(ORDER LIST: 580 U.S.)

TUESDAY, OCTOBER 11, 2016

CERTIORARI -- SUMMARY DISPOSITIONS

15-9838 ALEXANDER, MICHAEL V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Sixth Circuit for further consideration in light of *Mathis* v. *United States*, 579 U. S. ____ (2016).

16-5075 OLALDE-GONZALEZ, JORGE V. UNITED STATES

16-5566 HERROLD, MICHAEL V. UNITED STATES

The motions of petitioners for leave to proceed *in forma pauperis* and the petitions for writs of certiorari are granted. The judgments are vacated, and the cases are remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *Mathis* v. *United States*, 579 U. S. ____ (2016).

ORDERS IN PENDING CASES

16M29 DAVENPORT, DAVID V. RODGERS, BRIAN

16M30 STEWART, ERIC D. V. COLLIER, BRYAN, ET AL.

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

16M31 FJORD, CAROLYN, ET AL. V. KELLEHER, HERBERT D.

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

16M32 GIFFEN, TODD V. UNITED STATES, ET AL.

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

16M33 HEATH, GEORGE V. TSUJIHARA, KEVIN, ET AL.

The motion to direct the Clerk to file a petition for a writ of certiorari out of time is denied. The Chief Justice took no part in the consideration or decision of this motion.

16M34 ATKINS, EUGENE V. O'BRIEN, WARDEN

16M35 LEWIS, AORTENSE V. MD TRANSIT ADMIN.

16M36 MARIAN, TEODOR V. SEBELIUS, KATHLEEN, ET AL.

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

15-513 STATE FARM FIRE & CASUALTY CO. V. UNITED STATES, EX REL. RIGSBY

15-866 STAR ATHLETICA, L.L.C. V. VARSITY BRANDS, INC., ET AL.

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

CERTIORARI DENIED

15-955 COOPER, J. CARL, ET AL. V. LEE, MICHELLE K.

15-1136 CARLSON, JAMES R. V. UNITED STATES

15-1142 WV DEPT. OF HEALTH V. E. H., ET AL.

15-1294 HAUGEN, LAVA M. V. UNITED STATES

15-1299 R.J. REYNOLDS TOBACCO, ET AL. V. KANE, ATT'Y GEN. OF PA

15-1330 MCM PORTFOLIO V. HEWLETT-PACKARD CO., ET AL.

15-1350 BLDG. INDUS. ASSN. OF BAY AREA V. DEPT. OF COMMERCE, ET AL.

15-1387 U.S. FOREST SERVICE, ET AL. V. COTTONWOOD ENVTL. LAW CENTER

15-1413 KENNEDY, MICHAEL T. V. SKADDEN, ARPS, SLATE, MEAGHER

15-1460 MISSOURI V. CARRAWELL, DERRICK

15-1462 CENTER FOR ART AND MINDFULNESS V. POSTAL REGULATORY COMMISSION

15-1507 HUANG, ROGER V. LOS ANGELES, CA

15-1530 ROSILLO, ALFREDO V. HOLTEN, MATT, ET AL.

15-1537 R.J. REYNOLDS TOBACCO, ET AL. V. MARYLAND

15-1545 YUMA, AZ V. AVENUE 6E INVESTMENTS, ET AL.

15-8950 HOLMES, CYNTHIA V. E. COOPER HOSPITAL, ET AL.

15-9042 ANDERSON, PATRICIA V. HARRISON COUNTY, MS

15-9225 DAVIDSON, JAIMEL K. V. UNITED STATES

15-9327 MONTEMAYOR, MAXIMINO V. UNITED STATES

15-9388 FAGER, BRIAN F. V. UNITED STATES

15-9544 BIBLE, DANNY P. V. DAVIS, DIR., TX DCJ

15-9571 HOLMES, MELVIN H. V. UNITED STATES

15-9823 SNEED, ULYSSES C. V. ALABAMA

16-9 WOLFSON, RANDOLPH V. CONCANNON, COLLEEN, ET AL.

16-17 FARREN, J. MICHAEL V. FARREN, MARY M.

16-34 MATALONIS, CHARLES V. V. WISCONSIN

16-35 ARMSTRONG, WILLIAM H. V. THOMPSON, KAREN

16-64 GABLES INSURANCE V. BLUE CROSS AND BLUE SHIELD OF FL

16-116 NORTH AMERICAN PROPERTIES V. McCARREN INT'L AIRPORT, ET AL.

16-121 ADVANCED TECHNOLOGY, ET AL. V. JACKSON, MS

16-133 PARK, JINHEE V. CLAWSON, MI

16-134 PATTERSON, ANTHONEE V. SHELTON, KENNETH

16-138 C. C., ET AL. V. HURST-EULESS BEDFORD INDEP. SCH

16-147 LANHAM, THOMAS V. HAZLETT, DAVID, ET AL.

16-148 BANDARIES, MADRO V. LAWYER DISCIPLINARY COMMITTEE

16-150 VARTANIAN, MICHAEL H. V. SUPERIOR COURT OF CA, ET AL.

16-155 VELA-ESTRADA, HENRY V. LYNCH, ATT'Y GEN.

16-165 THE ARK INITIATIVE, ET AL. V. TIDWELL, THOMAS L., ET AL.

16-167 HENRY, JON V. REGENTS OF UNIV. OF CA

16-169 WISE, EDDIE, ET UX. V. UNITED STATES

16-172 BAEZ, LUIS A. V. TEXAS

16-173 LOWRY, JAMES K. V. ANDERSON, EMMA J.

16-178 SHEIKH, REHAN V. KELLY, BRIAN, ET AL.

16-180 MOODY'S CORP., ET AL. V. FED. HOME LOAN BANK

16-182 GARZA-MEDINA, CARLOS V. LYNCH, ATT'Y GEN.

16-183 FLINT, EDWARD H. V. McKINLEY, JOSEPH H.

16-184 CRIPPS, MICHAEL A., ET AL. V. LA DEPT. OF AGRICULTURE, ET AL.

16-198 CHHETRI, GEETA, ET AL. V. UNITED STATES

16-208 ROBINSON, JONATHAN E., ET AL. V. WMC MORTGAGE CORP., ET AL.

16-216 MICHAEL, EMANUEL V. UNITED STATES

16-219 CITIZENS FOR RURAL ROADS, ET AL. V. FOXX, SEC. OF TRANSP., ET AL.

16-221 HOLMES, DONALD C. V. NORTHROP GRUMMAN, ET AL.

16-223 STEFANICK, MICHELLE L. V. MSPB, ET AL.

16-241 BURST, YOLANDE V. SHELL OIL CO., ET AL.

16-249 POOL-KNIGHT, MAURTICE D. V. MICHIGAN

16-256 FLIGHT ATTENDANTS IN REUNION V. AMERICAN AIRLINES, INC.

16-272 VILCHIZ, MAURICIO V. FLORIDA

16-291 WHITFIELD, MELISSA A. V. COLVIN, ACTING COMM'R OF SSA

16-305 ENCYCLOPAEDIA BRITANNICA, INC. V. DICKSTEIN SHAPIRO, LLP

16-5241 CARDONA-CASTILLO, WILLIAM V. UNITED STATES

16-5389 SPIRLES, MICHELLE D. V. NEW YORK

16-5405 SEPEHRY-FARD, FAREED V. AURORA BANK, FSB, ET AL.

16-5407 ROBERSON, TYRONE L. V. PADULA, WARDEN, ET AL.

16-5408 SANDERS, SAM D. V. WOODS, WARDEN

16-5412 VURIMINDI, VAMSIDHAR V. SUPERIOR COURT OF PA

16-5418 LOWE, EDMOND S. V. KARRIKER, GAYLE E. ET AL.

16-5420 BURTON, ARTHUR J. V. GIDLEY, LORI, ET AL.

16-5422 ANTOINE, ABDIAS V. RIVARD, WARDEN

16-5425 SEPEHRY-FARD, FAREED V. BANK OF NY MELLON, ET AL.

16-5427 RIMER, STANLEY E. V. DISTRICT COURT OF NV

16-5428 SLAUGHTER, DEWAYNE V. DAVIS, DIR., TX DCJ

16-5429 SMITH, BENNY R. V. WADDINGTON, DOUGLAS, ET AL.

16-5444 JOHNSON, EDWARD D. V. WINN, WARDEN

16-5446 LOVE, TERRELL V. HILL, WARDEN

16-5455 BROWN, D. V. WILSON, JEFF, ET AL.

16-5459 BREWER, FREDDIE L. V. DAVIS, DIR., TX DCJ

16-5465 COOK, FREDDIE L. V. VANNOY, WARDEN

16-5466 HAMMER, ROBIN W. V. HAMMER, ROBERT B., ET AL.

16-5470 MANNING, MELVIN V. HUDSON COUNTY, NJ

16-5471 LEWIS, ARTHUR C. V. HARRIS, LATRICE, ET AL.

16-5474 FLOWERS, KIMOTHY R. V. TRAVIS COUNTY CIVIL DIVISION

16-5475 GOMILLION, MICHAEL V. GEORGIA

16-5477 BROWN, DUSLEANA V. BROWN, NEIL

16-5482 WOODS, ERIC R. V. TEXAS

16-5483 R. C. V. E. M. AND E. M.

16-5484 ROBINSON, JONATHAN T. V. LOUISIANA

16-5486 RODGERS, CHAZ Z. V. LANCASTER POLICE & FIRE, ET AL.

16-5488 ROBINSON, RITA V. CADLE CO.

16-5489 ZHOU, WEI V. MARQUETTE UNIVERSITY

16-5497 MUA, JOSEPHAT, ET UX. V. CA CASUALTY INDEMNITY, ET AL.

16-5498 PARINEH, POOROUSHASB V. CALIFORNIA

16-5501 DRIVER, GREGORY W. V. CLARKE, DIR., VA DOC

16-5503 BALLARD, MARK W. V. NORTH CAROLINA

16-5509 MONTGOMERY, DARRYL V. JONES, SEC., FL DOC, ET AL.

16-5513 BREWSTER, DAVID H. V. HART, WARDEN

16-5514 REID, KEITH V. HURLEY MEDICAL CENTER

16-5518 BARTLETT, STEVEN L. V. JONES, SEC., FL DOC, ET AL.

16-5520 BALDWIN, DERRICK K. V. FLORIDA

16-5523 BAXTER, TIMOTHY A. V. TENNESSEE, ET AL.

16-5527 JOHNSON, JEFFREY V. V. HOOKS, WARDEN

16-5529 NICKERSON, JOSHUA V. CALIFORNIA

16-5531 PETRUCELLI, JOHN V. RUSIN, KRISTIN

16-5533 CALDWELL, KEN, ET UX. V. PESCE, JUSTICE, ETC., ET AL.

16-5534 JOHNSON, LEROY V. ECKERT, SUPT., WENDE

16-5535 RODARTE, JOHN E. V. DAVIS, DIR., TX DCJ

16-5536 SHABAZZ, HASSAN V. VIRGINIA

16-5538 CHRISTIAN, GEORGE A. V. OKLAHOMA

16-5539 RODARTE, JOHN E. V. BENEFICIAL TEXAS, INC.

16-5540 JONES, TOMMY V. ILLINOIS

16-5547 McDONALD, MYRON V. TEXAS

16-5548 SEVILLA, JESUS V. O'BRIEN, RON, ET AL.

16-5550 WILLIAMS, KEVIN A. V. TILDEN, ANDREW, ET AL.

16-5553 VURIMINDI, VAMSIDHAR V. FEDER, ERIC

16-5554 WILLIAMS, WAYNE J. V. WOODS, WARDEN

16-5561 DUPREE, NICHOLAS L. V. KANSAS

16-5569 RIVERA-ARVELO, JESUS M. V. SUPREME COURT OF PUERTO RICO

16-5575 REQUENA, ADRIAN M. V. NORWOOD, SEC., KS DOC, ET AL.

16-5595 JACKSON, SHELTON V. ROYAL, WARDEN

16-5608 PIANKA, VICTOR V. UNITED STATES, ET AL.

16-5634 CINTRON, JORGE V. WENEROWICZ, SUPT., GRATERFORD

16-5635 DALE, VERONICA D. V. UNITED STATES

16-5640 SAXON, JEAN V. SMITH, SUPT., MUNCY, ET AL.

16-5656 CARRILLO-ALEJO, RAMON V. WASHINGTON

16-5658 TURNER, JOHN A. V. HOLLAND, WARDEN

16-5662 MACK, SAMUEL E. V. LOUISIANA

16-5689 JAYNES, CHARLES V. MURPHY, JOSEPH

16-5690 ROBERTS, ISHMAEL V. MINNESOTA

16-5691 BERGER, ALAN W. V. UNITED STATES

16-5700 MEYERS, GLENN V. UNITED STATES

16-5701 REYNOLDS, ROY T. V. UNITED STATES

16-5703 KRUEGER, JEFFREY T. V. TORRES, MICHAEL

16-5706 MOON, LARRY R. V. UNITED STATES

16-5713 CHAMBERS, CHARLES V. CASSADY, WARDEN

16-5717 WALLAESA, BRIAN A. V. VIRGINIA

16-5718 TATE, DEONTRAY V. V. MINNESOTA

16-5732 BURTON, LARRY V. TICE, ACTING SUPT., HUNTINGDON

16-5734 GARCIA, CANDELARIO A. V. UNITED STATES

16-5740 LOMAS, ADRIAN R. V. UNITED STATES

16-5741 EASLEY, JOHN E. V. AQUILINA, JUDGE, ETC.

16-5744 DAVIS, KARRIECE Q. V. UNITED STATES

16-5747 CRANFORD, ARCHIE V. OKPALA, ANTONIA

16-5748 STACEY, WILLIAM C. V. UNITED STATES, ET AL.

16-5751 DERRY, LEROY V. UNITED STATES

16-5752 JONES, TOM M. V. UNITED STATES

16-5756 WHITSELL, QUENTON T. V. UNITED STATES

16-5764 DIEHL-ARMSTONG, MARJORIE V. UNITED STATES

16-5765 COX, DANIEL V. RACKLEY, WARDEN

16-5772 ACEVEDO, EDGAR V. UNITED STATES

16-5773 ADEBIMPE, ADEBOLA A., ET AL. V. UNITED STATES

16-5778 SCOTT, JASON V. SHARTLE, WARDEN, ET AL.

16-5781 GUERRERO, ROGELIO V. UNITED STATES

16-5782 HUGHES, MICHAEL V. CALIFORNIA

16-5784 FRALEY, SHAWN G. V. PERRY, FRANK

16-5785 SAMPSON, WILBERT V. UNITED STATES

16-5786 SIMPSON, KENNETH R. V. UNITED STATES

16-5787 HUMPHREY, THADDIUS L. V. UNITED STATES

16-5790 SANCHEZ, ALFREDO V. UNITED STATES

16-5795 MARTINEZ-LOPEZ, NORALBERT V. UNITED STATES

16-5796 BENNETT, CLIFTON B. V. UNITED STATES

16-5797 ROOD, ROBERT F. V. UNITED STATES

16-5798 MSHIHIRI, ALPHA R. V. UNITED STATES

16-5799 GREEN, KENDRICK V. UNITED STATES

16-5800 BURRIS, DONOVAN M. V. SMITH, WARDEN

16-5801 JACKSON, FRANK V. JONES, SEC., FL DOC

16-5805 DISHMON, FRANCIS H. V. UNITED STATES

16-5808 McCOY, DILADE V. UNITED STATES

16-5813 WILLIS, AARON G. V. UNITED STATES

16-5814 ELLIS, PRISCILLA A. V. UNITED STATES

16-5817 COOKE, RANDLE P. V. UNITED STATES

16-5818 DENNIN, PETER M. V. UNITED STATES

16-5819 DRAKES, ROOSEVELT V. CONNECTICUT

16-5821 MARTINEZ-RODRIGUEZ, OMAR V. UNITED STATES

16-5822 DURHAM, TIMOTHY S. V. UNITED STATES

16-5824 GRAHAM, MARLON V. UNITED STATES

16-5831 YOUNG, GLENN V. UNITED STATES

16-5832 YOVANI-CARRERA, AMILCAR V. UNITED STATES

16-5833 SEGOVIA-HERNANDEZ, ABEL A. V. UNITED STATES

16-5835 EZZARD, STEVE H. V. BRYSON, COMM'R, GA DOC, ET AL.

16-5838 JOSEPH, JEAN V. UNITED STATES

16-5841 MILLER, MARK V. UNITED STATES

16-5845 GARCIA-BALDERAS, MARIO A. V. UNITED STATES

16-5847 SMITH, TERRY R. V. UNITED STATES

16-5850 COMMON, ADOLPH V. UNITED STATES

16-5852 WASHINGTON, JEFFREY V. UNITED STATES

16-5855 BORJA, RODOLFO V. UNITED STATES

16-5856 BAMDAD, MASOUD V. POWERS, ACTING WARDEN

16-5858 WARE, ULYSSES T. V. USBC ND GA

16-5862 MOORE, OPIO D. V. UNITED STATES

16-5866 RILEY, KENNEDY F. V. UNITED STATES

16-5867 REAVES, DONALD L. V. UNITED STATES

16-5868 RAMIREZ, MIGUEL A. V. UNITED STATES

16-5872 WHITE, WILLIAM A. V. UNITED STATES

16-5875 PHILLIPS, STANLEY V. UNITED STATES

16-5878 MERIDA, JASON B. V. UNITED STATES

16-5888 McKENZIE, JOHN V. JONES, SEC., FL DOC, ET AL.

16-5893 TUBBS, MYRON J. V. UNITED STATES

16-5898 THOMPSON, FRANKLIN, ET AL. V. UNITED STATES

16-5901 NEKVASIL, JAMES R. V. UNITED STATES

16-5903 WRIGHT, BYRON V. JONES, SEC., FL DOC

The petitions for writs of certiorari are denied.

15-1442 GILLETTE CO., ET AL. V. CA FRANCHISE TAX BOARD, ET AL.

16-125 MERCK & CIE, ET AL. V. GNOSIS S.P.A., ET AL.

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

16-261 HUSAIN, SARAH, ET AL. V. SPRINGER, MARLENE

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

16-268 GEOTAG, INC. V. GOOGLE INC.

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

16-278 NASSAU COUNTY SHERIFF'S DEPT. V. AUGUSTIN, GARDY, ET AL.

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

16-5410 WRIGHT EL, TERRENCE V. COURT OF GENERAL SESSIONS OF SC

16-5433 ACKER, CHRISTINA V. JEANES, JUDGE, ETC., ET AL.

16-5560 SEWELL, STARSHA M. V. HOWARD, JOHN

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

16-5794 KIRTMAN, DERRICK E. V. UNITED STATES

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

HABEAS CORPUS DENIED

16-6021 IN RE MELODY WILLIAMS

The petition for a writ of habeas corpus is denied.

MANDAMUS DENIED

16-5774 IN RE DAVID E. PAYNE

The petition for a writ of mandamus is denied.

16-5504 IN RE EBRAHIM ADKINS

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

16-5762 IN RE DAVID ROBINSON

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

REHEARINGS DENIED

15-1166 OLIVE, RICHARD V. UNITED STATES

15-6202 WIDI, DAVID V. UNITED STATES

The petitions for rehearing are denied.

ATTORNEY DISCIPLINE

D-2922 IN THE MATTER OF DISCIPLINE OF STANLEE EARL 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.

D-2923 IN THE MATTER OF DISCIPLINE OF D. SEELEY HUBBARD

D. Seeley Hubbard, of Darien, Connecticut, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he

should not be disbarred from the practice of law in this Court.

D-2924 IN THE MATTER OF DISCIPLINE OF DENNIS J. CAMPBELL OWENS

Dennis J. Campbell Owens, of Kansas City, Missouri, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2925 IN THE MATTER OF DISCIPLINE OF NICHOLAS HRANT LAMBAJIAN

Nicholas Hrant Lambajian, of Monrovia, California, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2926 IN THE MATTER OF DISCIPLINE OF DANIEL PERI LUCID

Daniel Peri Lucid, of Beverly Hills, California, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2927 IN THE MATTER OF DISCIPLINE OF DOUGLAS CARROL RHOADS

Douglas Carrol Rhoads, of Phoenix, Arizona, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2928 IN THE MATTER OF DISCIPLINE OF STANFORD E. LERCH

Stanford E. Lerch, of Phoenix, Arizona, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he

should not be disbarred from the practice of law in this Court.

D-2929 IN THE MATTER OF DISCIPLINE OF JOSEPH A. CARAMADRE

Joseph A. Caramadre, of Cranston, Rhode Island, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2930 IN THE MATTER OF DISCIPLINE OF RICHARD I. GOLDMAN

Richard I. Goldman, of Springfield, Massachusetts, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2931 IN THE MATTER OF DISCIPLINE OF BARTON NACHAMIE

Barton Nachamie, of New York, New York, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2932 IN THE MATTER OF DISCIPLINE OF PAUL G. VESNAVER

Paul G. Vesnaver, of Rockville Centre, New York, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2933 IN THE MATTER OF DISCIPLINE OF WILLIAM I. DIGGS

William I. Diggs, of Myrtle Beach, South Carolina, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this

Court.

D-2934 IN THE MATTER OF DISCIPLINE OF JULIE ANN FUSILIER

Julie Ann Fusilier, of Baton Rouge, Louisiana, 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.

Per Curiam

SUPREME COURT OF THE UNITED STATES

SHAUN MICHAEL BOSSE *v.* OKLAHOMA

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

No. 15–9173. Decided October 11, 2016

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 con-

cluding 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.

SUPREME COURT OF THE UNITED STATES

No. 15–9173

SHAUN MICHAEL BOSSE *v.* OKLAHOMA

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

[October 11, 2016]

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.