

(ORDER LIST: 587 U.S.)

MONDAY, MAY 20, 2019

CERTIORARI -- SUMMARY DISPOSITION

17-1348 NEVADA DEPARTMENT OF WILDLIFE V. SMITH, MARK E.

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the Court of Appeal of California, Third Appellate District for further consideration in light of *Franchise Tax Bd. of Cal. v. Hyatt*, 587 U. S. ____ (2019).

ORDERS IN PENDING CASES

18A1062 IN RE ALAN GIORDANI
(18-1164)

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

18M154 BREWINGTON, CHARLES C. V. OKLAHOMA

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

18M155 MOODY, LESTER V. BALTIMORE DEPT. OF SOCIAL SERV.

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

18M156 BOWLES, KAZI V. FL DOC, ET AL.

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

18M157 PIDANICK, JACQUELINE V. MADDALONI, CHRISTOPHER, ET AL.

18M158 ROBINSON, CAROLYN D. V. HALL, LINDA

18M159 JACKSON, GARY L. V. FERGUSON, SUPT., PHOENIX, ET AL.

The motions to direct the Clerk to file petitions for writs of certiorari out of time are denied.

18M160 MOORE, HENRIETTA, ET VIR V. POMPEO, SEC. OF STATE, ET AL.

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

18M161 CRYSTAL M. V. RI DEPT. OF CHILDREN

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

18-725 BARTON, ANDRE M. V. BARR, ATT'Y GEN.

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

18-8407 SAVOY, GREGORY S. V. BURNS, CRAIG M.

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until June 10, 2019, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

CERTIORARI GRANTED

18-938 RITZEN GROUP, INC. V. JACKSON MASONRY, LLC

The petition for a writ of certiorari is granted.

CERTIORARI DENIED

18-672 NEWPORT BEACH, CA, ET AL. V. VOS, RICHARD, ET AL.

18-733 1A AUTO, INC., ET AL. V. SULLIVAN, MICHAEL

18-810 MAGUIRE, JOHN, ET AL. V. EDREI, ANIKA, ET AL.

18-827 SHABO, AMIR F. V. BARR, ATT'Y GEN.

18-853 UNITED PARCEL SERVICE, INC. V. POSTAL REGULATORY COMM'N

18-873 CASINO PAUMA V. NLRB

18-941 DAVIS, CARL B. V. TYSON PREPARED FOODS, INC.

18-1010 HAGAN, JOSEPH P., ET AL. V. KHOJA, KARIM

18-1049 HOFFMAN, PETER M., ET AL. V. UNITED STATES

18-1056 JOHANKNECHT, SHERIFF V. MOORE, EVA, ET AL.

18-1057 VON SAHER, MAREI V. NORTON SIMON MUSEUM OF ART
18-1061 GRAVISS, KAREN V. DEPARTMENT OF DEFENSE
18-1173 I. B., ET AL. V. WOODARD, APRIL, ET AL.
18-1187 MIORELLI, MITCHELL, ET AL. V. ROYAL CARIBBEAN CRUISE LINES
18-1193 MOON, BRANDON L. V. COUNTY OF EL PASO, TX, ET AL.
18-1200 FLUID DYNAMICS V. JEA
18-1202 MONTALVO, PEDRO V. OHIO
18-1205 LEISER, PHILLIP B., ET AL. V. LEMON, CHIEF JUSTICE, ET AL.
18-1208 TURNER, WILLIAM M. V. MIDDLE RIO GRANDE, ET AL.
18-1209 BONACCI, NICHOLAS J. V. TSA
18-1215 KANOFSKY, ALVIN S. V. BETHLEHEM, PA
18-1221 HUNT, PELI P. V. GOODRICH, DAVID M., ET AL.
18-1226 CLINTON CTY. CHILDREN & YOUTH V. A. A. R., ET AL.
18-1227 KANOFSKY, ALVIN S. V. PENNSYLVANIA
18-1228 BRUNDO, BARBARA M. V. CHRIST THE KING CHURCH OMAHA
18-1232 ZEINY, AL V. UNITED STATES, ET AL.
18-1237 GOUNDER, VEERAMUTHU P. V. GRIPPA, ARGANTE R., ET AL.
18-1239 HAVASUPAI TRIBE V. PROVENCIO, HEATHER C., ET AL.
18-1241 JACKSON, DEMETRIUS V. OHIO
18-1243 MONTOYA-AGUILAR, NOLVIA V. BARR, ATT'Y GEN.
18-1244 PICKUP, DAVID, ET AL. V. NEWSOM, GOV. OF CA, ET AL.
18-1275 HUANG, XIAOHUA V. HUAWEI TECHNOLOGIES
18-1294 LYNCH, MICHAEL, ET UX. V. DEUTSCHE BANK NAT. TRUST, ET AL.
18-1304 ASHBAUGH, RICHARD V. UNITED STATES
18-1313 MORAN, MICHAEL V. CALIFORNIA
18-1321 ATES, EDWARD R. V. GREWAL, ATT'Y GEN. OF NJ, ET AL.
18-6907 KULICK, ROBERT J. V. LEISURE VILLAGE ASSN., INC.
18-7414 FREENEY, RAY M. V. DAVIS, DIR., TX DCJ

18-7444 TALADA, CHAD V. COLE, SHERIFF
18-7471 HENRY, MARK V. UNITED STATES
18-7530 UDOH, TONYA, ET VIR V. MN DEPT. OF HUMAN SERV., ET AL.
18-8408 McCRAY, RENEE L. V. DRISCOLL, JOHN E., ET AL.
18-8418 WADDLETON, MARVIN V. RODRIGUEZ, BERNADETTE, ET AL.
18-8450 CARDER, RANDALL A. V. CALIFORNIA
18-8454 SCOTT, CARL L. V. GOODWIN, WARDEN
18-8457 SMITH, JOHN G. V. WASHINGTON
18-8461 WILLIAMSON, ARTHUR L. V. BOYER, JUDGE, ETC.
18-8462 TRUESDALE, WILLIAM J. V. FLORIDA, ET AL.
18-8465 KUNSMAN, PAULA J. V. WALL, JOEL
18-8478 HALOUSEK, SHEILA V. YUBA COUNTY ANIMAL CARE SERVICES
18-8480 FUNK, KEVIN V. MONTANA
18-8483 AGOSTO, RAFAEL V. MILLER, SUPT., GREAT MEADOW
18-8484 BAILEY, GREGORY D. V. FOXWELL, WARDEN, ET AL.
18-8491 FLOWERS, ERNEST M. V. URIARTE, LAURA, ET AL.
18-8502 ALEXANDER, JOHN A. V. REWERTS, WARDEN
18-8516 DRUMMOND, JOHN E. V. OHIO
18-8527 RIVERA, RENE V. INCH, SEC., FL DOC, ET AL.
18-8538 SPEARMAN, RUFUS V. PARSON, MARY, ET AL.
18-8542 S. N., ET AL. V. SAN DIEGO HHS, ET AL.
18-8544 MYLES, KEITH J. V. FLORIDA
18-8548 BELSER, MARVIN V. WOODS, JEFFREY, ET AL.
18-8553 HICKS, AMY M. V. DALLAS COUNTY COMMUNITY COLLEGES
18-8564 HEATH, KELVIN W. V. BRAMAN, WARDEN
18-8638 BENNEFIELD, MICHAEL V. GEORGIA
18-8646 HAMPTON, NORMAN V. McLAUGHLIN, WARDEN
18-8655 HOLLOWAY, NICHOLAS R. V. KELLEY, DIR., AR DOC

18-8759 JUAREZ-AQUINO, CUAUHEMOC V. UNITED STATES
18-8761 JONES, ARTHUR V. CALIFORNIA
18-8763 WALKER, TERRY V. UNITED STATES
18-8777 GOULD, SALIM A. V. NORTH CAROLINA
18-8792 CHEERS, MARIO D. V. UNITED STATES
18-8798 LYNCH, BRENT V. MILES, WARDEN
18-8810 MARTINEZ-NEGRETE, PEDRO V. UNITED STATES
18-8814 PERALES, MICHAEL V. UNITED STATES
18-8821 SEALED APPELLANT V. SEALED APPELLEE
18-8825 HEDSPETH, TIMEIKI V. UNITED STATES
18-8830 DE LA ROSA, JULIO C. V. UNITED STATES
18-8831 VARGAS, JAVIER C. V. UNITED STATES
18-8833 DEASE, SHEA P. V. VIRGINIA
18-8834 AMAYA-VASQUEZ, JOSE V. UNITED STATES
18-8842 NIXON, MICHAEL D. V. UNITED STATES
18-8843 MILNE, JOHN L. V. UNITED STATES
18-8852 SANDERS, XAVIER H. V. UNITED STATES
18-8856 MICOLTA, JAIRO E. V. UNITED STATES
18-8865 LOPEZ-AGUILAR, MARVIN V. UNITED STATES
18-8868 BUTLER, AMILCAR C. V. UNITED STATES
18-8885 ROMAN, JOSE V. UNITED STATES
18-8891 CRIDER, WARNER B. V. UNITED STATES
18-8893 BROWN, MARK M. V. UNITED STATES
18-8894 MAYFIELD, ROBERT L. V. UNITED STATES
18-8898 CAMPBELL, MELINDA J. V. UNITED STATES
18-8900 HERRERA, JUAN G. V. UNITED STATES
18-8902 KLOSZEWSKI, GUSTAV V. UNITED STATES
18-8920 GLASSCOCK, CHARLES F. V. TAYLOR, JERI

18-8975 SMILEY, DERRAN V. MUNIZ, WARDEN

The petitions for writs of certiorari are denied.

18-756 GITTERE, WARDEN, ET AL. V. ECHAVARRIA, JOSE L.

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

18-981 JONES, THERESA, ET AL. V. UNITED STATES

The petition for a writ of certiorari is denied. Justice Thomas, dissenting from the denial of certiorari: I dissent for the reasons set out in *Daniel v. United States*, 587 U. S. ____ (2019) (Thomas, J., dissenting from denial of certiorari).

18-1181 SHOOP, WARDEN V. ISSA, AHMAD F.

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

18-1212 PAPPAS, ANTHONY V. LORINTZ, JOSEPH, ET AL.

18-8822 REYNOLDS, THOMAS V. UNITED STATES

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

HABEAS CORPUS DENIED

18-8967 IN RE LARRY L. BRINSON

The petition for a writ of habeas corpus is denied.

18-9035 IN RE CLIFFORD E. AVERY

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of habeas corpus is dismissed. See Rule 39.8. As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept

any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

MANDAMUS DENIED

18-1196 IN RE WILLIAM KINNEY, ET UX.

The petition for a writ of mandamus is denied.

REHEARINGS DENIED

18-930 BRANDON, DAVID V. BRANDON, SARAH
18-1025 LEON, LILLIE V. NYC DEPT. OF ED., ET AL.
18-1031 LITTLE, SYBIL V. CSRA, ET AL.
18-1103 EVANS, PAUL R. V. UNITED STATES
18-7322 YERTON, ROBERT R. V. BRYANT, WARDEN
18-7564 HOWARD, JOVAN V. JONES, SEC., FL DOC
18-7591 KYEI, KOFI V. SWIFT, TESSICA L., ET AL.
18-7667 TAYLOR, MARION V. VANNOY, WARDEN
18-7690 BELL, THOMAS P. V. LEIGH, KIAH D., ET AL.
18-7731 CIAVONE, ANTHONY V. HORTON, WARDEN
18-7794 KROTT, JOHN M. V. MAY, WARDEN
18-7876 CALLAHAN, JORDIE L. V. UNITED STATES
18-8024 RODRIGUEZ, ALEX V. NEW JERSEY
18-8038 BURKE, JAMES P. V. UNITED STATES
18-8062 TAYLOR, SAUNDRA V. DC DEPT. OF EMPLOYMENT
18-8112 BROWN, FLOYD ANDREW V. UNITED STATES
18-8246 IN RE DENNIS D. JACKSON
18-8315 DREVALEVA, TATYANA E. V. USDC ND CA

The petitions for rehearing are denied.

THOMAS, J., dissenting

SUPREME COURT OF THE UNITED STATES

WALTER DANIEL, INDIVIDUALLY AND AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF REBEKAH
DANIEL *v.* UNITED STATES

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

No. 18–460. Decided May 20, 2019

The petition for a writ of certiorari is denied. JUSTICE GINSBURG would grant the petition for a writ of certiorari.

JUSTICE THOMAS, dissenting from the denial of certiorari.

Petitioner Walter Daniel filed this tort suit against the United States after his wife, Navy Lieutenant Rebekah Daniel, died at a naval hospital due to a complication following childbirth. The District Court determined that the suit was barred by *Feres v. United States*, 340 U. S. 135 (1950), which held that military personnel injured by the negligence of a federal employee cannot sue the United States under the Federal Tort Claims Act. The Court of Appeals “regretfully” reached the same conclusion and affirmed. 889 F. 3d 978, 980 (CA9 2018).

Petitioner now asks the Court to reconsider *Feres*. I have explained before that “*Feres* was wrongly decided and heartily deserves the widespread, almost universal criticism it has received.” *Lanus v. United States*, 570 U. S. 932, 933 (2013) (quoting *United States v. Johnson*, 481 U. S. 681, 700 (1987) (Scalia, J., dissenting)). I write again to point out the unintended consequences of this Court’s refusal to revisit *Feres*.

Earlier this Term, in *Air & Liquid Systems Corp. v. DeVries*, 586 U. S. ____ (2019), we confronted the case of two veterans who alleged that their exposure to asbestos caused them to develop cancer. *Id.*, at ____ (slip op., at 3). Both veterans served in the U. S. Navy on ships outfitted

THOMAS, J., dissenting

with equipment that used asbestos insulation or parts. *Id.*, at ___ (slip op., at 2). The manufacturers of that equipment delivered much of it to the Navy in “bare-metal” condition, *i.e.*, without asbestos, meaning that the Navy added the asbestos to the equipment after delivery. *Id.*, at ___ (slip op., at 3). Neither veteran was exposed to any asbestos sold or delivered by the equipment manufacturers, as opposed to asbestos added by the Navy. See *id.*, at ___, and n. 1 (slip op., at 3, and n. 1). Yet because the Navy was likely immune from suit under *Feres*, the veterans sued the manufacturers. 586 U. S., at ___ (slip op., at 3). This Court then twisted traditional tort principles to afford them the possibility of relief. *Id.*, at ___—___ (GORSUCH, J., dissenting) (slip op., at 2–3).

Such unfortunate repercussions—denial of relief to military personnel and distortions of other areas of law to compensate—will continue to ripple through our jurisprudence as long as the Court refuses to reconsider *Feres*. Had Congress itself determined that servicemembers cannot recover for the negligence of the country they serve, the dismissal of their suits “would (insofar as we are permitted to inquire into such things) be just.” *Johnson, supra*, at 703 (Scalia, J., dissenting). But it did not. Accordingly, I respectfully dissent from the Court’s decision to deny this petition.

ALITO, J., dissenting

SUPREME COURT OF THE UNITED STATES

REINALDO SANTOS *v.* UNITED STATES

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

No. 18–7096. Decided May 20, 2019

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Eleventh Circuit for further consideration in light of the position asserted by the Solicitor General in his brief for the United States filed on March 21, 2019.

JUSTICE ALITO, with whom JUSTICE THOMAS joins, dissenting.

The Court grants, vacates, and remands in this case, apparently because it harbors doubt that petitioner’s 1987 conviction under Florida law for battery on a law enforcement officer qualifies as a “violent felony” as defined by the Armed Career Criminal Act’s elements clause, which covers a felony offense that “has as an element the use, attempted use, or threatened use of physical force against the person of another.” 18 U. S. C. §924(e)(2)(B)(i). I share no such doubt: As the case comes to us, it is undisputed that petitioner was convicted of battery on a law enforcement officer after he “struck [an] officer in the face using a closed fist.” App. to Pet. for Cert. A–1, p. 11. See Fla. Stat. §784.03(1)(a) (2018) (a person commits battery when he “[a]ctually and intentionally touches or strikes another person against the will of the other,” among other things). Because the record makes “perfectly clear” that petitioner “was convicted of battery on a law enforcement officer by striking, which involves the use of physical force against the person of another,” App. to Pet. for Cert. A–1,

ALITO, J., dissenting

at 11, I would count the conviction as a “violent felony” under the elements clause and would therefore deny the petition. *Mathis v. United States*, 579 U. S. ___, ___ (2016) (ALITO, J., dissenting) (slip op., at 6).