

(ORDER LIST: 574 U.S.)

MONDAY, OCTOBER 20, 2014

ORDERS IN PENDING CASES

14M38 M. J. V. WA UNIV. PHYSICIANS, ET AL.

The motion for leave to file a petition for a writ of certiorari with the supplemental appendix under seal is granted. The motion for leave to proceed *in forma pauperis* with the declaration of indigency under seal is denied.

143, ORIG. MISSISSIPPI V. TENNESSEE, ET AL.

The Solicitor General is invited to file a brief in this case expressing the views of the United States.

13-485 COMPTROLLER OF TREASURY OF MD V. WYNNE, BRIAN, ET UX.

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

14-5783 QUIROZ, RAMON V. U.S. BANK NATIONAL ASSN., ET AL.

14-5803 HAASE, RICHARD A., ET UX. V. COUNTRYWIDE HOME LOANS

14-5812 DUKE, MARY A. V. FFRENCH-MULLEN, JARLATH M.

14-6279 RICHARDSON, CHARLIE V. MABUS, SEC. OF NAVY

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until November 10, 2014, within which to pay the docketing fees required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

CERTIORARI GRANTED

13-1175 LOS ANGELES, CA V. PATEL, NARANJIBHAI, ET AL.

The petition for a writ of certiorari is granted.

13-1428 CHAPPELL, WARDEN V. AYALA, HECTOR

The petition for a writ of certiorari is granted. In addition to the question presented by the petition, the parties are directed to brief and argue the following question: "Whether the court of appeals properly applied the standard articulated in *Brecht v. Abrahamson*, 507 U. S. 619 (1993)."

13-1487 HENDERSON, TONY V. UNITED STATES

The petition for a writ of certiorari is granted.

CERTIORARI DENIED

13-1406 PEREZ, LOUIS C. V. STEPHENS, DIR., TX DCJ

13-1409 KELLY, WESLEY T. V. MARYLAND

13-1479 KHAN, AMJAD V. CHOWDHURY, NAYEEM

13-1491) CUTI, ANTHONY V. UNITED STATES

13-1493) TENNANT, WILLIAM V. UNITED STATES

13-8427 COPE, BILLY W. V. SOUTH CAROLINA

13-9759 BANKS-DAVIS, LENORA V. UNITED STATES

13-10076 AGUIAR, STEPHEN, ET AL. V. UNITED STATES

13-10544 ESCOBAR, ARELI V. TEXAS

13-10587 BREEZE, JONATHAN V. UNITED STATES

14-51 REDONDO CONSTRUCTION CORPORATION V. DIAZ, MIGUEL, ET AL.

14-150 WILLIAMS, SHARON E. V. IL ATT'Y REGISTRATION COMM.

14-160 PERKINS, JAMES, ET UX. V. WELLS FARGO BANK, ET AL.

14-167 O'BRIEN, THOMAS C. V. KING, JOHN, ET AL.

14-168 BLUE CROSS BLUE SHIELD OF MI V. HI-LEX CONTROLS, INC., ET AL.

14-172 CASAGRANDE, L. KEITH V. SIEMENS CORPORATION, ET AL.

14-179 ISAACS, J. D. V. DARTMOUTH HITCHCOCK MED., ET AL.
14-180 DRY, WANDA M. V. STEELE, CHRISTI L., ET AL.
14-183 AAES, MIKKEL S., ET AL. V. 4G COMPANIES, ET AL.
14-194 PHILLIPS, JOHNNY V. V. JACOBS, WARDEN
14-208 FITCHETT, WILLIAM, ET AL. V. WILSON, ALAN, ET AL.
14-226 ROSS, MICHAEL L., ET AL. V. STOOKSBURY, ROBERT T.
14-233 HINTON, HOUSTON R. V. McDONALD, SEC. OF VA
14-257 LEWIS, ANNA, ET AL. V. LA DEPT. OF TRANSP., ET AL.
14-264 SCHNEIDMILLER, GARY, ET AL. V. PHYSICIANS INS. CAPITAL, ET AL.
14-291 ROLLE, WILLIAM A. V. MIAMI-DADE COUNTY, FL
14-302 KIM, HAN YONG V. USDC CD CA, ET AL.
14-303 MONTGOMERY, JEAN A. V. USPS
14-311 VISIBLE MEASURE CORPORATION V. STRICKLAND, MARGO, ET AL.
14-314 KUMAR, DANIK S. V. UNITED STATES
14-321 KYLE, JACK B. V. UNITED STATES
14-336 LOUTHIAN, EDDIE W. V. UNITED STATES
14-5256 PURSER, CHRISTOPHER V. UNITED STATES
14-5302 SHELTON, DAVID V. UNITED STATES
14-5442 CHISM, CALVIN D. V. CALIFORNIA
14-5556 THOMAS, ANITA V. CUMBERLAND CTY. BD. OF ED.
14-5754 ENRIQUEZ, ERVIN R. V. GUAM
14-5756 DUKLES, MARC A. V. OHIO
14-5761 LEONETTI, MICHAEL V. WILLIAMS, WARDEN, ET AL.
14-5764 BENITEZ, SIGIFREDO V. CREWS, SEC., FL DOC
14-5766 PENLEY, RONNIE N. V. JOYNER, CORR. ADM'R I, HARNETT
14-5768 MITCHELL, ANTHONY V. GEORGIA
14-5771 TEETER, LOUIS W. V. STEPHENS, DIR., TX DCJ
14-5772 WATTS, LAVELLE V. SAWYER, JOSH

14-5776 BOZELKO, CHANDRA V. CONNECTICUT
14-5784 TEITELBAUM, JACOB V. KATZ, JUDA, ET AL.
14-5786 SMITH, BARBARA J. V. MICHIGAN FIRST CREDIT UNION
14-5793 ROMERO, UBALDO V. WENDERLICH, SUPT., SOUTHPORT
14-5795 CHAFE, RENE J. V. CHAFE, CHRISTIAN
14-5796 CHAFE, RENE J. V. CHAFE, CHRISTIAN
14-5798 LEWIS, SHARON D. V. MICHIGAN OSHA
14-5805 HUNTER, INEZ V. ANDERSON, JANE, ET AL.
14-5806 ROSARIO, EVARISTO V. RHODE ISLAND, ET AL.
14-5807 HAWKINS, BRODERICK V. NORMAN, WARDEN
14-5808 CHAFE, RENE J. V. CHAFE, CHRISTIAN
14-5810 CIBELLI, PAUL V. NEW JERSEY
14-5811 CLEVELAND, CHRISTOPHER V. MULLIN, WARDEN
14-5816 ROGERS, LEROY V. FLORIDA
14-5819 THOMAS, LEINETTE M. V. JACKSON HEALTH CARE, ET AL.
14-5820 SMITH, DARRELL V. LOUISIANA
14-5822 JOHNSON, JAM'BRI S. V. GROUNDS, WARDEN
14-5824 UPSON, JAMEL V. NEW YORK
14-5825 WINTER, THOMAS A. V. DAVEY, ACTING WARDEN
14-5834 DOUGHERTY, KEITH T. V. SNYDER, JONATHAN, ET AL.
14-5835 DOUGHERTY, KEITH T. V. ADVANCED WINGS, ET AL.
14-5836 DOUGHERTY, KEITH T. V. USDC MD PA
14-5837 DOUGHERTY, KEITH T. V. CLUCK-U CORP.
14-5902 ALBERTS, PERRY V. ILLINOIS
14-5906 BACH, MARGARET V. CIRCUIT COURT OF WI, ET AL.
14-5941 RUNNER, DENNIS C. V. MICHIGAN
14-5954 LAUDENBERGER, CLARENCE V. PENNSYLVANIA
14-5966 CREGAN, CARLOS D. V. ILLINOIS

14-5978 BUCHANAN, RICHARD C. V. BEARD, SEC., CA DOC
14-5982 COUTURE, HELLEN V. COUTURE, THOMAS
14-5993 O'MALLEY, DUANE L. V. UNITED STATES
14-5996 GRAY, GREGORY L. V. SPEARMAN, WARDEN
14-6004 HARP, ANTHONY V. CURTIN, WARDEN
14-6027 PLUMMER, ROBERT G. V. HAAS, WARDEN
14-6048 CARRAHER, ANTHONY E. V. BEARD, SEC., CA DOC, ET AL.
14-6058 BROWN, STEVEN V. BOOKER, WARDEN
14-6065 LOPEZ, JUAN V. ILLINOIS
14-6068 PILLETTE, JESSIE W. V. MICHIGAN
14-6115 HOOPER, DAVID O. V. McDANIEL, WARDEN, ET AL.
14-6131 TOMLIN, GEORGE L. V. COHEN, WARDEN
14-6164 SMITH, JAMES E. V. HOBBS, DIR., AR DOC
14-6171 QUINN, JEREMY J. V. TACKETT, ANTHONY L.
14-6183 LJUTIC, SANJA V. UNITED STATES
14-6229 CHESTANG, GARNER H. V. UNITED STATES
14-6259 DALTON, DARMUS J. V. UNITED STATES
14-6260 GARRIES, RICHARD N. V. UNITED STATES
14-6262 KELLY, THOMAS M. V. UNITED STATES
14-6263 GONZALEZ-RUIZ, JOEL V. UNITED STATES
14-6271 PERRY, DUSTAN P. V. UNITED STATES
14-6274 AVALOS-NUNEZ, JESUS A. V. UNITED STATES
14-6275 WALS, RAFAEL V. UNITED STATES
14-6277 HARRIS-THOMPSON, LORENZO V. UNITED STATES
14-6278 MORRIS, MICHAEL V. UNITED STATES
14-6283 RICH, DAVID V. UNITED STATES
14-6284 JOHNSON, NORMAN V. JUST ENERGY
14-6285 BONILLA, ADRIANA V. UNITED STATES

14-6286 PRIETO, DANIEL S. V. UNITED STATES
14-6288 PHEA, BRIAN T. V. UNITED STATES
14-6290 McCLINTON, LARRY J. V. UNITED STATES
14-6294 RAMIREZ, JORGE A. V. UNITED STATES
14-6297 BASTIEN, GARY V. UNITED STATES
14-6298 ABRAMS, JOHN W. V. UNITED STATES
14-6301 RAZZOLI, KEVIN V. UNITED STATES
14-6303 CABRERA-PEREZ, ARMANDO V. UNITED STATES
14-6312 AYALA, RICHARD S. V. UNITED STATES
14-6313 ANDERSON, QUAYLAN V. UNITED STATES
14-6314 LOPEZ-PACHECO, REYNALDO V. UNITED STATES
14-6315 WATSON, CHARLTON V. UNITED STATES
14-6318 SOUZA, RICHARD V. UNITED STATES
14-6321 STACEY, BOYD D. V. UNITED STATES
14-6323 KIZZEE, ANTHONY V. UNITED STATES
14-6324 ANGLE, RALPH W. V. UNITED STATES
14-6325 BRIDGES, MARVIN V. UNITED STATES
14-6329 ANAYA, ALFRED V. UNITED STATES
14-6334 SHEPARD, MOSES A. V. UNITED STATES
14-6337 EKANEM, BASSEY J. V. UNITED STATES
14-6340 MARTINEZ, ARNULFO V. UNITED STATES
14-6341 MADRID, CELESTINO V. UNITED STATES
14-6345 WALLACE, MARK X. V. UNITED STATES
14-6349 SQUETIMKIN, STANLEY J. V. UNITED STATES
14-6353 SMITH, WILBERT B. V. UNITED STATES
14-6357 JARAMILLO, MATTHEW D. V. UNITED STATES
14-6358 MAZUR, VLADIMIR V. UNITED STATES
14-6359 WILSON, KEAIRUS V. UNITED STATES

14-6363 RODRIGUEZ, HECTOR V. UNITED STATES
14-6364 RODRIGUEZ, FERMIN V. UNITED STATES
14-6369 MOZIE, JAMES V. UNITED STATES
14-6373 EDISON, JERMAINE A. V. UNITED STATES
14-6374 DeLEO, RALPH F. V. UNITED STATES
14-6375 CUNNINGHAM, FREDERICK L. V. UNITED STATES
14-6382 WADDY, ANTWOINE V. UNITED STATES
14-6383 VALENCIA-ARROYO, ROGELIO V. UNITED STATES
14-6386 BURCH, THEODORE V. UNITED STATES
14-6390 SALINAS-MORIN, ARTURO V. UNITED STATES
14-6391 NEWMAN, JAMES V. UNITED STATES
14-6393 LALOUKAKIS, GEORGE V. UNITED STATES
14-6398 RENTERIA-SALDANA, PATRICIO V. UNITED STATES
14-6399 SIGUIL-VASQUEZ, JOSE A. V. UNITED STATES
14-6402 JIMENEZ-RAMIREZ, JOEL V. UNITED STATES
14-6403 RAMIREZ, RIGOBERTO V. UNITED STATES
14-6409 SANCHEZ, EDWARD V. CHANDLER, WARDEN

The petitions for writs of certiorari are denied.

13-1424 LOUISIANA, EX REL. BALLAY V. BP EXPLORATION & PROD., ET AL.

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

13-9280 FRAZIER, LARRY D. 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.

14-82 SCOTT, SHERIFF, ET AL. V. ALBINO, JUAN R.

The motion of respondent for leave to proceed *in*

forma pauperis is granted. The petition for a writ of certiorari is denied.

14-5769 NICKERSON, CEDRIC V. GINSEL, CODY, ET AL.

14-6165 WHITLEY, CLYDE K. V. USDC ED NC

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.

14-6251 RIVERA, LAUREANO C. 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.

14-6293 YALINCAK, HAKAN V. UNITED STATES

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

HABEAS CORPUS DENIED

14-6465 IN RE RANDY L. WOOD

The petition for a writ of habeas corpus is denied.

ATTORNEY DISCIPLINE

D-2790 IN THE MATTER OF DISBARMENT OF LANRE O. AMU

Lanre O. Amu, of Chicago, Illinois, having been suspended from the practice of law in this Court by order of August 11, 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 Lanre O. Amu is disbarred from the practice of law in this Court.

ALITO, J., concurring

SUPREME COURT OF THE UNITED STATES

PAUL H. VOLKMAN *v.* UNITED STATES

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

No. 13–8827. Decided October 20, 2014

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 *Burrage v. United States*, 571 U. S. ____ (2014).

JUSTICE ALITO, with whom JUSTICE THOMAS joins, concurring.

A jury convicted petitioner, a medical doctor, of four counts of unlawful distribution of a controlled substance leading to death. He was sentenced to four consecutive life sentences for those four deaths. Without the benefit of *Burrage v. United States*, 571 U. S. ____ (2014), the Sixth Circuit upheld the jury’s verdict. *Burrage* holds that “at least where use of the drug distributed by the defendant is not an independently sufficient cause of the victim’s death,” conviction is improper “unless such use is a but-for cause of the death or injury.” *Id.*, at ____ (slip op., at 14–15). But-for causation exists where the controlled substance “combines with other factors to produce” death, so long as death would have not occurred “without the incremental effect” of the controlled substance. *Id.*, at ____ (slip op., at 7). Because the Sixth Circuit did not focus on but-for causation, I join the Court’s order to vacate and remand.

I write separately, however, to highlight the nature of petitioner’s burden going forward. Petitioner concedes that even “[w]ithout having the benefit of this Court’s *Burrage* opinion, the district court nonetheless gave the

ALITO, J., concurring

jury a ‘but-for’ causation instruction.” Pet. for Cert. 21. Even on petitioner’s theory, therefore, the question is whether the Sixth Circuit should have “set aside the jury’s verdict on the ground of insufficient evidence.” *Ibid.* As petitioner acknowledges, this means that he can prevail only by showing that no rational trier of fact could have found, as the jury did here, “that death would not have occurred in these individuals but for the use of the oxycodone prescribed.” *Ibid.* (citing *Jackson v. Virginia*, 443 U. S. 307, 319 (1979)).

The jury reached its verdict after a 35-day trial. See 736 F. 3d 1013, 1019 (CA6 2013). During that trial jurors learned much about the deaths of petitioner’s patients. For instance, petitioner prescribed one opiate (oxycodone) and two other drugs (diazepam and alprazolam) to Steven Craig Hieneman. *Id.*, at 1027. Hieneman “died twelve hours” later and was “found dead with the very drugs the doctor prescribed.” *Id.*, at 1027–1028. The jury also heard from a deputy coroner that “Hieneman died an opiate-induced death.” *Id.*, at 1027. The question on remand is whether evidence of this sort, if credited, would allow a rational jury to conclude that Hieneman would not have died but for the oxycodone dispensed by petitioner. That same question will have to be answered for each of petitioner’s patients.

In short, nothing in today’s order should be understood as suggesting that petitioner is entitled to acquittal. Petitioner’s convictions should be affirmed if the Sixth Circuit finds that the evidence from trial—“considered in the light most favorable to the prosecution,” *Jackson, supra*, at 319—shows that a rational jury could have found as this jury, in fact, did. The Court’s order, moreover, has no bearing on petitioner’s other convictions for conspiracy to unlawfully distribute a controlled substance, unlawful distribution of a controlled substance, maintaining a drug-involved premises, and possession of a firearm in furtherance of a drug-trafficking offense.