(ORDER LIST: 574 U.S.)

TUESDAY, OCTOBER 14, 2014

CERTIORARI -- SUMMARY DISPOSITIONS

14-5936 VANEGAS, JOSE D. 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 Fourth Circuit for further consideration in light of Riley v. California, 573 U. S. ____ (2014).

ORDERS IN PENDING CASES

14M34 SCOTT, ANDRE R. V. SWARTHOUT, WARDEN

14M35 YOUNG, MATTHEW R. V. NOOTH, SUPT., SNAKE RIVER

14M37 HUNTER, TYRONE V. UNITED STATES

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

13-684 JESINOSKI, LARRY D., ET UX. V. COUNTRYWIDE HOME LOANS, INC.

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

13-1361 SAMANTAR, MOHAMED A. V. YOUSEF, BASHE, ET AL.

The 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.

14-124 HERBERT, GOV. OF UT, ET AL. V. KITCHEN, DEREK, ET AL.

The motion of Chris Sevier for leave to intervene is denied.

- 14-5574 PILGER, PAUL W. V. BANK OF AMERICA
- 14-5642 JOHNSON, LATRICE V. DESJARDINS, MICHAEL, ET AL.
- 14-5738 YANG, PEI-YU V. MARSHACK, RICHARD A.
- 14-5763 ASHMORE, BENJAMIN J. V. LEWIS, WILMA C.
- 14-5948 ZINNI, RENEE M., ET VIR V. JACKSON WHITE, PC, ET AL.
- 14-5974 BLUME, GUY A. V. AMERICAN DAIRY QUEEN CORPORATION
- 14-6019 MORAL, JULIE K. V. HAGEN, RONALD
- 14-6063 LIVINGSTON, RAY S. V. OH BUREAU OF MOTOR VEHICLES

The motions of petitioners for leave to proceed *in forma* pauperis are denied. Petitioner is allowed until November 4, 2014, within which to pay the docketing fee required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

CERTIORARI DENIED

- 13-1274 RICHARDS, MICHELLE V. ERNST & YOUNG
- 13-1309 BATTLES, SAFIYYAH T. V. UNITED STATES
- 13-1313 ASSOC. DES ELEVEURS, ET AL. V. HARRIS, ATT'Y GEN. OF CA, ET AL.
- 13-1315 DUNLAP, TIMOTHY A. V. IDAHO
- 13-1457 LINCOLN, STEVEN V. DIR., OFFICE OF WORKERS, ET AL.
- 13-1465 DUPRIS, JESSE, ET AL. V. PROCTOR, PERRY, ET AL.
- 13-1474 ELECTRONIC FRONTIER FOUNDATION V. DEPT. OF JUSTICE
- 13-8705 JOHNSON, WILLIAM V. CALIFORNIA
- 13-9783 PURKEY, WESLEY I. V. UNITED STATES
- 13-9961 RODRIGUEZ-CASTELLON, HECTOR M. V. HOLDER, ATT'Y GEN.
- 13-10039 AYOR, SOLOMON V. HOLDER, ATT'Y GEN.
- 13-10179 MORGANTI, ROBERT J. V. MASSACHUSETTS
- 13-10504 STRINGER, THOMAS B. V. UNITED STATES
- 14-6) DANVILLE REDEVELOPMENT & HOUSING V. CARNELL CONSTRUCTION CORP.

- 14-117) CARNELL CONSTRUCTION CORP. V. DANVILLE REDEVELOPMENT & HOUSING
- 14-28 NAQUIN, LARRY V. ELEVATING BOATS, L.L.C.
- 14-106 STEVENSON, JOHN E., ET UX. V. FIRST AMERICAN TITLE INSURANCE
- 14-111 SMALLWOOD, RENEE A. V. CITIBANK, N.A.
- 14-115 SMITHRUD, LeROY V. ST. PAUL, MN, ET AL.
- 14-119 LEITE, DOUGLAS, ET AL. V. CRANE COMPANY, ET AL.
- 14-120 HOLKESVIG, RANDY V. GROVE, GARY
- 14-126 SEABRON, EARL V. SEABRON, AYESHA
- 14-134 SMITH, JASON V. GEORGIA
- 14-137 MIROWSKI FAMILY VENTURES, LLC V. MEDTRONIC, INC., ET AL.
- 14-138 TURNER, BARRY D. V. NAT. COUNCIL STATE BDS. NURSING
- 14-140 HSU, JOHN V. CA STATE PERSONNEL BD., ET AL.
- 14-142 A&G COAL CORPORATION, ET AL. V. INTEGRITY COAL SALES, INC.
- 14-164 HASAN, SYED M. V. DEPT. OF LABOR
- 14-173 DASHGIR, NAHAYAT V. UNITED STATES
- 14-176 WELLS, PRINCESS V. CHRYSLER GROUP LLC, ET AL.
- 14-184 APODACA, MARK M. V. CALIFORNIA
- 14-186 MIRANDA, JESUS V. BYLES, STEPHEN
- 14-187 ATALIG, JOAQUIN Q. V. UNITED STATES, ET AL.
- 14-190 BERTRAND, RICK V. MULLIN, RICK, ET AL.
- 14-199 SCHAEFER, DAVID V. UNION SAVINGS BANK
- 14-203 JONES, CURTIS L. V. INDIANA
- 14-204 WEIGEL, JOSEPH W. V. WI OFFICE OF LAWYER REGULATION
- 14-215 CHAUDHRY, MUHAMMAD V. JOHNSON, SEC. OF HOMELAND
- 14-216 CALHOUN, RONALD C. V. SUTHERS, ATT'Y GEN. OF CO
- 14-223 ATES, EDWARD R. V. NEW JERSEY
- 14-227 BASSMAN, ROBERT S. V. D.C. OFFICE OF PLANNING

- 14-228 MINACT V. MO DIRECTOR OF REVENUE
- 14-230 BARTLOW, RHONDA, ET AL. V. COSTIGAN, DIR., IL DOL
- 14-234 WILKERSON, RAYLEN D. V. UNITED STATES
- 14-236 BRISTER, BRIAN V. SMITH, QUENTIN
- 14-237 BROWN, HENRY R. V. UNITED STATES
- 14-241 LUONG, PHI CAM V. US BANK NATIONAL ASSOCIATION
- 14-244 BLANTON, MISTY R., ET AL. V. CONTINENTAL INSURANCE COMPANY
- 14-247 MILES, ROBERT L. V. UNITED STATES
- 14-248 HOBGOOD, ROBERT V. MS POWER CO.
- 14-249 RECHTZIGEL, GENE V. APPLE VALLEY, MN, ET AL.
- 14-252 DeCAY, KEITH V. HOUSTON, CHANDRA, ET AL.
- 14-254 PENINGER, MICHAEL D. V. UNITED STATES
- 14-261 SARNO, MICHAEL V. UNITED STATES
- 14-262 McMURRIN, JUSTIN H. V. UNITED STATES
- 14-268 POLCHAN, MARK V. UNITED STATES
- 14-283 HICKS, SUZANNE V. HUDSON INSURANCE CO., ET AL.
- 14-288 RODRIGUEZ, MARIO P. V. UNITED STATES
- 14-5037 FRATTA, ROBERT A. V. TEXAS
- 14-5102 MUNOZ, RODOLFO R. V. BALCONES HEIGHTS, TX, ET AL.
- 14-5108 HERNANDEZ-REYES, JERONIMO V. UNITED STATES
- 14-5265 HERNANDEZ-FLORES, SEIDER I. V. UNITED STATES
- 14-5340 RODRIGUEZ, ANGELINA V. CALIFORNIA
- 14-5476 STEWART, JAMES C. V. TEXAS
- 14-5477 TURNER, ANTHONY R. V. CA FORENSIC MEDICAL GROUP, ET AL
- 14-5491 GERMAIN, JEAN B. V. ARNOLD, KEITH, ET AL.
- 14-5492 FRANK, WILBERT V. CALIFORNIA
- 14-5495 HAYES, LARRY C. V. HILE, SHERRY, ET AL.
- 14-5498 HICKMAN, DUDLEY K. V. TEXAS

- 14-5499 GARFIAS, CHRISTOPHER V. TEXAS
- 14-5505 HARRIS, RANDALL V. GEORGIA
- 14-5509 HART, LEWIS R. V. STEPHENS, DIR., TX DCJ
- 14-5522 HARRIS, DAVID V. ILLINOIS
- 14-5523 HARPER, TIMMIE R. V. STEPHENS, DIR., TX DCJ
- 14-5524 IRVING, ANTWON V. TEXAS
- 14-5525 FARMER, WILLIE N. V. TEXAS
- 14-5533 HILL, CHAUNCEY A. V. HERSHBERGER, WARDEN, ET AL.
- 14-5543 PAIGE, RICHARD W. V. STEPHENS, DIR., TX DCJ
- 14-5549 NIEVES, MANUEL V. DELAWARE, ET AL.
- 14-5550 MITCHELL, AARON V. HAAS, WARDEN
- 14-5558 WARITH, LAURA V. CLEVELAND REGIONAL TRANSIT AUTH.
- 14-5561 HARRISON, MARQUEION J. V. DANIELS, CORR. ADM'R, MAURY
- 14-5563 C. R. V. VERMONT, ET AL.
- 14-5570 ALLEN, MARGARET A. V. FLORIDA
- 14-5572 AMIR-SHARIF, LAKEITH V. USDC WD TX
- 14-5573 MADDOX, LEO V. CITIMORTGAGE, INC.
- 14-5580 MARTINEZ, JOSE V. STEPHENS, DIR., TX DCJ
- 14-5581 BANKS, RAMIK V. PENNSYLVANIA
- 14-5582 CARY, QUINTON E. V. VIRGINIA
- 14-5583 DEGORSKI, JAMES V. ILLINOIS
- 14-5597 VENEGAS, JUSTIN L. V. STEPHENS, DIR., TX DCJ
- 14-5601 SMITH, MICHAEL V. TEXAS
- 14-5602 ROBERSON, TIMOTHY V. RAY, GAYLE, ET AL.
- 14-5609 KEENE, DOUGLAS V. CREWS, SEC., FL DOC, ET AL.
- 14-5621 HUTCHINSON, DENNIS D. V. HOBBS, DIR., AR DOC
- 14-5631 JOHNSON, DEBRA V. NLRB, ET AL.
- 14-5632 JACKSON, ELEANOR V. MEMORIAL HOSPITAL OF GARDENA

- 14-5638 SUTTON, KARIMI K. V. SOTO, WARDEN
- 14-5643 MEDEARIS, RONI L. V. STEPHENS, DIR., TX DCJ
- 14-5645 HITCHCOCK, JAMES V. CREWS, SEC., FL DOC, ET AL.
- 14-5649 BENNETT, VERNON W. V. WASHINGTON
- 14-5653 SOLOMON, CARGYLE B. V. DAWSON, JUDGE, ETC.
- 14-5657 SIMMONS, ERNEST V. PENNSYLVANIA
- 14-5663 LANZ, ANDREW V. TEXAS
- 14-5671 JONES-RANKINS, WELTHA V. CARDINAL HEALTH, INC., ET AL.
- 14-5675 SANDERSON, DONALD R. V. MARSHALL, SHERIFF, ET AL.
- 14-5676 ROBY, KENNETH R. V. FRONTIER ENTERPRISES, INC.
- 14-5680 MADEN, NATHANIEL V. TEXAS
- 14-5683 WERBER, GREGORY V. OHIO
- 14-5685 SUTTON, NAKIA R. V. CASKEY, DALE, ET AL.
- 14-5694 CHAPMAN, JAMES W. V. ARIZONA
- 14-5701 CABOT, GEORGE V. ILLINOIS
- 14-5716 NORWOOD, LAMONT V. ILLINOIS
- 14-5721 LEON, MICHAEL A. V. DUNLOP, JANET, ET AL.
- 14-5722 MONBO, DEAFUEH V. MANUFACTURERS & TRADERS TRUST
- 14-5723 TYLER, ARTHUR V. LAZAROFF, WARDEN
- 14-5724 MOODY, FERRARI V. CHAPPELL, WARDEN, ET AL.
- 14-5726 CICHOCKI, TIMOTHY E., ET AL. V. MASSACHUSETTS, ET AL.
- 14-5728 THOMAS, DAN M. V. OREGON, ET AL.
- 14-5729 ARLINE, LEONARD H. V. VIRGINIA
- 14-5730 BALEY, KEVIN C. V. STEPHENS, DIR., TX DCJ
- 14-5734 MANNARINO, LORI, ET AL. V. BANK OF AMERICA, ET AL.
- 14-5735 LEWIS, SHARON D. V. DETROIT PUBLIC SCHOOLS, ET AL.
- 14-5745 TEPLITZ, ELINA V. ALLEGHENY AUTO & TRUCK
- 14-5746 WELVAERT, THOMAS V. STEPHENS, DIR., TX DCJ

- 14-5747 THOMAS, MELVIN J. V. SUPERIOR COURT OF CA
- 14-5752 KNOX, ANTONE L. V. TRAMMELL, WARDEN
- 14-5762 JOHNSON, LEROY V. ARTUS, SUPT., WENDE
- 14-5778 CANTLEY, AARON V. PRELESNIK, WARDEN
- 14-5779 TRIPLETT, ROY V. USPS, ET AL.
- 14-5802 JOHNSON, ELBERT V. RAZDAN, SANJAY
- 14-5813 DAVIS, RICHARD V. ARKANSAS
- 14-5815 DALTON, TINA V. WARREN, WARDEN
- 14-5818 MITCHELL, CLAUDETTE V. UNIVERSITY MEDICAL CENTER, INC.
- 14-5857 CHRISTOPHERSON, IAN V. UNITED STATES
- 14-5871 SHIVERS, DEVON V. MICHIGAN
- 14-5881 GOODWILL, DAVID A. V. RAPELJE, WARDEN
- 14-5889 JONES, LABRELL V. WOODS, WARDEN
- 14-5905 BOLES, DAMIENE V. SHELDON, WARDEN
- 14-5907 COTTER, JOSEPH P. V. LAW OFFICES OF PAUL GERTZ
- 14-5914 KINLEY, ROBERT V. LaVALLEY, SUPT., CLINTON
- 14-5922 MEYER, RONNIE T. V. CALIFORNIA
- 14-5927 SOTO, ABRAHAM V. DAVEY, ACTING WARDEN
- 14-5929 PLAMONDON, TODD V. BURT, WARDEN
- 14-5957 QUINN, ROSIE M. V. UNITED STATES
- 14-5962 DeVONE, JAMES M. V. NATIONAL CASUALTY CO., INC.
- 14-5986 MURRAY, TED R. V. UNITED STATES
- 14-6001 HARRIS, JASON L. V. YBARRA, SANDRA
- 14-6002 HOLDER, THOMAS V. MISSISSIPPI
- 14-6005 GARCIA, MATTHEW A. V. GROUNDS, WARDEN
- 14-6006 FOSS, RAYMOND C. V. MARTELL, WARDEN, ET AL.
- 14-6007 CHAPMAN, RICHARD V. MISSISSIPPI
- 14-6008 CLARK, HERMAN T. V. OAKLEY, MICHAEL, ET AL.

- 14-6012 SUBDIAZ-OSORIO, NICOLAS V. WISCONSIN
- 14-6015 RICHARDSON, FLOYD V. PFISTER, WARDEN
- 14-6016 VICTORY, BRIAN V. CREWS, SEC., FL DOC, ET AL.
- 14-6032 RODGERS, OTIS L. V. VALENZUELA, WARDEN
- 14-6035 DE LA REY ROSSOUW, ANDRE V. TENNESSEE
- 14-6041 BAILEY, HERNANDEZ V. LEMKE, WARDEN
- 14-6056 NORFLEET, MARC V. SPILLER, TOM
- 14-6057 STROUSE, JAMES V. WILSON, WARDEN, ET AL.
- 14-6061 BARBER, SAMYEIL B. V. STEVENSON, WARDEN
- 14-6064 LYIMO, NEVILLE V. UNITED STATES
- 14-6076 PAGE, TYREEK V. MARTUSCELLO, SUPT., COXSACKIE
- 14-6080 AIKENS, LEO V. FLORIDA
- 14-6082 WEST, DONALD J. V. UNITED STATES
- 14-6084 WHITE, CHARLES V. UNITED STATES
- 14-6091 LEE, FRANK V. VIRGINIA
- 14-6094 ANDERSON, WILLIAM V. UNITED STATES
- 14-6097 MELBIE, HAROLD W. V. UNITED STATES
- 14-6099 STARKS, ALLEN J. V. BECHTOLD, WARDEN
- 14-6101 GONZALEZ-ARREOLA, JOSE V. UNITED STATES
- 14-6102 GOMEZ-JIMENEZ, ERASTO V. UNITED STATES
- 14-6103 FRENCH, JENNIFER L. V. UNITED STATES
- 14-6104 HUMPHREY, BRUCE E. V. UNITED STATES
- 14-6105 HAITH, KEVIN G. V. UNITED STATES
- 14-6106 HANDS, LEANDER S. V. UNITED STATES
- 14-6111 McGREW, MACE V. UNITED STATES
- 14-6112 ROBINSON, DAVID M. V. UNITED STATES
- 14-6113 NETO, JOSE V. USDC MA
- 14-6118 GAYTAN, KENNETH V. UNITED STATES

- 14-6123 NICKSON, KENNETH B. V. UNITED STATES
- 14-6124 PATE, LEWIS V. UNITED STATES
- 14-6125 BUCZEK, SHANE C. V. CONSTRUCTIVE TRUST, ET AL.
- 14-6128 RUSSELL, RODNEY L. V. UNITED STATES
- 14-6130 COLONEL, ANTONIO D. V. UNITED STATES
- 14-6132 WILTSHIRE, CARLOS V. UNITED STATES
- 14-6133 WALKER, GERALD E. V. UNITED STATES
- 14-6134 YOUKELSONE, NADIA V. FDIC
- 14-6137 CANO, LUIS H. V. UNITED STATES
- 14-6140 YOUNG, DAVON V. UNITED STATES
- 14-6141 TRUDEAU, WILLIAM A. V. UNITED STATES
- 14-6144 KERR, DESMOND V. UNITED STATES
- 14-6146 MATHIS, JAY V. UNITED STATES
- 14-6148 ECKSTROM, CARL A. V. VALENZUELA, WARDEN
- 14-6149 JOHNSON, DONALD B. V. MASSACHUSETTS
- 14-6153 CHAMBLISS, THOMAS V. UNITED STATES
- 14-6157 PORTILLO-VEGA, LEONARDO V. UNITED STATES
- 14-6158 SNIPES, LEON V. ILLINOIS
- 14-6159 KALLAS, CONSTANTINE V. UNITED STATES
- 14-6160 KING, SHEROND D. V. UNITED STATES
- 14-6161 LIENDO-SAUCEDO, LIBRADO V. UNITED STATES
- 14-6162 McLEAN, CAROLINA V. UNITED STATES
- 14-6167 CROSBY, GREGORY L. V. UNITED STATES
- 14-6172 MUSGROVE, JEFFREY L. V. UNITED STATES
- 14-6173 SANCHEZ, JOSE V. UNITED STATES
- 14-6179 SOLIS-VENEGAS, JUAN C. V. UNITED STATES
- 14-6180 RODRIGUEZ-VALENCIA, AGUSTIN V. UNITED STATES
- 14-6181 MOORE, RONALD D. V. STEWARD, WARDEN

14-6187 PEREZ-CRESPO, PEDRO J. V. UNITED STATES 14-6192 HULLABY, BRANDON V. UNITED STATES HOWELL, CRAIG C. V. UNITED STATES 14-6193 14-6194 HONAKER, KEITH V. UNITED STATES 14-6195 FREEMAN, STONEY V. UNITED STATES 14-6196 FIELDS, DEMETRIOUS V. UNITED STATES HANNA, ERIC V. UNITED STATES 14-6197 HYLES, TONYA J. V. UNITED STATES 14-6198 14-6202 ETHRIDGE, RAMONE H. V. UNITED STATES 14-6203 SHOWALTER, EDWARD V. UNITED STATES 14-6206 EUGENE, WINEX V. UNITED STATES 14-6208 EVERETT, RONNIE V. V. UNITED STATES 14-6210 DAVIS, LARRY V. UNITED STATES 14-6216 MENDOZA-CANO, ALEX N. V. UNITED STATES 14-6220 THOMAS, TIMOTHY R. V. UNITED STATES 14-6221 WEAVER, ROYCE V. UNITED STATES 14-6231 MANESS, MICHAEL C. V. UNITED STATES 14-6239 DeLEON, GIOVANNI C. V. UNITED STATES 14-6243 LUIS, KEVIN V. UNITED STATES LYONS, ANTHONY V. UNITED STATES 14-6244 14-6245 ROJAS-OLIVERA, JORGE V. UNITED STATES 14-6247 RAMIREZ, JAVIER V. UNITED STATES 14-6249 BROWN, DWAYNE V. FL DOC 14-6253 MUZIO, MICHAEL J. V. UNITED STATES 14-6254 ORTIZ-BAEZ, NELSON V. UNITED STATES The petitions for writs of certiorari are denied. SIGRAM SCHINDLER V. CISCO SYSTEM, INC., ET AL. 14-221

GARCIA RODRIGUEZ, JOSE V. RUNNELS, WARDEN

14-5504

The petitions for writs of certiorari are denied. Justice Breyer took no part in the consideration or decision of this petition.

14-5578 WHEELER, LeROY K. V. DeSAUTEL, RENA M., ET AL.

The motion of petitioner for leave to proceed *in forma* pauperis is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8. As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See Martin v. District of Columbia Court of Appeals, 506 U. S. 1 (1992) (per curiam).

- 14-5612 CLAIBORNE, DENNIS G. V. CALIFORNIA
- 14-5679 PUGH, LEON V. BALISH, WILLIAM, ET AL.
- 14-5697 HUNTER, CHASE C. V. FL DEPT. OF FINANCIAL SERVICES
- 14-5698 HUNTER, CHASE C. V. DISTRICT COURT OF TX

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.

14-5732 BOONE, MICHAEL R. V. TEXAS

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

14-5741 TARKINGTON, ANTHONY L. V. CALIFORNIA

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

14-6116	HALL, MARC P. V. DANIELS, WARDEN
14-6117	GRUBBS, JIMMIE V. V. UNITED STATES
14-6185	MINCOFF, JAMES V. UNITED STATES
	The petitions for writs of certiorari are denied. Justice
	Kagan took no part in the consideration or decision of this
	petition.
	HABEAS CORPUS DENIED
14-6190	IN RE LEANDRO CARDENAS LUNA
14-6228	IN RE CALVIN EDWARDS
14-6292	IN RE MORRIS WILLIS
	The petitions for writs of habeas corpus are denied.
MANDAMUS DENIED	
14-145	IN RE MICHAEL VOELTZ
14-5555	IN RE RICHARD PRICE TUCKER
14-5748	IN RE JAMES J. ZARYCHTA, JR.
14-5751	IN RE ALVIN LAVON MOORE
	The petitions for writs of mandamus are denied.
14-5596	IN RE DAVID LEE SMITH
	The motion of petitioner for leave to proceed in forma
	pauperis is denied, and the petition for a writ of
	mandamus/prohibition is dismissed. See Rule 39.8.
14-5648	IN RE FELIX A. PRICE
	The motion of petitioner for leave to proceed in forma
	pauperis is denied, and the petition for a writ of mandamus is

REHEARINGS DENIED

13-8235 IN RE JAMES BRADLEY HAAG

dismissed. See Rule 39.8.

The petition for rehearing is denied.

ATTORNEY DISCIPLINE

D-2776 IN THE MATTER OF DISBARMENT OF WILLIAM I. BELK

William I. Belk, of Charlotte, North Carolina, having been suspended from the practice of law in this Court by order of June 9, 2014; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and a response having been filed;

It is ordered that William I. Belk is disbarred from the practice of law in this Court.

D-2812 IN THE MATTER OF DISBARMENT OF CLARENCE T. NALLS

Clarence T. Nalls, of Baton Rouge, Louisiana, having been suspended from the practice of law in this Court by order of August 29, 2014; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and a response having been filed;

It is ordered that Clarence T. Nalls is disbarred from the practice of law in this Court.

SCALIA, J., dissenting

SUPREME COURT OF THE UNITED STATES

JOSEPH JONES, DESMOND THURSTON, AND ANTWUAN BALL v. UNITED STATES

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

No. 13-10026. Decided October 14, 2014

The petition for a writ of certiorari is denied.

JUSTICE SCALIA, with whom JUSTICE THOMAS and JUSTICE GINSBURG join, dissenting from denial of certiorari.

A jury convicted petitioners Joseph Jones, Desmond Thurston, and Antwuan Ball of distributing very small amounts of crack cocaine, and acquitted them of conspiring to distribute drugs. The sentencing judge, however, found that they *had* engaged in the charged conspiracy and, relying largely on that finding, imposed sentences that petitioners say were many times longer than those the Guidelines would otherwise have recommended.

Petitioners present a strong case that, but for the judge's finding of fact, their sentences would have been "substantively unreasonable" and therefore illegal. See Rita v. United States, 551 U. S. 338, 372 (2007) (SCALIA, J., joined by THOMAS, J., concurring in part and concurring in judgment). If so, their constitutional rights were violated. The Sixth Amendment, together with the Fifth Amendment's Due Process Clause, "requires that each element of a crime" be either admitted by the defendant, or "proved to the jury beyond a reasonable doubt." Alleyne v. United States, 570 U. S. ____, ___ (2013) (slip op., at 3). Any fact that increases the penalty to which a defendant is exposed constitutes an element of a crime, Apprendi v. New Jersey, 530 U. S. 466, 483, n. 10, 490 (2000), and "must be found by a jury, not a judge," Cunningham v.

SCALIA, J., dissenting

California, 549 U. S. 270, 281 (2007).* We have held that a substantively unreasonable penalty is illegal and must be set aside. Gall v. United States, 552 U. S. 38, 51 (2007). It unavoidably follows that any fact necessary to prevent a sentence from being substantively unreasonable—thereby exposing the defendant to the longer sentence—is an element that must be either admitted by the defendant or found by the jury. It may not be found by a judge.

For years, however, we have refrained from saying so. In Rita v. United States, we dismissed the possibility of Sixth Amendment violations resulting from substantive reasonableness review as hypothetical and not presented by the facts of the case. We thus left for another day the question whether the Sixth Amendment is violated when courts impose sentences that, but for a judge-found fact, would be reversed for substantive unreasonableness. 551 U. S., at 353; see also id., at 366 (Stevens, J., joined in part by GINSBURG, J., concurring) ("Such a hypothetical case should be decided if and when it arises"). Nonetheless, the Courts of Appeals have uniformly taken our continuing silence to suggest that the Constitution does permit otherwise unreasonable sentences supported by judicial factfinding, so long as they are within the statutory range. See, e.g., United States v. Benkahla, 530 F. 3d 300, 312 (CA4 2008); United States v. Hernandez, 633 F. 3d 370, 374 (CA5 2011); United States v. Ashgar, 582 F. 3d 819, 824–825 (CA7 2009); United States v. Treadwell, 593 F. 3d 990, 1017–1018 (CA9 2010); United States v. Redcorn, 528 F. 3d 727, 745–746 (CA10 2008).

This has gone on long enough. The present petition

^{*}With one exception: We held in *Almendarez-Torres* v. *United States*, 523 U. S. 224 (1998), that the fact of a prior conviction, even when it increases the sentence to which the defendant is exposed, may be found by a judge. But see *id.*, at 248 (SCALIA, J., dissenting); *Rangel-Reyes* v. *United States*, 547 U. S. 1200, 1202 (2006) (THOMAS, J., dissenting from denial of certiorari).

SCALIA, J., dissenting

presents the nonhypothetical case the Court claimed to have been waiting for. And it is a particularly appealing case, because not only did no jury convict these defendants of the offense the sentencing judge thought them guilty of, but a jury acquitted them of that offense. Petitioners were convicted of distributing drugs, but acquitted of conspiring to distribute drugs. The sentencing judge found that petitioners had engaged in the conspiracy of which the jury acquitted them. The Guidelines, petitioners claim, recommend sentences of between 27 and 71 months for their distribution convictions. But in light of the conspiracy finding, the court calculated much higher Guidelines ranges, and sentenced Jones, Thurston, and Ball to 180, 194, and 225 months' imprisonment.

On petitioners' appeal, the D. C. Circuit held that *even if* their sentences would have been substantively unreasonable but for judge-found facts, their Sixth Amendment rights were not violated. 744 F. 3d 1362, 1369 (2014). We should grant certiorari to put an end to the unbroken string of cases disregarding the Sixth Amendment—or to eliminate the Sixth Amendment difficulty by acknowledging that all sentences below the statutory maximum are substantively reasonable.