIFORNIA, SECOND APPELLATE DISTRICT, ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–726. COHAN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 667 Fed. Appx. 6.

No. 16–728. PADILLA FAJARDO *v.* SESSIONS, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied. Reported below: 649 Fed. Appx. 594.

No. 16–731. CAROLINAS ELECTRICAL WORKERS RETIREMENT PLAN ET AL. *v.* ZENITH AMERICAN SOLUTIONS, INC. C. A. 11th Cir. Certiorari denied. Reported below: 658 Fed. Appx. 966.

No. 16–732. BUSTOS-CAMERO ET AL. *v.* SESSIONS, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied.

No. 16–734. CASTRO *v.* INDYMAC INDX MORTGAGE LOAN TRUST 2005–AR21 ET AL. Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 16–735. UNITED STATES EX REL. LEE ET AL. *v.* ERNST & YOUNG LLP ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 652 Fed. Appx. 503.

No. 16–737. ELLIS *v.* TEXAS ET AL. C. A. 5th Cir. Certiorari denied.

No. 16–741. MAHDI *v.* SOUTH CAROLINA. Ct. Common Pleas of Calhoun County, S. C. Certiorari denied.

No. 16–746. ADEMA *v.* DELL. Ct. App. Wis. Certiorari denied. Reported below: 2016 WI App 26, 367 Wis. 2d 748, 877 N. W. 2d 650.

No. 16–747. BECTON *v.* COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY. C. A. 4th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 399.

No. 16–748. BROWN *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 16–750. BACHARACH *v.* SUNTRUST MORTGAGE, INC. C. A. 5th Cir. Certiorari denied. Reported below: 827 F. 3d 432.

No. 16–752. NEWKIRK *v.* CVS CAREMARK CORP. ET AL. Ct. App. N. C. Certiorari denied.

No. 16–756. XIU JIAN SUN *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 668 Fed. Appx. 888.

No. 16–760. ENGLISH *v.* BANK OF AMERICA, N. A., ET AL. Super. Ct. N. J., App. Div. Certiorari denied.

No. 16–763. KE KAILANI DEVELOPMENT LLC ET AL. *v.* KE KAILANI PARTNERS, LLC, ET AL. Int. Ct. App. Haw. Certiorari denied.

No. 16–767. WILLIAMS *v.* ENVIRONMENTAL PROTECTION AGENCY ET AL. C. A. 5th Cir. Certiorari denied.

No. 16–769. FRENCH *v.* NEW HAMPSHIRE INSURANCE CO. Ct. App. Tex., 4th Dist. Certiorari denied.

No. 16–770. LOPEZ ET AL. *v.* CITY OF LAWRENCE, MASSACHUSETTS, ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 823 F. 3d 102.

No. 16–772. CHIROPRACTORS UNITED FOR RESEARCH AND EDUCATION, LLC, AKA CURE, ET AL. *v.* BESHEAR, ATTORNEY GENERAL OF KENTUCKY, ET AL. C. A. 6th Cir. Certiorari denied.

No. 16–774. MICHIGAN COMPREHENSIVE CANNABIS LAW REFORM COMMITTEE *v.* JOHNSON, MICHIGAN SECRETARY OF STATE, ET AL. Ct. App. Mich. Certiorari denied.

No. 16–777. FIRST MARBLEHEAD CORP. ET AL. *v.* HEFFERNAN, MASSACHUSETTS COMMISSIONER OF REVENUE. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 475 Mass. 159, 56 N. E. 3d 132.

No. 16–779. MARZETT *v.* TEXAS. Ct. App. Tex., 5th Dist. Certiorari denied.

No. 16–781. SARVIS *v.* ALCORN, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS A MEMBER OF THE VIRGINIA STATE BOARD OF ELECTIONS, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 826 F. 3d 708.

No. 16–782. SANGSTER *v.* HALL ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–783. SCRIP *v.* SENECA ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 651 Fed. Appx. 107.

No. 16–785. CLABAUGH *v.* GRANT. C. A. 10th Cir. Certiorari denied. Reported below: 658 Fed. Appx. 411.

No. 16–788. ROUSE *v.* DEVLIN'S POINTE APARTMENTS. Super. Ct. Pa. Certiorari denied.

No. 16–794. SIMS *v.* MURPHY ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 689.

No. 16–802. SOOK HEE LEE *v.* KIM ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 654 Fed. Appx. 64.

No. 16–803. KELLY-BROWN ET AL. *v.* WINFREY ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 659 Fed. Appx. 55.

No. 16–804. LAW OFFICES OF STEVEN M. JOHNSON, P. C., ET AL. *v.* PLAINTIFFS' ADVISORY COMMITTEE. C. A. 3d Cir. Certiorari denied. Reported below: 658 Fed. Appx. 29.

No. 16–817. HAMMAD *v.* BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS, PENNSYLVANIA STATE BOARD OF VETERINARY MEDICINE. Commw. Ct. Pa. Certiorari denied.

No. 16–818. GAMCO INVESTORS, INC., ET AL. *v.* VIVENDI UNIVERSAL, S. A., ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 838 F. 3d 214.

No. 16–819. POBUDA *v.* WELCH ET AL. App. Ct. Ill., 2d Dist. Certiorari denied.

No. 16–822. MILLER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 641 Fed. Appx. 242.

No. 16–829. RIZZO *v.* ILLINOIS. Sup. Ct. Ill. Certiorari denied. Reported below: 2016 IL 118599, 61 N. E. 3d 92.

No. 16–835. ROBOL *v.* DISPATCH PRINTING CO. C. A. 6th Cir. Certiorari denied. Reported below: 826 F. 3d 297.

No. 16–838. KIORKIS *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 151228–U.

No. 16–839. COPELAND *v.* STATE FARM INSURANCE CO. ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 657 Fed. Appx. 237.

No. 16–842. WALSH *v.* SHULKIN, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. Certiorari denied. Reported below: 655 Fed. Appx. 854.

No. 16–844. FRIEDMAN ET UX. *v.* COMPTROLLER OF THE TREASURY. Ct. Sp. App. Md. Certiorari denied. Reported below: 228 Md. App. 732 and 736.

No. 16–855. WILLIAMS *v.* UNITED STATES POSTAL SERVICE. C. A. Fed. Cir. Certiorari denied. Reported below: 655 Fed. Appx. 858.

No. 16–856. LORD *v.* HIGH VOLTAGE SOFTWARE, INC. C. A. 7th Cir. Certiorari denied. Reported below: 839 F. 3d 556.

No. 16–859. IPLEARN-FOCUS, LLC *v.* MICROSOFT CORP. C. A. Fed. Cir. Certiorari denied. Reported below: 667 Fed. Appx. 773.

No. 16–861. TURNER *v.* UNITED STATES CAPITOL POLICE. C. A. D. C. Cir. Certiorari denied. Reported below: 653 Fed. Appx. 1.

No. 16–870. DOUBT *v.* NCR CORP. C. A. 9th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 238.

No. 16–871. EILAND ET AL. *v.* ANDERSON ET AL. Ct. App. Wis. Certiorari denied. Reported below: 2016 WI App 41, 369 Wis. 2d 223, 880 N. W. 2d 183.

No. 16–872. HALLORAN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 821 F. 3d 321.

No. 16–873. YOOSUN HAN *v.* EMORY UNIVERSITY. C. A. 11th Cir. Certiorari denied. Reported below: 658 Fed. Appx. 543.

No. 16–882. WILLIAMSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 656 Fed. Appx. 175.

No. 16–892. NANOVAPOR FUELS GROUP, INC., ET AL. *v.* VAPOR POINT, LLC, ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 832 F. 3d 1343.

No. 16–893. PRATT, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF PRATT, DECEASED *v.* HARRIS COUNTY, TEXAS, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 822 F. 3d 174.

No. 16–904. HABETLER *v.* PRICE, SECRETARY OF HEALTH AND HUMAN SERVICES. C. A. 9th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 633.

No. 16–922. BELMONT *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 831 F. 3d 1098.

No. 16–5631. ESTRADA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 624 Fed. Appx. 293.

No. 16–5682. ALLEN *v.* BACA, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 629 Fed. Appx. 814.

No. 16–5769. WHITFIELD *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 649 Fed. Appx. 192.

No. 16–5777. RUDD *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 141 A. 3d 601.

No. 16–5804. ROBERTSON *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 4th Cir. Certiorari denied. Reported below: 619 Fed. Appx. 261.

No. 16–5891. LOCKHART *v.* TEXAS. Ct. App. Tex., 13th Dist. Certiorari denied.

No. 16–5927. BUTLER *v.* MURPHY, SUPERINTENDENT, OLD COLONY CORRECTIONAL CENTER. C. A. 1st Cir. Certiorari denied. Reported below: 815 F. 3d 87.

No. 16–6080. CARABALLO-RODRIGUEZ *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 632 Fed. Appx. 712.

No. 16–6133. MULLET ET AL. *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 822 F. 3d 842.

No. 16–6264. SHELTON *v.* LEE, WARDEN. Sup. Ct. Ga. Certiorari denied. Reported below: 299 Ga. 350, 788 S. E. 2d 369.

No. 16–6489. LAVE *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 655 Fed. Appx. 255.

No. 16–6622. MEZA SEGUNDO *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 831 F. 3d 345.

No. 16–6813. MOSTAGHIM *v.* STATE BAR OF CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 16–6856. WANG *v.* CONNECTICUT. Sup. Ct. Conn. Certiorari denied. Reported below: 323 Conn. 115, 145 A. 3d 906.

No. 16–6887. TILLEY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 655 Fed. Appx. 172.

No. 16–6903. JORDAN ET AL. *v.* FISHER, COMMISSIONER, MISSISSIPPI DEPARTMENT OF CORRECTIONS, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 823 F. 3d 805.

No. 16–6908. GUZEK *v.* OREGON. Sup. Ct. Ore. Certiorari denied. Reported below: 358 Ore. 251, 363 P. 3d 480.

No. 16–6922. SMITH *v.* DUBOISE ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 661 Fed. Appx. 941.

No. 16–6927. MOFFIT *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 16–6930. VELAZQUEZ *v.* TERRITORY OF THE VIRGIN ISLANDS. Sup. Ct. V. I. Certiorari denied. Reported below: 65 V. I. 312.

No. 16–6932. WIGGINS *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 197 So. 3d 561.

No. 16–6941. AN THAI TU *v.* CIRCUIT COURT OF MARYLAND, MONTGOMERY COUNTY, ET AL. Ct. Sp. App. Md. Certiorari denied.

No. 16–6944. MILLER *v.* ARNOLD, ACTING WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–6952. BELTON *v.* DAVEY, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–6957. RODRIGUEZ *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 16–6972. GALLUZZO *v.* VILLAGE OF SAINT PARIS, OHIO. Ct. App. Ohio, 2d App. Dist., Champaign County. Certiorari denied. Reported below: 2015-Ohio-3385.

No. 16–6976. BARANY *v.* INDIANA. Ct. App. Ind. Certiorari denied. Reported below: 54 N. E. 3d 386.

No. 16–6984. LLOYD *v.* LOCKLEAR, SUPERINTENDENT, NEW HANOVER CORRECTIONAL, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 691.

No. 16–6987. ADAMIS *v.* LAMPROPOULOU, AKA LAMBROPOULOS. C. A. 2d Cir. Certiorari denied. Reported below: 659 Fed. Appx. 11.

No. 16–6991. GRAYS *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 5. Certiorari denied. Reported below: 246 Cal. App. 4th 679, 202 Cal. Rptr. 3d 288.

No. 16–6992. GRAY *v.* MARYLAND. Ct. Sp. App. Md. Certiorari denied. Reported below: 224 Md. App. 721.

No. 16–6993. RABB *v.* SHERMAN, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 646 Fed. Appx. 564.

No. 16–6996. WEAVER *v.* MONTGOMERY, ACTING WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–6999. DOLCE *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–7000. AN THAI TU *v.* LEITH ET AL. Ct. Sp. App. Md. Certiorari denied.

No. 16–7001. SEALED *v.* SEALED. C. A. 11th Cir. Certiorari denied.

No. 16–7002. LACK *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 6. Certiorari denied.

No. 16–7012. WOODS *v.* NORMAN, WARDEN. C. A. 8th Cir. Certiorari denied. Reported below: 825 F. 3d 390.

No. 16–7016. RODRIGUEZ *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 207 So. 3d 878.

No. 16–7019. ELBERT *v.* KANSAS CITY, MISSOURI, ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 881.

No. 16–7020. PATTERSON *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 199 So. 3d 253.

No. 16–7023. PABLO LOPEZ *v.* TEXAS. Ct. App. Tex., 1st Dist. Certiorari denied. Reported below: 493 S. W. 3d 126.

No. 16–7028. SATTERFIELD *v.* BENEFICIAL FINANCIAL I INC. ET AL. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 151483–U.

No. 16–7034. MCKINNEY *v.* WOFFORD, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–7035. BRACKETT *v.* IDAHO. Ct. App. Idaho. Certiorari denied. Reported below: 160 Idaho 619, 377 P. 3d 1082.

No. 16–7036. BIRDSONG *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 16–7037. MIDDLEMISS *v.* MONTANA ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–7043. OSIE *v.* OHIO. Ct. App. Ohio, 12th App. Dist., Butler County. Certiorari denied. Reported below: 2015-Ohio-3406.

No. 16–7046. ANTONIO K. *v.* MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES. Sup. Jud. Ct. Me. Certiorari denied. Reported below: 2016 ME 137, 147 A. 3d 1159.

No. 16–7048. BLASSINGAME *v.* CARTLEDGE, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 655 Fed. Appx. 978.

No. 16–7053. QUINN *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 16–7054. SMITH *v.* COURTNEY ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–7055. SANCHEZ *v.* MASSACHUSETTS. App. Ct. Mass. Certiorari denied. Reported below: 87 Mass. App. 1130, 32 N. E. 3d 369.

No. 16–7056. SMITH *v.* CITY OF MCDONOUGH, GEORGIA. Sup. Ct. Ga. Certiorari denied.

No. 16–7059. JACKSON *v.* GUALTIERI, SHERIFF, PINELLAS COUNTY, FLORIDA. Sup. Ct. Fla. Certiorari denied.

No. 16–7060. MAYER *v.* BEEMER, ATTORNEY GENERAL OF PENNSYLVANIA, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–7063. JONES *v.* MCFADDEN, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 800.

No. 16–7064. JAVIER PADILLA *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–7066. MONTGOMERY *v.* CITY OF AMES, IOWA, ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 829 F. 3d 968.

No. 16–7071. LAHOOD *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 253.

No. 16–7072. KUHN *v.* GILMORE, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GREENE, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–7073. JEANNIN *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 197 So. 3d 1277.

No. 16–7077. LORENZO GARCIA *v.* CALIFORNIA. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 16–7078. ALLANTE V. *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 160131–U.

No. 16–7082. DUGDALE *v.* SESSIONS, ATTORNEY GENERAL, ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 672 Fed. Appx. 35.

No. 16–7083. GULBRANDSON *v.* ARIZONA. Super. Ct. Ariz., County of Maricopa. Certiorari denied.

No. 16–7087. RHODES *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–7088. RODRIGUEZ *v.* ADAMS, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 789.

No. 16–7093. JIMENA *v.* SAI HO WONG ET AL. Ct. App. Cal., 2d App. Dist., Div. 1. Certiorari denied.

No. 16–7099. KISSNER *v.* HARRY, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 826 F. 3d 898.

No. 16–7100. RAGLAND *v.* NASH-ROCKY MOUNT BOARD OF EDUCATION. Ct. App. N. C. Certiorari denied. Reported below: 247 N. C. App. 738, 787 S. E. 2d 422.

No. 16–7105. GIBSON *v.* INDIANA. Sup. Ct. Ind. Certiorari denied. Reported below: 51 N. E. 3d 204.

No. 16–7109. WILLIAMS *v.* ALABAMA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied. Reported below: 649 Fed. Appx. 925.

No. 16–7111. ENDERLE *v.* LUDWICK, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 16–7112. BUTLER *v.* NEW YORK. County Ct., Westchester County, N. Y. Certiorari denied.

No. 16–7116. SORRELLS *v.* SPEARMAN, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–7118. HARNAGE *v.* DAVIS ET AL. C. A. 2d Cir. Certiorari denied.

No. 16–7121. RANCEL *v.* COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY. C. A. 11th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 865.

No. 16–7122. SMITH *v.* HOWERTON, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–7123. SMITH *v.* BUTLER, WARDEN. Sup. Ct. Ill. Certiorari denied.

No. 16–7125. LEBEAU *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 826.

No. 16–7127. PLANAS *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 652 Fed. Appx. 827.

No. 16–7132. GUAJARDO *v.* WINN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–7133. GIBSON *v.* SLOAN, WARDEN. Sup. Ct. Ohio. Certiorari denied. Reported below: 147 Ohio St. 3d 240, 2016-Ohio-3422, 63 N. E. 3d 1172.

No. 16–7134. GRACIA *v.* BOUGHTON, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 16–7136. CONSTANT *v.* KUMAR, JUDGE, CIRCUIT COURT OF MICHIGAN, OAKLAND COUNTY. C. A. 6th Cir. Certiorari denied.

No. 16–7137. STAPLES *v.* ACOLATZE ET AL. C. A. 2d Cir. Certiorari denied.

No. 16–7138. ROSA *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied.

No. 16–7141. DIXON *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied.

No. 16–7144. LOVEDAY *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 16–7150. BARATI *v.* FLORIDA ET AL. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 198 So. 3d 69.

No. 16–7152. CLEVELAND *v.* DUVALL ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 156.

No. 16–7154. RUSK *v.* UTAH. C. A. 10th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 954.

No. 16–7163. STANTON *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–7165. STEPHENS *v.* JEREJIAN, JUDGE, SUPERIOR COURT OF NEW JERSEY, BERGEN COUNTY, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 655 Fed. Appx. 64.

No. 16–7166. COWHERD *v.* KENTUCKY. Ct. App. Ky. Certiorari denied.

No. 16–7167. BOONE *v.* KENNEDY, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 16–7168. DUNLAP *v.* FRICK. C. A. 9th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 267.

No. 16–7169. CUEVAS CARDOZA *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 16–7172. TIMMONS *v.* SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION ET AL. Ct. App. S. C. Certiorari denied.

No. 16–7174. ZUVICH *v.* CITY OF LOS ANGELES, CALIFORNIA. C. A. 9th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 669.

No. 16–7175. WARREN *v.* OVERMYER, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FOREST, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–7176. WILLIAMS *v.* GEORGIA. Super. Ct. Richmond County, Ga. Certiorari denied.

No. 16–7179. GOMEZ MILLAN *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied. Reported below: 663 Fed. Appx. 753.

No. 16–7181. BARTLETT *v.* ALLEGAN COUNTY COURTS ET AL. C. A. 6th Cir. Certiorari denied.

No. 16–7183. SCOTT *v.* MEMORIAL HEALTH CARE SYSTEM, INC. C. A. 6th Cir. Certiorari denied. Reported below: 660 Fed. Appx. 366.

No. 16–7186. STEVENS *v.* LEGRAND, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 498.

No. 16–7187. SMITH *v.* ANDERSON ET AL. Sup. Ct. Mont. Certiorari denied. Reported below: 385 Mont. 539.

No. 16–7189. PALMER *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 16–7191. WILLIAMS *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–7195. ZUCK *v.* PEART ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 181.

No. 16–7196. TWOBABIES *v.* ALLBAUGH, DIRECTOR, OKLAHOMA DEPARTMENT OF CORRECTIONS. C. A. 10th Cir. Certiorari denied. Reported below: 662 Fed. Appx. 574.

No. 16–7197. ANGEL TORRES *v.* GREEN, WARDEN, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 76.

No. 16–7198. WILLMAN *v.* SHERMAN, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–7199. AFFLECK *v.* MISSISSIPPI. Ct. App. Miss. Certiorari denied. Reported below: 210 So. 3d 1067.

No. 16–7201. AVILA *v.* HIDALGO COUNTY, TEXAS. 139th Jud. Dist. Ct. Tex., Hidalgo County. Certiorari denied.

No. 16–7203. MANN *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS. C. A. 9th Cir. Certiorari denied. Reported below: 828 F. 3d 1143.

No. 16–7205. CAMILO LOPEZ *v.* WHITMIRE ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–7206. ABEYTA *v.* BAKER, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–7207. BAILEY *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–7209. AJAI, AKA WILLIS *v.* PENNSYLVANIA ET AL. C. A. 7th Cir. Certiorari denied.

No. 16–7210. DIAZ *v.* HUGHES, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 808.

No. 16–7211. CREEL *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied.

No. 16–7219. ROBINSON *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 145 A. 3d 793.

No. 16–7220. SHORT *v.* NORTH CAROLINA. Sup. Ct. N. C. Certiorari denied. Reported below: 369 N. C. 31, 789 S. E. 2d 5.

No. 16–7221. STOLLER *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 827 F. 3d 591.

No. 16–7223. SANFORD *v.* CITY OF FRANKLIN, VIRGINIA. C. A. 4th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 478.

No. 16–7224. RITZ *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied.

No. 16–7225. STORCK *v.* MAHALLY, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT DALLAS, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–7228. UZAHODJAEV *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 16–7229. SIMS *v.* LIZARRAGA, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–7230. WARE *v.* KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION. C. A. 9th Cir. Certiorari denied.

No. 16–7232. CANNON *v.* BUNTING, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–7233. CUEVAS *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 8. Certiorari denied.

No. 16–7235. CULLEN *v.* SADDLER ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 656.

No. 16–7236. RANDALL *v.* ALLBAUGH, DIRECTOR, OKLAHOMA DEPARTMENT OF CORRECTIONS. C. A. 10th Cir. Certiorari denied. Reported below: 662 Fed. Appx. 571.

No. 16–7244. EDWARDS *v.* CALIFORNIA. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 16–7245. DUBERRY *v.* BRENNAN, POSTMASTER GENERAL. C. A. 11th Cir. Certiorari denied. Reported below: 652 Fed. Appx. 770.

No. 16–7246. ARACENA *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 208 So. 3d 712.

No. 16–7251. MACKENZIE *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 190 So. 3d 645.

No. 16–7252. KAMDEM-OUAFFO *v.* PEPSICO INC. ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 657 Fed. Appx. 949.

No. 16–7253. MACIAS LANDEROS *v.* DICKERSON ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–7256. COMFORT *v.* SHULKIN, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. Certiorari denied. Reported below: 670 Fed. Appx. 711.

No. 16–7263. BOWLES *v.* KANSAS ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 662 Fed. Appx. 552.

No. 16–7264. BUCKLEY *v.* DAVEY, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–7265. ARNOLD *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 204 So. 3d 580.

No. 16–7267. BARBEE *v.* NORTH CAROLINA. Sup. Ct. N. C. Certiorari denied. Reported below: 369 N. C. 75, 793 S. E. 2d 234.

No. 16–7268. BURNS *v.* EDDY ET AL. C. A. 6th Cir. Certiorari denied.

No. 16–7270. DICKEY *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–7271. BARRETT *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 16–7272. BACCUS *v.* STIRLING ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 639 Fed. Appx. 187.

No. 16–7274. DAVIS *v.* MEDICAL UNIVERSITY OF SOUTH CAROLINA-PHYSICIANS. C. A. 4th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 532.

No. 16–7277. WELLS *v.* FLORIDA ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–7280. MORRISON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 833 F. 3d 491.

No. 16–7282. DEJONGE *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 16–7284. JAIME *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–7285. MANUEL *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 717.

No. 16–7286. RASHID *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 654 Fed. Appx. 54.

No. 16–7287. RODGERS *v.* DUNN, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–7288. SCOTT *v.* UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND. C. A. 4th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 49.

No. 16–7289. HERNANDEZ *v.* PENNYWELL, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–7291. CROOKER *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 828 F. 3d 1357.

No. 16–7292. DZIEDZIC *v.* STATE UNIVERSITY OF NEW YORK AT OSWEGO ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 648 Fed. Appx. 125.

No. 16–7293. HORTON *v.* MINNESOTA. Ct. App. Minn. Certiorari denied.

No. 16–7294. HUNTER *v.* GALAZA, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–7295. GRANDBERRY *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–7296. FRANCIS *v.* CAMERON, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HOUTZDALE, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–7297. HUGHES *v.* TENNESSEE. Ct. Crim. App. Tenn. Certiorari denied.

No. 16–7298. GONZALES *v.* NEBRASKA. Ct. App. Neb. Certiorari denied. Reported below: 23 Neb. App. xvi.

No. 16–7299. NAZARETTE-GARCIA *v.* MCCOY. C. A. 4th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 831.

No. 16–7300. HARRIS *v.* HARDEMAN COUNTY, TENNESSEE, ET AL. C. A. 6th Cir. Certiorari denied.

No. 16–7301. PEREZ HERNANDEZ *v.* WALKER, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–7302. RODRIGUEZ *v.* ADAMS, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 789.

No. 16–7303. STEINBERG *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 198.

No. 16–7304. BRAXTON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 663 Fed. Appx. 253.

No. 16–7305. TILLISON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 661 Fed. Appx. 626.

No. 16–7306. VELLAI-PALOTAY *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied.

No. 16–7308. DAVIS *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 141 A. 3d 1105.

No. 16–7309. ALANIZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 630.

No. 16–7312. Clark *v.* Jones, Secretary, Florida Department of Corrections, et al. C. A. 11th Cir. Certiorari denied. Reported below: 821 F. 3d 1270.

No. 16–7313. Singleton *v.* Kelly, Superintendent, Oregon State Penitentiary. C. A. 9th Cir. Certiorari denied.

No. 16–7315. Bing Yi Chen *v.* United States. C. A. 2d Cir. Certiorari denied.

No. 16–7316. Jones *v.* United States. C. A. 10th Cir. Certiorari denied.

No. 16–7318. Stokes *v.* McFadden, Warden, et al. C. A. 4th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 523.

No. 16–7322. Lintz *v.* Brennan, Postmaster General, et al. C. A. 9th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 284.

No. 16–7326. Jackson *v.* United States. Ct. App. D. C. Certiorari denied. Reported below: 152 A. 3d 150.

No. 16–7329. Wright *v.* Illinois. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2015 IL App (1st) 131487–U.

No. 16–7330. Agolli *v.* Office of Inspector General, Department of Justice, et al. C. A. D. C. Cir. Certiorari denied.

No. 16–7331. McQuillan *v.* United States. C. A. 8th Cir. Certiorari denied.

No. 16–7332. Olaveson *v.* United States. C. A. 10th Cir. Certiorari denied. Reported below: 656 Fed. Appx. 434.

No. 16–7333. Johnson *v.* Vannoy, Warden. C. A. 5th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 474.

No. 16–7334. Goldberg *v.* United States. C. A. 2d Cir. Certiorari denied. Reported below: 661 Fed. Appx. 33.

No. 16–7339. Hicks *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 663 Fed. Appx. 299.

No. 16–7341. Hinkel *v.* United States. C. A. 1st Cir. Certiorari denied. Reported below: 837 F. 3d 111.

No. 16–7347. POLLARD *v.* ILLINOIS. App. Ct. Ill., 5th Dist. Certiorari denied. Reported below: 2016 IL App (5th) 130514, 54 N. E. 3d 234.

No. 16–7348. ODEH *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 832 F. 3d 764.

No. 16–7351. QUINONES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 377.

No. 16–7353. RICHARD *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 656 Fed. Appx. 26.

No. 16–7355. HAMILTON *v.* GRIFFIN, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 16–7356. INIGUEZ *v.* BITER, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–7357. GUITE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 652 Fed. Appx. 829.

No. 16–7358. HOWELL *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 838 F. 3d 489.

No. 16–7360. ANGEL GUTIERREZ *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 6. Certiorari denied.

No. 16–7361. HILL *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 659 Fed. Appx. 707.

No. 16–7362. BRADLEY *v.* SABREE ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 842 F. 3d 1291.

No. 16–7366. TREJO-GAMBOA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 197.

No. 16–7368. WICK *v.* CITIBANK, N. A. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 2016 IL App (2d) 150557–U.

No. 16–7369. LOPEZ *v.* LEWIS, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 642 Fed. Appx. 287.

No. 16–7374. PIPER *v.* WILSON, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 429.

No. 16–7375. PHILLIPS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 95.

No. 16–7377. SCHREIBER *v.* LUDWICK, WARDEN. Sup. Ct. Iowa. Certiorari denied.

No. 16–7379. WHITE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 893.

No. 16–7383. WHITE *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 16–7384. WHITE *v.* PEARSON, WARDEN. Sup. Ct. Va. Certiorari denied.

No. 16–7385. WRIGHT *v.* O'BRIEN. App. Ct. Mass. Certiorari denied. Reported below: 90 Mass. App. 1105, 59 N. E. 3d 455.

No. 16–7387. RODRIGUEZ VASQUEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–7389. TAHER *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 663 Fed. Appx. 28.

No. 16–7395. SCOTT *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–7396. QUINTEROS *v.* UNITED STATES. Ct. App. D. C. Certiorari denied.

No. 16–7397. HEATHER S. *v.* CONNECTICUT DEPARTMENT OF CHILDREN AND FAMILIES. App. Ct. Conn. Certiorari denied. Reported below: 165 Conn. App. 245, 138 A. 3d 469.

No. 16–7398. WARREN *v.* SHARTLE, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 657 Fed. Appx. 183.

No. 16–7401. CONLEY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 433.

No. 16–7407. SCOTT *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 831 F. 3d 1027.

No. 16–7409. CARMENATTY *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 16–7410. MACKENZIE *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 16–7412. CANDELARIO-SANTANA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 834 F. 3d 8.

No. 16–7416. WILLIAMS *v.* OFFICE OF PERSONNEL MANAGEMENT. C. A. Fed. Cir. Certiorari denied. Reported below: 646 Fed. Appx. 976.

No. 16–7417. WASHINGTON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–7420. GROVO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 826 F. 3d 1207 and 653 Fed. Appx. 512.

No. 16–7421. ONUNWOR *v.* MOORE, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 655 Fed. Appx. 369.

No. 16–7422. MITCHELL *v.* JOYNER ET AL. C. A. 8th Cir. Certiorari denied.

No. 16–7426. GORDON *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 657 Fed. Appx. 773.

No. 16–7433. WOMACK *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 833 F. 3d 1237.

No. 16–7434. WALKER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 511.

No. 16–7436. WILLIAMS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 16–7438. BAKER *v.* TAYLOR, SUPERINTENDENT, EASTERN OREGON CORRECTIONAL INSTITUTION. C. A. 9th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 854.

No. 16–7439. BRYANT *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 238.

No. 16–7440. HILL *v.* TENNESSEE DEPARTMENT OF TRANSPORTATION. C. A. 6th Cir. Certiorari denied.

No. 16–7441. PALOMAREZ *v.* YOUNG, WARDEN, ET AL. C. A. 8th Cir. Certiorari denied.

No. 16–7442. MCCLARTY *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–7443. GONZALEZ-MARES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 246.

No. 16–7444. FUENTES-CRUZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 255.

No. 16–7445. ROBINSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 664 Fed. Appx. 768.

No. 16–7446. LANE *v.* MAYE, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 664 Fed. Appx. 725.

No. 16–7447. SMITH *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–7453. SUMMERHAYS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 903.

No. 16–7455. SMITH *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 314.

No. 16–7464. VARELA *v.* ADAMS, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 664.

No. 16–7467. RUIZ-MONTES *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–7468. BAILEY *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 840 F. 3d 99.

No. 16–7473. HERRERA REYES *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 311.

No. 16–7477. KAPLAN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 839 F. 3d 795.

No. 16–7478. JIMENEZ-AGUILAR *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 332.

No. 16–7485. HUNTER *v.* MUNIZ, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 481.

No. 16–7486. TATUM *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 244.

No. 16–7490. MCCURRY *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 832 F. 3d 842.

No. 16–7491. PINKERTON *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 508.

No. 16–7493. VENABLE *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 840 F. 3d 99.

No. 16–7494. TORRENCE *v.* COMCAST CORP. C. A. 7th Cir. Certiorari denied. Reported below: 663 Fed. Appx. 475.

No. 16–7496. WILSON *v.* ARKANSAS. Sup. Ct. Ark. Certiorari denied. Reported below: 2016 Ark. 327, 499 S. W. 3d 638.

No. 16–7502. MARSHALL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 663 Fed. Appx. 275.

No. 16–7504. RUTLEDGE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 265.

No. 16–7505. RADEMAKER *v.* PARAMO, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 835 F. 3d 1018.

No. 16–7506. SKVARLA *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 673 Fed. Appx. 111.

No. 16–7507. SOBCZAK-SLOMCZEWSKI *v.* WDH, LLC. C. A. 7th Cir. Certiorari denied. Reported below: 826 F. 3d 429.

No. 16–7510. DAVIS *v.* GRANDLIENARD, WARDEN. C. A. 8th Cir. Certiorari denied. Reported below: 828 F. 3d 658.

No. 16–7511. CARMONA-LOPEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 334.

No. 16–7515. JEFFERSON *v.* VIRGINIA. C. A. 4th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 686.

No. 16–7526. MANDELL *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 833 F. 3d 816.

No. 16–7531. SAMUELS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–7534. RUFFIN *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 664 Fed. Appx. 224.

No. 16–7540. BLOCK *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–7544. CASILLAS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 830 F. 3d 403.

No. 16–7546. ROWELL *v.* RICHARDSON, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 16–7555. BODISON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–7558. FRIERSON *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 943.

No. 16–7559. GORDON *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 16–7562. CRISP *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–7563. SCONIERS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 16–7566. DE LA CRUZ-TREVINO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 752.

No. 16–7567. DE LA CRUZ, AKA DELACRUZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 744.

No. 16–7568. RUIZ *v.* TICE, ACTING SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HUNTINGDON, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 672 Fed. Appx. 207.

No. 16–7571. BANKS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 828 F. 3d 609.

No. 16–7572. EPSKAMP, AKA SEALED DEFENDANT *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 832 F. 3d 154.

No. 16–7573. MACON *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 840 F. 3d 99.

No. 16–7583. CHITWOOD *v.* WISCONSIN. Ct. App. Wis. Certiorari denied. Reported below: 2016 WI App 36, 369 Wis. 2d 132, 879 N. W. 2d 786.

No. 16–7584. MORROW *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 153 A. 3d 83.

No. 16–7590. AGOSTO-LOPEZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 16–7595. DEAN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–7596. CARTER *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 834 F. 3d 259.

No. 16–7597. LOPEZ-LOPEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 382.

No. 16–7599. JACKSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 663 Fed. Appx. 426.

No. 16–7600. WILLIAMS *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Reported below: 502 S. W. 3d 168.

No. 16–7602. VAZQUEZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 16–7609. MEDINA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 219.

No. 16–7611. HOUSE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 825 F. 3d 381.

No. 16–7614. GORDON *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 664 Fed. Appx. 242.

No. 16–7618. BENITEZ *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 16–7621. TROTTER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 837 F. 3d 864.

No. 16–7622. WAYS, AKA BLACKSTEEL *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 832 F. 3d 887.

No. 16–7629. ROBERTS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 746.

No. 16–7630. SANTANA-GARCIA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 740.

No. 16–7632. ENDRIS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 663 Fed. Appx. 277.

No. 16–7636. NUNEZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 840 F. 3d 1.

No. 16–7637. NUNEZ-DUENAS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 665 Fed. Appx. 618.

No. 16–7640. DOOR *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 663 Fed. Appx. 570.

No. 16–7646. HERRERA-VILLAREAL *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 665 Fed. Appx. 762.

No. 16–7648. WALKER *v.* ARKANSAS DEPARTMENT OF CORRECTION ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 335.

No. 16–7653. ROBINSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 664 Fed. Appx. 278.

No. 16–602. ARTHUR *v.* DUNN, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Motion of Certain Medical Professionals and Medical Ethicists for leave to file brief as *amici curiae* granted. Certiorari denied. Reported below: 840 F. 3d 1268.

JUSTICE SOTOMAYOR, with whom JUSTICE BREYER joins, dissenting.

Nearly two years ago in *Glossip* v. *Gross*, 576 U. S. 863 (2015), the Court issued a macabre challenge. In order to successfully attack a State's method of execution as cruel and unusual under the Eighth Amendment, a condemned prisoner must not only prove that the State's chosen method risks severe pain, but must also propose a "known and available" alternative method for his own execution. *Id.*, at 877–878, 880.

Petitioner Thomas Arthur, a prisoner on Alabama's death row, has met this challenge. He has amassed significant evidence that Alabama's current lethal-injection protocol will result in intolerable and needless agony, and he has proposed an alternative—death by firing squad. The Court of Appeals, without considering any of the evidence regarding the risk posed by the current

protocol, denied Arthur's claim because Alabama law does not expressly permit execution by firing squad, and so it cannot be a "known and available" alternative under *Glossip*. Because this decision permits States to immunize their methods of execution—no matter how cruel or how unusual—from judicial review and thus permits state law to subvert the Federal Constitution, I would grant certiorari and reverse. I dissent from my colleagues' decision not to do so.

I

A

Execution by lethal injection is generally accomplished through serial administration of three drugs. First, a fast-acting sedative such as sodium thiopental induces "a deep, comalike unconsciousness." *Baze* v. *Rees*, 553 U. S. 35, 44 (2008) (plurality opinion). Second, a paralytic agent—most often pancuronium bromide—"inhibits all muscular-skeletal movements and, by paralyzing the diaphragm, stops respiration." *Ibid.* Third, potassium chloride induces fatal cardiac arrest. *Ibid.*

The first drug is critical; without it, the prisoner faces the unadulterated agony of the second and third drugs. The second drug causes "an extremely painful sensation of crushing and suffocation," see Denno, When Legislatures Delegate Death: The Troubling Paradox Behind State Uses of Electrocution and Lethal Injection and What It Says About Us, 63 Ohio St. L. J. 63, 109, n. 321 (2002); but paralyzes the prisoner so as to "mas[k] any outward sign of distress," thus serving States' interest "'in preserving the dignity of the procedure,'" *Baze*, 553 U. S., at 71, 73 (Stevens, J., concurring in judgment). And the third drug causes an "excruciating burning sensation" that is "equivalent to the sensation of a hot poker being inserted into the arm" and traveling "with the chemical up the prisoner's arm and . . . across his chest until it reaches his heart." Denno, *supra*, at 109, n. 321.

Execution absent an adequate sedative thus produces a nightmarish death: The condemned prisoner is conscious but entirely paralyzed, unable to move or scream his agony, as he suffers "what may well be the chemical equivalent of being burned at the stake." *Glossip*, 576 U. S., at 949 (SOTOMAYOR, J., dissenting).

B

For many years, the barbiturate sodium thiopental seemed up to this task.[1] In 2009, however, the sole American manufacturer of sodium thiopental suspended domestic production and later left the market altogether. *Id.*, at 869–870 (majority opinion). States then began to use another barbiturate, pentobarbital. *Id.*, at 870. But in 2013, it also became unavailable. *Id.*, at 870–871. Only then did States turn to midazolam, the drug at the center of this case.

Midazolam, like Valium and Xanax, belongs to a class of medicines known as benzodiazepines and has some anesthetic effect. *Id.*, at 952–953 (SOTOMAYOR, J., dissenting). Generally, anesthetics can cause a level of sedation and depression of electrical brain activity sufficient to block *all* sensation, including pain. App. to Pet. for Cert. 283a–290a. But it is not clear that midazolam adequately serves this purpose. This is because midazolam, unlike barbiturates such as pentobarbital, has no analgesic—pain-relieving—effects. *Id.*, at 307a; see also *Glossip*, 576 U. S., at 953 (SOTOMAYOR, J., dissenting). Thus, "for midazolam to maintain unconsciousness through application of a particular stimulus, it would need to depress electrical activity *to a deeper level* than would be required of, for example, pentobarbital." App. to Pet. for Cert. 307a.[2] Although it can be used to render individuals

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[1] We examined the constitutionality of lethal injection in *Baze* v. *Rees*, 553 U. S. 35 (2008). There, the parties did not dispute that "proper administration of . . . sodium thiopental . . . eliminates any meaningful risk that a prisoner would experience pain" and results in a humane death. *Id.*, at 49 (plurality opinion). The petitioners nonetheless challenged Kentucky's three-drug protocol on the ground that, if prison executioners failed to follow the mandated procedures, an unconstitutional risk of significant pain would result. *Ibid.* A plurality of the Court concluded that "petitioners ha[d] not carried their burden of showing that the risk of pain from maladministration of a concededly humane lethal injection protocol" would violate the prohibition on cruel and unusual punishments. *Id.*, at 41.

[2] Because "midazolam is not an analgesic drug, any painful stimulus applied to an inmate will generate and transmit full intensity pain signals to the brain without interference." App. to Pet. for Cert. 309a. Arthur's expert witness provides "a rough analogy":

"[I]f being sedated is like being asleep, analgesia is like wearing earplugs. If two people are sleeping equally deeply, but only one is wearing earplugs, it will be much easier to shout and wake the person who is not wearing

unconscious, midazolam is not used on its own to *maintain* anesthesia—complete obliviousness to physical sensation—in surgical procedures, and indeed, the Food and Drug Administration has not approved the drug for this purpose. *Glossip*, 576 U. S., at 953 (SOTOMAYOR, J., dissenting).

Like the experts in *Glossip*, the experts in this case agree that midazolam is subject to a ceiling effect, which means that there is a point at which increasing the dose of the drug does not result in any greater effect. *Ibid.* The main dispute with respect to midazolam relates to how this ceiling effect operates—if the ceiling on midazolam's sedative effect is reached before complete unconsciousness can be achieved, it may be incapable of keeping individuals insensate to the extreme pain and discomfort associated with administration of the second and third drugs in lethal-injection protocols. *Ibid.*

After the horrific execution of Clayton Lockett, who, notwithstanding administration of midazolam, awoke during his execution and appeared to be in great pain, we agreed to hear the case of death-row inmates seeking to avoid the same fate. In *Glossip*, these inmates alleged that because midazolam is incapable of rendering prisoners unconscious and insensate to pain during lethal injection, Oklahoma's intended use of the drug in their executions would violate the Eighth Amendment. The Court rejected this claim for two reasons.

First, the Court found that the District Court had not clearly erred in determining that "midazolam is highly likely to render a person unable to feel pain during an execution." *Id.*, at 881. Second, the Court held that the petitioners had failed to satisfy the novel requirement of pleading and proving a "known and available alternative" method of execution. *Id.*, at 880.

Post-*Glossip*, in order to prevail in an Eighth Amendment challenge to a State's method of execution, prisoners first must prove the State's current method "entails a substantial risk of severe pain," *id.*, at 867, and second, must "identify a known and available alternative method of execution that entails a lesser risk of pain," *ibid.*

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earplugs. If two people are sedated to equivalent levels of electrical brain activity, but only one has analgesia, the person sedated without analgesia will be much more easily aroused to consciousness by the application of pain." *Ibid.*

II

This case centers on whether Thomas Arthur has met these requirements with respect to Alabama's lethal-injection protocol.

A

Alabama adopted lethal injection as its default method of execution in 2002. Ala. Code § 15–18–82.1(a) (2011); see also *Ex parte Borden*, 60 So. 3d 940, 941 (Ala. 2007). The State's capital punishment statute delegates the task of prescribing the drugs necessary to compound a lethal injection to the Department of Corrections. § 15–18–82.1(f). Consistent with the practice in other States following the national shortage of sodium thiopental and pentobarbital, the department has adopted a protocol involving the same three drugs considered in *Glossip*. See *Brooks* v. *Warden*, 810 F. 3d 812, 823 (CA11 2016).

Perhaps anticipating constitutional challenges, Alabama's legislature enacted a contingency plan: The statute provides that "[i]f electrocution or lethal injection is held to be unconstitutional . . . all persons sentenced to death for a capital crime shall be executed by any constitutional method of execution." § 15–18–82.1(c).

B

Thomas Douglas Arthur killed his paramour's husband in 1982. 840 F. 3d 1268, 1272–1273 (CA11 2016). Over the next decade, two juries found Arthur guilty of murder, and each time, Arthur's conviction was overturned on appeal. *Ibid.* After a third trial in 1992, Arthur was convicted and sentenced to death. *Ibid.* Since then, Arthur has been scheduled to die on six separate occasions, and each time, his execution was stayed. *Id.*, at 1275, n. 2. After 34 years of legal challenges, Arthur has accepted that he will die for his crimes. He now challenges only *how* the State will be permitted to kill him.

Arthur asserted two distinct claims in the District Court. First, Arthur asserted a *facial* challenge, arguing that midazolam is generally incapable of performing as intended during Alabama's three-drug lethal-injection procedure. Second, Arthur asserted an *as-applied* challenge, arguing that because of his individual health attributes, midazolam creates a substantial risk of severe pain for him during the procedure.

The District Court considered these two claims separately. With respect to the facial challenge, the District Court ordered

bifurcated proceedings, with the first hearing limited to the availability of a feasible alternative method of execution. App. to Pet. for Cert. 189a, and n. 2. Arthur's initial complaint proposed a single dose either of pentobarbital or sodium thiopental rather than a three-drug protocol, but the District Court found that those methods were unavailable given the elimination of both drugs from the domestic market. *Id.*, at 203a–205a.

Arthur then moved to amend his complaint to allege the firing squad as an alternative method of execution. The District Court denied the motion, holding that "execution by firing squad is not permitted by statute and, therefore, is not a method of execution that could be considered either feasible or readily implemented by Alabama at this time." *Id.*, at 241a. Because Arthur's claim failed on this ground, the court never considered Arthur's evidence with respect to midazolam, despite later observing that it was "impressive." *Id.*, at 166a.

In a separate order, the District Court considered Arthur's as-applied challenge. Arthur alleged, based on the expert opinion of Dr. Jack Strader, that "his cardiovascular issues, combined with his age and emotional makeup, create a constitutionally unacceptable risk of pain that will result in a violation of the Eighth Amendment if he is executed under the [midazolam] protocol." *Id.*, at 151a. Echoing its rationale with respect to Arthur's facial challenge, the District Court found that Arthur failed to prove the existence of a feasible, readily available alternative.

The court then turned to the question it had avoided in the facial challenge: whether Alabama's lethal-injection protocol created a risk of serious illness or needless suffering. But because the District Court considered the question as part of Arthur's as-applied challenge, it focused on the protocol as applied to Arthur's personal physical condition. The court rejected Dr. Strader's opinion that the dose of midazolam required by Alabama's protocol "'will likely induce a rapid and dangerous reduction in blood pressure more quickly than it results in sedation,'" and that during this time gap, Arthur—whom he believed to suffer from heart disease—would suffer a painful heart attack. *Id.*, at 169a. Because Dr. Strader's experience was limited to *clinical* doses of midazolam, which typically range from 2 to 5 mg, the court concluded that he had no basis to extrapolate his experience to non-clinical, *lethal* doses, such as the 500-mg bolus required by Alabama's lethal-injection protocol. *Id.*, at 177a.

The District Court expressly refused to consider the expert opinions that Arthur proffered as part of his facial challenge, noting that they "are untested in court, due to Arthur's inability to provide a[n alternative] remedy in his facial, and now as-applied, challenges." *Id.*, at 167a, n. 16.

The District Court therefore concluded that Arthur failed to meet the *Glossip* standard and entered judgment in favor of the State. App. to Pet. for Cert. 238a.

C

The Eleventh Circuit affirmed. In a 111-page slip opinion issued the day before Arthur's scheduled execution, the court first found that "Arthur never showed Alabama's current lethal injection protocol, *per se* or as applied to him, violates the Constitution." 840 F. 3d, at 1315. The court based this finding on Arthur's failure to "satisfy the first [*Glossip*] prong as to midazolam" as part of his as-applied challenge, *ibid.*, and the fact that this Court "upheld the midazolam-based execution protocol" in *Glossip*, 840 F. 3d, at 1315. Like the District Court, the Eleventh Circuit *never* considered the evidence Arthur introduced in support of his facial challenge to the protocol. Then, "[a]s an alternative and independent ground," *ibid.*, the Court of Appeals found that the firing squad is not an available alternative because that method is "beyond [the Department of Corrections'] statutory authority," *id.*, at 1320. Finally, and as yet another independent ground for denying relief, the court held Arthur's motion regarding the firing squad barred by the doctrine of laches. *Ibid.*, n. 35. According to the Eleventh Circuit, the "known and available" alternative requirement was made clear in *Baze*—not *Glossip*—and because Arthur failed to amend his complaint in 2008 when *Baze* was decided, his claim was barred by laches.

On the day of his scheduled execution, Arthur filed a petition for certiorari and an application to stay his execution. The Court granted the stay, *ante*, p. 977, but now denies certiorari.

III

A

The decision below permits a State, by statute, to bar a death-row inmate from vindicating a right guaranteed by the Eighth Amendment. Under this view, even if a prisoner can prove that

the State plans to kill him in an intolerably cruel manner, and even if he can prove that there is a feasible alternative, all a State has to do to execute him through an unconstitutional method is pass a statute declining to authorize any alternative method. This cannot be right.

To begin with, it contradicts the very decisions it purports to follow—*Baze* and *Glossip*. *Glossip* based its "known and available alternative" requirement on the plurality opinion in *Baze*. *Baze*, in turn, states that "[t]o qualify, the alternative procedure must be feasible, readily implemented, and in fact significantly reduce a substantial risk of severe pain." 553 U. S., at 52 (plurality opinion). The Court did not mention—or even imply—that a State must authorize the alternative by statute. To the contrary, *Baze* held that "[i]f a State refuses to adopt such an alternative in the face of these documented advantages," its "*refusal* to change its method can be viewed as 'cruel and unusual' under the Eighth Amendment." *Ibid.* (emphasis added). The decision below turns this language on its head, holding that if the State *refuses* to adopt the alternative legislatively, the inquiry ends. That is an alarming misreading of *Baze*.

Even more troubling, by conditioning federal constitutional rights on the operation of state statutes, the decision below contravenes basic constitutional principles. The Constitution is the "supreme law of the land"—irrespective of contrary state laws. Art. VI, cl. 2. And for more than two centuries it has been axiomatic that this Court—not state courts or legislatures—is the final arbiter of the Federal Constitution. See *Marbury* v. *Madison*, 1 Cranch 137, 177 (1803). Acting within our exclusive "province and duty" to "say what the law is," *ibid.*, we have interpreted the Eighth Amendment to entitle prisoners to relief when they succeed in proving that a State's chosen method of execution poses a substantial risk of severe pain and that a constitutional alternative is "known and available," *Glossip*, 576 U. S., at 878–881. The States have no power to override this constitutional guarantee. While States are free to define and punish crimes, "state laws respecting crimes, punishments, and criminal procedure are . . . subject to the overriding provisions of the United States Constitution." *Payne* v. *Tennessee*, 501 U. S. 808, 824 (1991).

Equally untenable are the differing interpretations of the Eighth Amendment that would result from the Eleventh Circuit's

rule. Under the Eleventh Circuit's view, whether an inmate who will die in an intolerably cruel manner can obtain relief under *Glossip* depends not on the Constitution but on vagaries of state law. The outcome of this case, for instance, would turn on whether Arthur had been sentenced in Oklahoma, where state law expressly permits the firing squad, see Okla. Stat., Tit. 22, § 1014 (Supp. 2016), rather than in Alabama, which—according to the Eleventh Circuit [3]—does not, see Ala. Code § 15–18–82.1. But since the very beginning of our Nation, we have emphasized the "necessity of uniformity" in constitutional interpretation "throughout the whole United States, upon all subjects within the purview of the constitution." *Martin* v. *Hunter's Lessee*, 1 Wheat. 304, 347–348 (1816) (emphasis deleted). Nowhere is the need for uniformity more pressing than the rules governing States' imposition of death.

B

The Eleventh Circuit's alternative holdings are unavailing.

First, the court erroneously concluded that Arthur failed to carry his burden on the first *Glossip* requirement—proving that Alabama's midazolam-centered protocol poses a substantial risk of severe pain. The court used the District Court's finding that Arthur failed to meet this prong with respect to his *as-applied* challenge to hold that Arthur's *facial* challenge likewise failed. But it is undisputed that Arthur put forth "impressive" evidence to support his facial challenge that neither the District Court nor the Court of Appeals considered. This evidence included the expert testimony of Dr. Alan Kaye, chairman of the Department

[3] I question the Eleventh Circuit's conclusion that the statute does not authorize the firing squad as an available means of execution. In my view, the Alabama statute unambiguously reads as a codification of *Glossip*. If *either* of the specified methods—lethal injection *or* electrocution—is declared unconstitutional, the statute authorizes the State to execute prisoners by "*any* constitutional method of execution." Ala. Code § 15–18–82.1(c) (2016) (emphasis added). The state statute thus permits exactly what the Court required in *Glossip*—if a condemned prisoner can prove that the lethal-injection protocol presents an unconstitutional risk of needless suffering, he may propose an alternative, constitutional means of execution, which may include the firing squad. Even assuming, however, that the Eleventh Circuit properly interpreted Alabama's statute, the question remains whether States may legislatively determine what the Eighth Amendment requires or prohibits. That question is worthy of our review.

of Anesthesiology at Louisiana State University's Health Sciences Center, who found the dose of midazolam prescribed in Alabama's protocol insufficient to "cure . . . the *fundamental unsuitability* of midazolam as the first drug in [Alabama's lethal-injection] protocol." App. to Pet. for Cert. 302a (emphasis added). Dr. Kaye concluded that "the chemical properties of midazolam limit its ability to depress electrical activity in the brain. The lack of another chemical property—analgesia—renders midazolam incapable of maintaining even that limited level of depressed electrical activity under the undiminished pain of the second and third lethal injection drugs." *Id.*, at 311a.

The court next read *Glossip* as categorically "uph[olding] the midazolam-based execution protocol." 840 F. 3d, at 1315. *Glossip* did no such thing. The majority opinion in *Glossip* concluded that, based on the facts presented in that case, "[t]he District Court did not commit clear error when it found that midazolam is highly likely to render a person unable to feel pain during an execution." 576 U. S., at 881. The opinion made no determination whether midazolam-centered lethal injection represents a constitutional method of execution.

Finally, the court's laches finding faults Arthur for failing to act immediately after *Baze*, which, according to the panel, "made clear in 2008 . . . that a petitioner-inmate had the burden to show that a proffered alternative was 'feasible, readily implemented, and in fact significantly reduce[d] a substantial risk of severe pain.'" 840 F. 3d, at 1320, n. 35 (quoting *Baze*, 553 U. S., at 41). But the District Court in this case—not to mention at least four Justices of this Court, see *Glossip*, 576 U. S., at 970–973 (SOTOMAYOR, J., dissenting)—did not read *Baze* as requiring an alternative. See Record in *Arthur* v. *Myers*, No. 2:11–cv–438 (MD Ala.), Doc. 195, p. 11 ("[T]he court does not accept the State's argument that [a known and available alternative method of execution] is a specific pleading requirement set forth by *Baze* that must be properly alleged before a case can survive a motion to dismiss"). Arthur filed a statement within 14 days of our decision in *Glossip* informing the District Court of his belief that our decision would impact his case, see *id.*, Doc. 245, and moved to amend his complaint a few weeks later, see *id.*, Doc. 256.

In sum, the Eleventh Circuit's opinion rests on quicksand foundations and flouts the Constitution, as well as the Court's deci-

sions in *Baze* and *Glossip*. These errors alone counsel in favor of certiorari.

IV

The decision below is all the more troubling because it would put an end to an ongoing national conversation—between the legislatures and the courts—around the methods of execution the Constitution tolerates. The meaning of the Eighth Amendment's prohibition on cruel and unusual punishments "is determined not by the standards that prevailed when the Eighth Amendment was adopted in 1791" but instead derives from "'the evolving standards of decency that mark the progress of a maturing society.'" *Kennedy* v. *Louisiana*, 554 U. S. 407, 419 (2008) (quoting *Trop* v. *Dulles*, 356 U. S. 86, 101 (1958) (plurality opinion)). Evolving standards have yielded a familiar cycle: States develop a method of execution, which is generally accepted for a time. Science then reveals that—unknown to the previous generation—the States' chosen method of execution causes unconstitutional levels of suffering. A new method of execution is devised, and the dialogue continues. The Eighth Amendment requires this conversation. States should not be permitted to silence it by statute.

A

From the time of the founding until the early 20th century, hanging was the preferred practice. Gardner, Executions and Indignities—An Eighth Amendment Assessment of Methods of Inflicting Capital Punishment, 39 Ohio St. L. J. 96, 119 (1978). After several grotesque failures at the gallows—including slow asphyxiation and violent decapitation—revealed the "crude and imprecise" nature of the practice, *Campbell* v. *Wood*, 511 U. S. 1119, 1122 (1994) (Blackmun, J., dissenting from denial of certiorari), States sought to execute condemned prisoners "'in a less barbarous manner'" and settled on electrocution. See *In re Kemmler*, 136 U. S. 436, 444 (1890).

New York carried out the world's first electrocution in ghastly fashion,[4] leading the New York Times to declare it "a disgrace to

[4] New York executed William Kemmler on August 6, 1890. According to the New York Times, "[p]robably no convicted murderer of modern times has been made to suffer as Kemmler suffered." Far Worse Than Hanging, N. Y. Times, Aug. 7, 1890, p. 1. Witnesses recounted the execution:

"After the first convulsion there was not the slightest movement of Kemmler's body. . . . Then the eyes that had been momentarily turned from Kemm-

civilization." See Far Worse Than Hanging, N. Y. Times, Aug. 7, 1890, p. 1. Electrocution nonetheless remained the dominant mode of execution for more than a century, until the specter of charred and grossly disfigured bodies proved too much for the public, and the courts, to bear.[5] See, *e. g.*, *Dawson* v. *State*, 274 Ga. 327, 335, 554 S. E. 2d 137, 144 (2001) ("[W]e hold that death by electrocution, with its specter of excruciating pain and its certainty of cooked brains and blistered bodies, violates the prohibition against cruel and unusual punishment").

The States then tried lethal gas. Although the gas chamber was initially believed to produce relatively painless death, it ultimately became clear that it exacted "exquisitely painful" sensations of "anxiety, panic, [and] terror," leading courts to declare it unconstitutional. See, *e. g.*, *Fierro* v. *Gomez*, 77 F. 3d 301, 308 (CA9 1996) (internal quotation marks omitted).[6]

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ler's body returned to it and gazed with horror on what they saw. The men rose from their chairs impulsively and groaned at the agony they felt. 'Great God! [H]e is alive!' someone said[.] 'Turn on the current,' said another . . . .

"Again came that click as before, and again the body of the unconscious wretch in the chair became as rigid as one of bronze. It was awful, and the witnesses were so horrified by the ghastly sight that they could not take their eyes off it. The dynamo did not seem to run smoothly. The current could be heard sharply snapping. Blood began to appear on the face of the wretch in the chair. It stood on the face like sweat. . . .

"An awful odor began to permeate the death chamber, and then, as though to cap the climax of this fearful sight, it was seen that the hair under and around the electrode on the head and the flesh under and around the electrode at the base of the spine was singeing. The stench was unbearable." *Ibid.* (paragraph break omitted).

[5] After a particularly gruesome electrocution in Florida, this Court granted certiorari on the question whether electrocution creates a constitutionally unacceptable risk of physical suffering in violation of the Eighth Amendment, see *Bryan* v. *Moore*, 528 U. S. 960 (1999), but later dismissed the writ as improvidently granted in light of an amendment to the State's execution statute that permitted prisoners to choose lethal injection rather than electrocution, see *Bryan* v. *Moore*, 528 U. S. 1133 (2000). See also Fla. Stat. Ann. § 922.10 (West 2001).

[6] This Court granted certiorari in *Fierro*, vacated the judgment, and remanded for consideration in light of the California Legislature's adoption of lethal injection as the State's primary method of execution. See *Gomez* v. *Fierro*, 519 U. S. 918 (1996).

Finally, States turned to a "more humane and palatable" method of execution: lethal injection. Denno, 63 Ohio St. L. J., at 92. Texas performed the first lethal injection in 1982 and, impressed with the apparent ease of the process, other States quickly followed suit. S. Banner, The Death Penalty: An American History 297 (2002). One prison chaplain marveled: "'It's extremely sanitary. . . . The guy just goes to sleep. That's all there is to it.'" *Ibid.* What cruel irony that the method that appears most humane may turn out to be our most cruel experiment yet.

B

Science and experience are now revealing that, at least with respect to midazolam-centered protocols, prisoners executed by lethal injection are suffering horrifying deaths beneath a "medically sterile aura of peace." Denno, *supra*, at 66. Even if we sweep aside the scientific evidence, we should not blind ourselves to the mounting firsthand evidence that midazolam is simply unable to render prisoners insensate to the pain of execution. The examples abound.

After Ohio administered midazolam during the execution of Dennis McGuire in January 2014, he "strained against the restraints around his body, and . . . repeatedly gasped for air, making snorting and choking sounds for about 10 minutes." Johnson, Inmate's Death Called 'Horrific', Columbus Dispatch, Jan. 17, 2014, pp. A1, A10.

The scene was much the same during Oklahoma's execution of Clayton Lockett in April 2014. After executioners administered midazolam and declared him unconscious, Lockett began to writhe against his restraints, saying, "[t]his s*** is f***ing with my mind," "something is wrong," and "[t]he drugs aren't working." *Glossip*, 576 U. S., at 951 (SOTOMAYOR, J., dissenting).

When Arizona executed Joseph Rudolph Wood in July 2014 using a midazolam-based protocol, he "gulped like a fish on land." Kiefer, Botched Execution, Arizona Republic, July 24, 2014, pp. A1, A9. A witness reported more than 640 gasps as Wood convulsed on the gurney for more than an hour and a half before being declared dead. *Ibid.*

Finally, and just over a month after this Court stayed Thomas Arthur's execution, Alabama executed Ronald Bert Smith. Following the dose of midazolam, Smith "clenched his fist" and was "apparently struggling for breath as he heaved and coughed for

about 13 minutes." Berman & Barnes, Alabama Inmate Was Heaving, Coughing During Lethal-Injection Execution, Washington Post, Dec. 10, 2016, p. A3.

It may well be that as originally designed, lethal injection can be carried out in a humane fashion that comports with the Eighth Amendment. But our lived experience belies any suggestion that midazolam reliably renders prisoners entirely unconscious to the searing pain of the latter two drugs. These accounts are especially terrifying considering that each of these men received doses of powerful paralytic agents, which likely masked the full extent of their pain. Like a hangman's poorly tied noose or a malfunctioning electric chair, midazolam might render our latest method of execution too much for our conscience—and the Constitution—to bear.

C

As an alternative to death by midazolam, Thomas Arthur has proposed death by firing squad. Some might find this choice regressive, but the available evidence suggests "that a competently performed shooting may cause nearly instant death." Denno, Is Electrocution an Unconstitutional Method of Execution? The Engineering of Death Over the Century, 35 Wm. & Mary L. Rev. 551, 688 (1994). In addition to being near instant, death by shooting may also be comparatively painless. See Banner, *supra*, at 203. And historically, the firing squad has yielded significantly fewer botched executions. See A. Sarat, Gruesome Spectacles: Botched Executions and America's Death Penalty, App. A, p. 177 (2014) (calculating that while 7.12% of the 1,054 executions by lethal injection between 1900 and 2010 were "botched," none of the 34 executions by firing squad had been).

Chief Justice Warren famously wrote that "[t]he basic concept underlying the Eighth Amendment is nothing less than the dignity of man." *Trop*, 356 U. S., at 100 (plurality opinion). States have designed lethal-injection protocols with a view toward protecting their own dignity, but they should not be permitted to shield the true horror of executions from official and public view. Condemned prisoners, like Arthur, might find more dignity in an instantaneous death rather than prolonged torture on a medical gurney.

To be clear, this is not a matter of permitting inmates to choose the manner of death that best suits their desires. It is a matter of permitting a death-row inmate to make the showing *Glossip*

requires in order to prove that the Constitution demands something less cruel and less unusual than what the State has offered. Having met the challenge set forth in *Glossip*, Arthur deserves the opportunity to have his claim fairly reviewed in court. The Eleventh Circuit denied him this opportunity, and in doing so, thwarted the Court's decision in *Glossip*, as well as basic constitutional principles.

* * *

Twice in recent years, this Court has observed that it "has never invalidated a State's chosen procedure for carrying out a sentence of death as the infliction of cruel and unusual punishment." *Baze*, 553 U. S., at 48 (plurality opinion); *Glossip*, 576 U. S., at 869 (same). In *Glossip*, the majority opinion remarked that the Court "did not retreat" from this nonintervention strategy even after Louisiana strapped a 17-year-old boy to its electric chair and, having failed to kill him the first time, argued for a second try—which this Court permitted. *Id.*, at 869. We should not be proud of this history. Nor should we rely on it to excuse our current inaction.

I dissent.

No. 16–686. BNSF Railway Co. *v.* Noice, as Personal Representative for Noice. Sup. Ct. N. M. Motion of Association of American Railroads for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 2016–NMSC–032, 383 P. 3d 761.

No. 16–905. E. I. du Pont de Nemours & Co. *v.* MacDermid Printing Solutions, L. L. C. C. A. Fed. Cir. Certiorari denied. Justice Alito took no part in the consideration or decision of this petition. Reported below: 657 Fed. Appx. 1004.

No. 16–6496. Johnson et al. *v.* Kelley, Director, Arkansas Department of Correction, et al. Sup. Ct. Ark. Certiorari denied. Reported below: 2016 Ark. 268, 496 S. W. 3d 346.

Justice Sotomayor, with whom Justice Breyer joins, dissenting.

I dissent for the reasons set out in *Arthur* v. *Dunn*, *supra*, p. 1141 (Sotomayor, J., dissenting from denial of certiorari).

No. 16–7437. Sanchez-Rosado *v.* United States. C. A. 1st Cir. Certiorari denied. Justice Kagan took no part in the consideration or decision of this petition.

No. 16–7492. RUDZAVICE *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS. C. A. 5th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 16–7591. AKERS *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 669 Fed. Appx. 959.

Rehearing Denied

No. 15–9313. CALKINS *v.* UNITED STATES, *ante*, p. 986;

No. 15–9671. MOORE *v.* FLORIDA, *ante*, p. 852;

No. 15–9894. HAGGERTY *v.* COURT OF COMMON PLEAS OF PENNSYLVANIA, INDIANA COUNTY, *ante*, p. 864;

No. 16–196. ELLSWORTH *v.* RAMOS, WARDEN, ET AL., *ante*, p. 933;

No. 16–363. GHOGOMU *v.* DELTA AIRLINES GLOBAL SERVICES, LLC, ET AL., *ante*, p. 999;

No. 16–421. MARTIN *v.* BRAVENEC ET AL., *ante*, p. 1020;

No. 16–453. KUPERSMIT *v.* COMMISSIONER OF INTERNAL REVENUE, *ante*, p. 1031;

No. 16–622. PAUNESCU ET UX. *v.* ECKERT ET AL., *ante*, p. 1054;

No. 16–717. PATEL *v.* GEORGIA DEPARTMENT OF BEHAVIOR HEALTH, *ante*, p. 1056;

No. 16–5099. ADKINS *v.* JOCHEM ET AL., *ante*, p. 989;

No. 16–5257. FELTON *v.* MASSACHUSETTS, *ante*, p. 890;

No. 16–5337. RANDOLPH ET UX. *v.* SOLUTIA, INC., *ante*, p. 1032;

No. 16–5473. HALL *v.* UNITED STATES, *ante*, p. 901;

No. 16–5475. GOMILLION *v.* GEORGIA, *ante*, p. 921;

No. 16–5580. BROOM *v.* OHIO, *ante*, p. 1038;

No. 16–5588. OLUIGBO-BERNARDS *v.* UNITED STATES, *ante*, p. 904;

No. 16–5653. STONE *v.* REYES ET AL., *ante*, p. 1021;

No. 16–5823. DOBBS *v.* FLORIDA, *ante*, p. 966;

No. 16–5829. THORNBERG *v.* STATE FARM FIRE & CASUALTY CO. ET AL., *ante*, p. 1002;

No. 16–5849. STOCKWELL *v.* KEY, SUPERINTENDENT, AIRWAY HEIGHTS CORRECTIONS CENTER, *ante*, p. 967;

No. 16–5915. LEGATE *v.* COLLIER, EXECUTIVE DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, *ante*, p. 990;

No. 16–5926. VAN BUREN *v.* CALIFORNIA, *ante*, p. 990;

No. 16–6030. CONNER *v.* TEXAS, *ante*, p. 1004;

No. 16–6068. HANSON-HODGE *v.* COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY, *ante*, p. 1004;

No. 16–6086. REMENAR *v.* EMPLOYMENT DEPARTMENT ET AL., *ante*, p. 1005;

No. 16–6173. MAYER *v.* BEEMER, ATTORNEY GENERAL OF PENNSYLVANIA, *ante*, p. 974;

No. 16–6240. DURHAM *v.* SUNY ROCKLAND COMMUNITY COLLEGE ET AL., *ante*, p. 1023;

No. 16–6248. SELDEN *v.* FLORIDA ET AL., *ante*, p. 1023;

No. 16–6282. WRIGHT *v.* CIRCUIT COURT OF MISSISSIPPI, HINDS COUNTY, *ante*, p. 1024;

No. 16–6305. SMITH *v.* VIRGINIA, *ante*, p. 1008;

No. 16–6318. SEIBERT *v.* CRICKMAR, WARDEN, *ante*, p. 1032;

No. 16–6327. DAVISON *v.* UNITED STATES, *ante*, p. 992;

No. 16–6363. BRITFORD *v.* ALABAMA, *ante*, p. 1009;

No. 16–6373. SANDLAIN *v.* UNITED STATES, *ante*, p. 1009;

No. 16–6402. HAMILTON *v.* DAVILA, *ante*, p. 1010;

No. 16–6488. MAYES *v.* UNITED STATES, *ante*, p. 1011;

No. 16–6529. LONGARIELLO *v.* AURA AT MIDTOWN/ALLIANCE RESIDENTIAL, LLC, *ante*, p. 1062;

No. 16–6660. HICKLIN *v.* STEELE, WARDEN, *ante*, p. 1066;

No. 16–6698. CLAY *v.* MCDONALD, SECRETARY OF VETERANS AFFAIRS, *ante*, p. 1068;

No. 16–6824. FISHER *v.* CITY OF IRONTON, OHIO, *ante*, p. 1074;

No. 16–6921. REMENAR *v.* SCARP, ATTORNEY ADMISSION CLERK, UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON, *ante*, p. 1094; and

No. 16–7328. ANDREWS *v.* INDIRECT PURCHASER CLASS, *ante*, p. 1104. Petitions for rehearing denied.

No. 16–431. WALSH *v.* GEORGE ET AL., *ante*, p. 1036. Petition for rehearing denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

FEBRUARY 27, 2017

Affirmed on Appeal

No. 16–743. INDEPENDENCE INSTITUTE *v.* FEDERAL ELECTION COMMISSION. Affirmed on appeal from D. C. D. C. Reported below: 216 F. Supp. 3d 176.

Miscellaneous Orders

No. 16M87. SEPULVEDA MEDINA *v.* ORIENTAL BANK & TRUST, HATO REY BRANCH. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 137, Orig. MONTANA *v.* WYOMING ET AL. Motion of the Special Master for allowance of fees and disbursements granted, and the Special Master is awarded a total of $162,815.08 for the period May 1, 2014, through December 31, 2016, to be paid equally by Montana and Wyoming. JUSTICE KAGAN took no part in the consideration or decision of this motion. [For earlier decision herein, see, *e. g.*, 577 U. S. 423.]

No. 16–341. TC HEARTLAND LLC *v.* KRAFT FOODS GROUP BRANDS LLC. C. A. Fed. Cir. [Certiorari granted, *ante*, p. 1039.] Motion of petitioner to file joint appendix under seal with redacted copies for the public record granted.

No. 16–668. MAGEE *v.* COCA-COLA REFRESHMENTS USA, INC. C. A. 5th Cir. The Acting Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 16–6219. DAVILA *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. [Certiorari granted, *ante*, p. 1090.] Motion of petitioner for appointment of counsel granted, and Seth Kretzer, Esq., of Houston, Tex., is appointed to serve as counsel for petitioner in this case.

No. 16–7372. IN RE NOBLE. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until March 20, 2017, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court. JUSTICE ALITO took no part in the consideration or decision of this motion.

No. 16–7592. WHITE ET UX. *v.* ATTORNEY GRIEVANCE COMMISSION OF MICHIGAN. Sup. Ct. Mich. Motion of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until March 20, 2017, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

No. 16–7807. IN RE HILLS; and

No. 16–7854. In re Brice. Petitions for writs of habeas corpus denied.

No. 16–908. In re Bundy. Petition for writ of mandamus denied.

Certiorari Granted

No. 16–460. Artis *v.* District of Columbia. Ct. App. D. C. Certiorari granted. Reported below: 135 A. 3d 334.

No. 16–658. Hamer *v.* Neighborhood Housing Services of Chicago et al. C. A. 7th Cir. Certiorari granted. Reported below: 835 F. 3d 761.

No. 16–6855. Wilson *v.* Sellers, Warden. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. Adam K. Mortara, Esq., of Chicago, Ill., is invited to brief and argue as *amicus curiae* in support of judgment below. Reported below: 834 F. 3d 1227.

Certiorari Denied

No. 15–1193. Johnson *v.* Carpenter, Warden. C. A. 6th Cir. Certiorari denied.

No. 15–9092. Walker *v.* Cain, Warden. C. A. 5th Cir. Certiorari denied.

No. 15–9638. Sheppard *v.* Robinson, Warden. C. A. 6th Cir. Certiorari denied. Reported below: 807 F. 3d 815.

No. 16–144. Abdur'Rahman *v.* Westbrooks, Warden. C. A. 6th Cir. Certiorari denied. Reported below: 805 F. 3d 710.

No. 16–548. Belmora LLC et al. *v.* Bayer Consumer Care AG et al. C. A. 4th Cir. Certiorari denied. Reported below: 819 F. 3d 697.

No. 16–753. Jarvis et al. *v.* Cuomo, Governor of New York, et al. C. A. 2d Cir. Certiorari denied. Reported below: 660 Fed. Appx. 72.

No. 16–791. A. S. *v.* Padilla, Judge, Superior Court of Arizona, Maricopa County, et al. Ct. App. Ariz. Certiorari denied. Reported below: 239 Ariz. 314, 371 P. 3d 642.

No. 16–792. ADAMSKI *v.* ADAMSKA. Sup. Ct. Nev. Certiorari denied. Reported below: 132 Nev. 937.

No. 16–793. ROUSE *v.* II–VI INC. ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 658 Fed. Appx. 21.

No. 16–797. TERRY ET AL. *v.* NEWELL ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 257.

No. 16–798. ALUMNI ASSOCIATION OF NEW JERSEY INSTITUTE OF TECHNOLOGY *v.* NEW JERSEY INSTITUTE OF TECHNOLOGY. Super. Ct. N. J., App. Div. Certiorari denied.

No. 16–799. ALTO ET AL. *v.* HAUGRUD, ACTING SECRETARY OF THE INTERIOR, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 661 Fed. Appx. 502.

No. 16–807. SODOMSKY *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 137 A. 3d 620.

No. 16–815. MUHAMMAD *v.* MUHAMMAD ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 455.

No. 16–820. MEYER *v.* MCKINLEY ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 655 Fed. Appx. 522.

No. 16–821. O'DONNELL ET AL. *v.* CITY OF CLEVELAND, OHIO, ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 838 F. 3d 718.

No. 16–823. BEDNARZ *v.* WELLS FARGO BANK, N. A. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 152738, 53 N. E. 3d 1079.

No. 16–824. ANGIUONI *v.* TOWN OF BILLERICA, MASSACHUSETTS, ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 838 F. 3d 34.

No. 16–826. PICKENS *v.* GANNETT CO., INC., ET AL. Sup. Ct. Fla. Certiorari denied.

No. 16–852. KRZYSIAK *v.* SESSIONS, ATTORNEY GENERAL. C. A. 2d Cir. Certiorari denied. Reported below: 667 Fed. Appx. 324.

No. 16–869. ROBINSON *v.* ROBINSON. Ct. App. Utah. Certiorari denied. Reported below: 2016 UT App 32, 368 P. 3d 147.

No. 16–897. JONES *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 16–900. STEVENSON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 834 F. 3d 80 and 660 Fed. Appx. 4.

No. 16–913. WI-LAN USA, INC., ET AL. *v.* APPLE INC. C. A. Fed. Cir. Certiorari denied. Reported below: 830 F. 3d 1374.

No. 16–914. WOODMAN'S FOOD MARKET, INC. *v.* CLOROX CO. ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 833 F. 3d 743.

No. 16–918. COLBURN, AKA CULBURN *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied. Reported below: 201 So. 3d 462.

No. 16–935. GILLENWATER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 844.

No. 16–5046. COTONUTS *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 501.

No. 16–5307. NORMAN *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 817 F. 3d 226.

No. 16–5507. MOSES *v.* THOMAS, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 815 F. 3d 163.

No. 16–6014. CASH *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied. Reported below: 635 Pa. 451, 137 A. 3d 1262.

No. 16–6076. CARRASQUILLO-PENALOZA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 826 F. 3d 590.

No. 16–6115. JIMENEZ *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 16–6224. VENNES *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 16–6580. PUGH *v.* MONTGOMERY COUNTY BOARD OF EDUCATION. C. A. 4th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 398.

No. 16–6676. A. C. S. *v.* Florida Board of Bar Examiners. Sup. Ct. Fla. Certiorari denied.

No. 16–6939. Norris *v.* Davis, Director, Texas Department of Criminal Justice, Correctional Institutions Division. C. A. 5th Cir. Certiorari denied. Reported below: 826 F. 3d 821.

No. 16–6982. Gates *v.* Davis, Director, Texas Department of Criminal Justice, Correctional Institutions Division. C. A. 5th Cir. Certiorari denied. Reported below: 660 Fed. Appx. 270.

No. 16–7311. Jenkins *v.* Kentucky. Sup. Ct. Ky. Certiorari denied. Reported below: 496 S. W. 3d 435.

No. 16–7319. Dudden *v.* New York. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 138 App. Div. 3d 1452, 30 N. Y. S. 3d 448.

No. 16–7321. Mann *v.* Ryan, Director, Arizona Department of Corrections. C. A. 9th Cir. Certiorari denied.

No. 16–7323. Shallowhorn *v.* Madden, Warden. C. A. 9th Cir. Certiorari denied.

No. 16–7324. Smith *v.* HSBC Bank et al. C. A. 5th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 224.

No. 16–7335. Balderas *v.* Texas. Ct. Crim. App. Tex. Certiorari denied. Reported below: 517 S. W. 3d 756.

No. 16–7336. Brooks *v.* Campbell, Warden. C. A. 6th Cir. Certiorari denied.

No. 16–7342. LaBlanche *v.* Iovate Health Sciences USA, Inc., et al. C. A. 5th Cir. Certiorari denied.

No. 16–7343. May *v.* Allen et al. Ct. App. Ind. Certiorari denied. Reported below: 57 N. E. 3d 900.

No. 16–7344. Morrow *v.* Pash, Warden. C. A. 8th Cir. Certiorari denied.

No. 16–7345. Mims *v.* Florida. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 200 So. 3d 73.

No. 16–7349. MBUGUA *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–7350. MIKHAEIL *v.* SANTOS ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 646 Fed. Appx. 158.

No. 16–7354. PHILLIPPI *v.* DUCART, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–7359. MEDFORD *v.* TARRANT COUNTY, TEXAS, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 253.

No. 16–7363. ANTIC *v.* BANK OF AMERICA, N. A. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 130160–UB.

No. 16–7364. LIGHTFOOT *v.* XANODYNE PHARMACEUTICALS, INC. C. A. 6th Cir. Certiorari denied.

No. 16–7367. URUK *v.* CALIFORNIA. App. Div., Super. Ct. Cal., County of Santa Barbara. Certiorari denied.

No. 16–7370. KNIGHT *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 202 So. 3d 439.

No. 16–7371. MANNING *v.* PATTON, DIRECTOR, OKLAHOMA DEPARTMENT OF CORRECTIONS. C. A. 10th Cir. Certiorari denied. Reported below: 639 Fed. Appx. 544.

No. 16–7376. PULEO *v.* ARIZONA. Ct. App. Ariz. Certiorari denied.

No. 16–7378. STOVALL *v.* CHAPTELAIN, WARDEN, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 660 Fed. Appx. 674.

No. 16–7380. PUGH *v.* GEHUNSKI ET AL. C. A. 6th Cir. Certiorari denied.

No. 16–7381. TURNER *v.* BIGELOW, PRESIDING JUSTICE, COURT OF APPEALS OF CALIFORNIA, SECOND APPELLATE DISTRICT, ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–7382. WARNER *v.* HERNANDEZ, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 137.

No. 16–7429. GORDON *v.* KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 397.

No. 16–7459. CLUTCHETTE *v.* MONTGOMERY, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–7463. HEATH *v.* JONES ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 266.

No. 16–7476. WASHINGTON *v.* SOTO, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–7487. PRIORE *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied.

No. 16–7495. YOUNG *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–7524. JENSEN *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 16–7548. PARNELL *v.* NEBRASKA. Sup. Ct. Neb. Certiorari denied. Reported below: 294 Neb. 551, 883 N. W. 2d 652.

No. 16–7554. BURNS *v.* WELLS FARGO BANK, N. A. C. A. 5th Cir. Certiorari denied.

No. 16–7569. WASHAM *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–7575. LEWIS *v.* ODDO, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 450.

No. 16–7578. THOMPSON *v.* BRANNON, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 16–7607. MITCHELL *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 16–7623. VASQUE VALENZUELA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–7641. ARMSTRONG *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 831.

No. 16–7649. MACHORRO-XOCHICALE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 840 F. 3d 545.

No. 16–7651. MALDONADO-PALMA *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 839 F. 3d 1244.

No. 16–7656. JOHNSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 664 Fed. Appx. 785.

No. 16–7657. JONES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 636.

No. 16–7658. WASHINGTON *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 16–7663. MOCTAR *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 117 A. 3d 1043.

No. 16–7664. PETROSIAN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 661 Fed. Appx. 903.

No. 16–7668. BUZANI-MUNOZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 658 Fed. Appx. 752.

No. 16–7670. APPLING *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 16–7672. DELUCA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 663 Fed. Appx. 875.

No. 16–7681. STEIBING *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 660 Fed. Appx. 136.

No. 16–7682. SLUSSER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–7684. NEGBENEBOR *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 659 Fed. Appx. 946.

No. 16–7692. GREENE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 16–7694. GRIFFIN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 663 Fed. Appx. 439.

No. 16–7695. ANTONIO GAMEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 218.

No. 16–7696. FIELDS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 16–7697. LANE *v.* MAYE, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 721.

No. 16–7701. REID *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 16–7702. MONTIEL-RAMIREZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 299.

No. 16–7708. GUZMAN DOMINGUEZ *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 664 Fed. Appx. 306.

No. 16–7720. MCCORMICK *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 85.

No. 16–7721. MIRANDA-DE LA ROSA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 16–7726. ALI *v.* NORTH CAROLINA. Ct. App. N. C. Certiorari denied. Reported below: 247 N. C. App. 400, 786 S. E. 2d 433.

No. 16–7752. CARLOS MERAZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 663 Fed. Appx. 580.

No. 16–656. REED *v.* LOUISIANA. Sup. Ct. La. Certiorari denied. Reported below: 2014–1980 (La. 9/7/16), 200 So. 3d 291.

JUSTICE BREYER, dissenting.

Marcus Dante Reed was sentenced to death in Caddo Parish, Louisiana, a county that in recent history has apparently sentenced more people to death per capita than any other county in the United States. See Aviv, Revenge Killing: Race and the Death Penalty in a Louisiana Parish, The New Yorker, July 6 & 13, 2015, p. 34. The arbitrary role that geography plays in the imposition of the death penalty, along with the other serious problems I have previously described, has led me to conclude that the Court should consider the basic question of the death penalty's constitutionality. See *Glossip* v. *Gross*, 576 U. S. 863, 908 (2015) (BREYER, J., dissenting). For this reason, I would grant Reed's petition for a writ of certiorari.

No. 16–910. Board of Pensions of the Evangelical Lutheran Church in America, dba Portico Benefit Services *v.* Bacon et al. Ct. App. Minn. Motion of Alliance Defending Freedom for leave to file brief as *amicus curiae* granted. Certiorari denied.

No. 16–7388. Taitt *v.* Wayne Circuit Court Judge et al. Ct. App. Mich. Certiorari denied. Justice Alito took no part in the consideration or decision of this petition.

Rehearing Denied

No. 15–7828. Wright *v.* Westbrooks, Warden, 578 U. S. 926;

No. 16–511. Kolailat *v.* McKennett, *ante*, p. 1084;

No. 16–532. Aguiar De Souza *v.* Lynch, Attorney General, *ante*, p. 1051;

No. 16–542. Ergur Private Equity Group, LLC *v.* Catron, *ante*, p. 1051;

No. 16–6089. White *v.* Matthews et al., *ante*, p. 1058;

No. 16–6174. Martin *v.* Davis, Director, Texas Department of Criminal Justice, Correctional Institutions Division, *ante*, p. 1022;

No. 16–6193. Haynie *v.* Holland, Warden, *ante*, p. 991;

No. 16–6366. Latimer et al. *v.* Social Security Administration et al., *ante*, p. 1058;

No. 16–6527. Maddrey *v.* Clark, Superintendent, State Correctional Institution at Albion, et al., *ante*, p. 1062;

No. 16–6575. Staruh *v.* Torma, Superintendent, State Correctional Institution at Cambridge Springs, et al., *ante*, p. 1063;

No. 16–6615. Valdez-Corral *v.* United States, *ante*, p. 1014;

No. 16–6648. Saunders *v.* United States, *ante*, p. 1034;

No. 16–6659. Goodman *v.* Pearson, Warden, *ante*, p. 1066;

No. 16–6662. Jackson *v.* City of Memphis, Tennessee, *ante*, p. 1066;

No. 16–6834. Rogers *v.* United States, *ante*, p. 1074;

No. 16–6871. Woods *v.* Arizona et al., *ante*, p. 1076; and

No. 16–7085. Clemmons *v.* Lynch, Attorney General, et al., *ante*, p. 1081. Petitions for rehearing denied.

FEBRUARY 28, 2017

Miscellaneous Order

No. 16–605. TOWN OF CHESTER, NEW YORK *v.* LAROE ESTATES, INC. C. A. 2d Cir. [Certiorari granted, *ante*, p. 1089.] Motion of Nancy Sherman, Executrix, to be added as respondent and for leave to participate in oral argument denied.