PRELIMINARY PRINT

VOLUME 589 U. S. - PART 1
PAGES 1–153; 901–1247

OFFICIAL REPORTS

OF

THE SUPREME COURT

OCTOBER 7, 2019, THROUGH FEBRUARY 25, 2020

Page Proof Pending Publication

CHRISTINE LUCHOK FALLON
REPORTER OF DECISIONS

NOTICE: This preliminary print is subject to formal revision before the bound volume is published. Users are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D.C. 20543, pio@supremecourt.gov, of any typographical or other formal errors.

For sale by the Superintendent of Documents, U. S. Government Publishing Office
Washington, D.C. 20402

JUSTICES

OF THE

SUPREME COURT

DURING THE TIME OF THESE REPORTS

JOHN G. ROBERTS, JR., CHIEF 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.
NEIL M. GORSUCH, ASSOCIATE JUSTICE.
BRETT M. KAVANAUGH, ASSOCIATE JUSTICE.

Page Proof Pending Publication

RETIRED

SANDRA DAY O'CONNOR, ASSOCIATE JUSTICE.
ANTHONY M. KENNEDY, ASSOCIATE JUSTICE.
DAVID H. SOUTER, ASSOCIATE JUSTICE.

OFFICERS OF THE COURT

WILLIAM P. BARR, ATTORNEY GENERAL.
NOEL J. FRANCISCO, SOLICITOR GENERAL.
SCOTT S. HARRIS, CLERK.
CHRISTINE LUCHOK FALLON, REPORTER OF DECISIONS.
PAMELA TALKIN, MARSHAL.
LINDA S. MASLOW, LIBRARIAN.

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 October 19, 2018, 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, Samuel A. Alito, Jr., Associate Justice.

For the Sixth Circuit, Sonia Sotomayor, Associate Justice.

For the Seventh Circuit, Brett M. Kavanaugh, Associate Justice.

Page Proof Pending Publication

For the Eighth Circuit, Neil M. Gorsuch, Associate Justice.

For the Ninth Circuit, Elena Kagan, 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.

October 19, 2018.

(For next previous allotment, see 586 U. S., Pt. 1, p. III.)

DEATH OF JUSTICE STEVENS

Supreme Court of the United States

OCTOBER, 7, 2019

Present: Chief Justice Roberts, Justice Ginsburg, Justice Breyer, Justice Alito, Justice Sotomayor, Justice Kagan, Justice Gorsuch, and Justice Kavanaugh.

The Chief Justice said:

I also want take a moment to pay tribute to our friend and colleague John Paul Stevens, a retired Justice of this Court, who died on July 16, 2019. Justice Stevens was nominated to the Court by President Ford on November 28, 1975, and was confirmed by the Senate less than 20 days later. He was an active Member of the Court for more than 34 years. At the time of his retirement on June 29, 2010, Justice Stevens had become the third-longest serving Justice in the history of the Court.

Page Proof Pending Publication

Justice Stevens devoted his life to public service. He was a commissioned officer in the United States Navy from 1941-1945, receiving a Bronze Star for his service. During the 1947 Term he was a law clerk to Justice Wiley Rutledge of this Court. Before joining this Court, Justice Stevens served five years on the United States Court of Appeals for the Seventh Circuit.

His kindness, humility, independence, and wisdom have left us a better Court. His commitment to justice has left us a better Nation.

Justice Stevens was a dear colleague and friend. Our condolences go out to his children, his extended family, and his many admirers. At an appropriate time in the spring, the traditional memorial observance of the Court and Bar will be held in this courtroom.

Page Proof Pending Publication

INDEX

(Vol. 589 U. S., Part 1)

AFFILIATED CORPORATIONS. See **Federal Tax Law.**

AGGRAVATING AND MITIGATING FACTOR DETERMINATIONS. See **Criminal Sentencing.**

ALASKA. See **Constitutional Law.**

"AMERICAN RULE" AS TO AWARD OF ATTORNEY'S FEES. See **Attorney's Fees.**

ATTORNEY'S FEES.

Question whether "expenses" includes attorney's fees.—Patent and Trademark Office cannot recover salaries of its legal personnel as "expenses" in civil actions brought by patent applicants pursuant to 35 U. S. C. § 145. Peter v. NantKwest, Inc., p. 23.

Page Proof Pending Publication

AUTOMATIC STAYS. See **Finality of Judgments.**

BANKRUPTCY LAW. See **Finality of Judgments.**

***BIVENS* ACTIONS.**

Damages claim under Bivens—Plausible allegation law enforcement officer violated clearly established Constitutional rights.—A cross-border shooting by a United States Border Patrol agent does not give rise to damages claim pursuant to *Bivens* v. *Six Unknown Fed. Narcotics Agents*, 403 U. S. 388. Hernández v. Mesa, p. 93.

CAPITAL PUNISHMENT. See **Criminal Sentencing.**

CHILD CUSTODY. See **Hague Convention on Civil Aspects of International Child Abduction.**

COLLATERAL REVIEW. See **Criminal Sentencing.**

CONSTITUTIONAL LAW. See also **Bivens Actions.**

Freedom of speech—Alaska law regulating campaign contributions.—Judgment is vacated, and case is remanded for Ninth Circuit to revisit whether Alaska's political contribution limits are consistent with this Court's First Amendment precedents. Thompson v. Hebdon, p. 1.

CREDITORS AND DEBTORS. See **Finality of Judgments.**

CRIMINAL SENTENCING.

Eddings error—Reweighing of evidence on jury resentencing.—When a capital sentencing error under *Eddings* v. *Oklahoma*, 455 U. S. 104, is found on collateral review, a state appellate court may conduct reweighing of aggravating and mitigating evidence, as permitted by *Clemons* v. *Mississippi*, 494 U. S. 738, on collateral review. McKinney v. Arizona, p. 139.

DAMAGES CLAIMS. See ***Bivens* Actions.**

DEATH PENALTY. See **Criminal Sentencing.**

DEBT COLLECTION. See **Federal Debt Collection Practices Act; Finality of Judgments.**

DUTY OF PRUDENCE. See **Employee Retirement Income Security Act of 1974.**

EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

Allegations of harm from disclosure of alleged fraud—Pleading standard for ERISA claims.—Judgment is vacated, and case is remanded to give Second Circuit opportunity to decide whether to entertain parties' arguments on ERISA's duty of prudence. Retirement Plans Comm. of IBM v. Jander, p. 49.

Page Proof Pending Publication

EMPLOYEE STOCK OWNERSHIP PLANS. See **Employee Retirement Income Security Act of 1974.**

EQUITABLE TOLLING. See **Federal Debt Collection Practices Act.**

EXTRATERRITORIALITY. See ***Bivens* Actions.**

FAMILY LAW. See **Hague Convention on Civil Aspects of International Child Abduction.**

FEDERAL COMMON LAW. See **Federal Tax Law.**

FEDERAL DEBT COLLECTION PRACTICES ACT.

Statute of limitations under Act—Question of when statute begins to run.—Absent application of an equitable doctrine, Act's statute of limitations for bringing a private civil action against debt collectors who engage in certain prohibited practices, 15 U. S. C. § 1692k(d), begins to run when alleged violation occurs, not when it is discovered. Rotkiske v. Klemm, p. 8.

FEDERAL TAX LAW.

Federal common law—Ownership of tax refund to affiliated group.—Rule of *In re Bob Richards Chrysler-Plymouth Corp.*, 473 F. 2d 262—

FEDERAL TAX LAW—Continued.
which specifies how federal tax refund proceeds should be allocated among members of an affiliated group of corporations that file a consolidated return—is not a legitimate exercise of federal common lawmaking. Rodriguez v. FDIC, p. 132.

FEDERAL TAX REFUNDS. See **Federal Tax Law.**

FIDUCIARY DUTIES OF INVESTMENT ADVISERS. See **Employee Retirement Income Security Act of 1974.**

FIFTH AMENDMENT. See ***Bivens* Actions.**

FINALITY OF JUDGMENTS.

Order denying motion for relief from automatic stay—Question of finality.—Bankruptcy court's order unreservedly denying relief from automatic stay of creditor debt-collection efforts outside bankruptcy forum, see 11 U. S. C. § 362(a), is final and immediately appealable under 28 U. S. C. § 158(a). Ritzen Group, Inc. v. Jackson Masonry, LLC, p. 35.

FIRST AMENDMENT. See **Constitutional Law.**

FOURTH AMENDMENT. See ***Bivens* Actions.**

FREEDOM OF SPEECH. See **Constitutional Law.**

Page Proof Pending Publication

HAGUE CONVENTION ON CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION.

"Habitual residence" under Hague Convention—Standard of review.—Under Hague Convention on Civil Aspects of International Child Abduction, a child's "habitual residence" depends on totality of circumstances specific to case, not on categorical requirements such as an actual agreement between parties. Monasky v. Taglieri, p. 68.

INCOME TAX. See **Federal Tax Law.**

INTERNATIONAL CHILD ABDUCTION REMEDIES ACT. See **Hague Convention on Civil Aspects of International Child Abduction.**

INTERNATIONAL CONVENTIONS. See **Hague Convention on Civil Aspects of International Child Abduction.**

LAW ENFORCEMENT. See ***Bivens* Actions.**

NUNC PRO TUNC. See **Removal Jurisdiction.**

PATENT AND TRADEMARK OFFICE. See **Attorney's Fees.**

PENSION PLANS. See **Removal Jurisdiction.**

PLEADING STANDARDS. See **Employee Retirement Income Security Act of 1974.**

POLITICAL CONTRIBUTIONS. See **Constitutional Law.**

PUERTO RICO. See **Removal Jurisdiction.**

QUALIFIED IMMUNITY FROM SUIT. See ***Bivens* Actions.**

REMOVAL JURISDICTION.

Injunction ordering payment of retirement pensions by Catholic Church—Corporate identity of parochial schools.—Puerto Rico trial court had no jurisdiction to issue payment and seizure orders after a pension benefits proceeding was removed to Federal District Court but before proceeding was remanded back to Puerto Rico court; thus orders are void. Roman Catholic Archdiocese of San Juan v. Acevedo Feliciano, p. 57.

STATUTES OF LIMITATIONS. See **Federal Debt Collection Practices Act.**

SUPREME COURT.

1. Notation of the death of Justice Stevens (retired), p. III.

VENUE. See **Hague Convention on Civil Aspects of International Child Abduction.**

WORDS AND PHRASES.

"[E]xpenses." 35 U. S. C. § 145. Peter v. NantKwest, Inc., p. 23.

"[H]abitual residence." International Child Abduction Remedies Act, 22 U. S. C. § 9001 *et seq.* Monasky v. Taglieri, p. 68.

Page Proof Pending Publication

TABLE OF CASES REPORTED

(Vol. 589 U. S., Part 1)

NOTES:

This volume provides the permanent United States Reports citation for all reported cases. Cases reported before page 901 are those decided with opinions of the Court or decisions *per curiam*. Cases reported on page 901 *et seq.* are those in which orders were entered. Although the Table of Cases Reported does not list orders denying a petition for writ of certiorari, such orders are included chronologically in this volume.

The syllabus in a case constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337 (1906).

A list of counsel who argued or filed briefs in a reported case, and who were members of the Court's Bar at the time the case was argued, are included in the United States Reports along with the Court's opinion in the case.

Page Proof Pending Publication

	Page
A. *v.* Leff	1032,1101
Abshire *v.* Louisiana Dept. of Public Safety and Corrections	1161
Acevedo Feliciano; Roman Catholic Archdiocese of San Juan *v.*	57
Adams *v.* Calhoun Cty., Mich.	1196
Adams; Carney *v.*	1099
Adams *v.* Illinois	910
Adams *v.* United States	1118,1198
Addison *v.* Family and Social Servs. Admin.	1161
Addison *v.* Indiana	1161
Adebowale *v.* Wolf	1201
Adelman *v.* Root	1096
Adger; Cleveland *v.*	908
Adventist Health System/Sunbelt Inc.; Konieczko *v.*	1172
Agency for Int'l Development *v.* Alliance for Open Society Int'l	1119
Ahmed, *In re*	915
Alabama; Young *v.*	1030
Alessio *v.* United Airlines, Inc.	1172
Allen; Bussey *v.*	1162

Page
Allen *v.* Pennsylvania 1119
Alliance for Open Society Int'l; Agency for Int'l Development *v.* 1119
Al Shimari; CACI Premier Technology, Inc. *v.* 1178
Amalgamated. For labor union, see name of trade.
AMC Networks Inc.; Sawicky *v.* 913,1162
American Assn. of Political Consultants, Inc.; Barr *v.* 1127
American Family Ins. Co.; Jammal *v.* 1188
Americans for Prosperity Foundation *v.* Becerra 1200
Amerson *v.* U. S. Bankruptcy Court 913
Ammiyhuwd *v.* Pompeo 1126
Anderson, *In re* 1012
Andrews *v.* United States 1247
Anyanwu *v.* Barr 1119
Apex Reporting Group, Inc.; Wilson *v.* 1078
Appel, *In re* 1032
Appellate Div., Super. Ct. of Cal., San Mateo Cty.; Drevaleva *v.* 1128
Aranoff *v.* Aranoff 1118
Archer & White Sales, Inc.; Henry Schein, Inc. *v.* 1172
Arizona *v.* California 1199
Arizona; McKinney *v.* 139,1067
Arizona *v.* Sackler 1100
Arizona Dept. of Public Safety; Caldwell *v.* 1162
Arlotta *v.* United States 907
Armour *v.* United States 910
Armstrong, *In re* 1102
Armstrong *v.* Doe 1056
Armstrong *v.* North Carolina 1056
Armstrong *v.* U. S. District Court 907,1067
Armstrong *v.* Virginia 1056
Arris Int'l, Ltd. *v.* Iancu 911
Arucan *v.* Cambridge East Healthcare Center 1078
Arunachalam *v.* International Business Machines Corp. 1097
Arunachalam *v.* Pazuniak Law Office, LLC 1096
Arunachalam *v.* U. S. District Court 901,1096,1097
Ashley, *In re* 914
Associate Judge, Circuit Ct. of Ill., Cook Cty.; Curry *v.* 913,1057
Associate Judge, Circuit Ct. of Ill., Cook Cty.; Santiago *v.* 1196
Atkinson *v.* United States 1012
Atlantic Coast Pipeline *v.* Cowpasture River Preserv. Assn. 1189
Atlantic Richfield Co. *v.* Christian 1042
Attorney General *v.* American Assn. of Political Consultants, Inc. 1127
Attorney General; Anyanwu *v.* 1119
Attorney General; Biton *v.* 1032
Attorney General.; Geimah *v.* 1100

Page Proof Pending Publication

Page
Attorney General; Hango *v.* 1066
Attorney General.; Nasrallah *v.* 1030
Attorney General; Ogunsula *v.* 1172
Attorney General; Pereida *v.* 1126,1200
Attorney General; Pratt *v.* 1197
Attorney General *v.* Roane 1097
Attorney General; Sankara *v.* 909
Attorney General of Ark. *v.* Pharmaceutical Care Mgmt. Assn. 1127
Attorney General of Cal.; Americans for Prosperity Foundation *v.* 1200
Attorney General of Cal.; Thomas More Law Center *v.* 1200
Attorney General of Ga.; Moore *v.* 1067
Austin *v.* Oakland 910
Avery, *In re* 913
Azar; Rogero *v.* 1119
Babb *v.* Wilkie 1164
Baca; Colorado Dept. of State *v.* 1165,1178
Bachiller *v.* United States 902
Baldwin; Strother *v.* 1246
Baltimore Wash. Medical Center, Inc.; Porter *v.* 910
Banca UBAE, S. p. A. *v.* Peterson 1127
Bandemer; Ford Motor Co. *v.* 1164
Banicki; Ibeabuchi *v.* 903
Banister *v.* Davis 1057
Bank, *In re* 1131
Bank Markazi *v.* Peterson 1127
Bank of America Corp.; Davis *v.* 1162
Bank of America Corp. *v.* Miami, Fla. 1041
Barla; Jackson *v.* 1163
Barnes *v.* Commission, Lawyer Discip., State Bar of Tex. 911
Barnes *v.* Workers' Compensation Appeals Bd. 913
Barr *v.* American Assn. of Political Consultants, Inc. 1127
Barr; Anyanwu *v.* 1119
Barr; Biton *v.* 1032
Barr; Geimah *v.* 1100
Barr; Hango *v.* 1066
Barr; Nasrallah *v.* 1030
Barr; Ogunsula *v.* 1172
Barr; Pereida *v.* 1126,1200
Barr; Pratt *v.* 1197
Barr *v.* Roane 1097
Barr; Sankara *v.* 909
Barrone; Harnage *v.* 1165
Barrow *v.* Willis 1096

Page Proof Pending Publication

Page
Bartlett *v.* Pineda 904
Batalla Vidal; McAleenan *v.* 1041
Battles *v.* Rotz 911
Baxter *v.* United States 913
B. D. *v.* Kentucky Cabinet for Health and Family Servs. 1130
Becerra; Americans for Prosperity Foundation *v.* 1200
Becerra; Thomas More Law Center *v.* 1200
Beckwith; Green *v.* 913
Bedgood *v.* United States 1161
Beeks *v.* HMC Assets, LLC 910
Benavente *v.* United States 911
Bergen Cty. Prosecutor's Office; Moretti *v.* 908
Berger; Meier *v.* 1078
Berkebile; Couture *v.* 910
Bern; McLaurine *v.* 910
Berry, *In re* 1201
Bhagat *v.* Iancu 1030
Biel; St. James School *v.* 1127
Biton *v.* Barr 1032
Biton *v.* United Airlines 1056
Biton *v.* Verrilli 1032
Black *v.* Life Unlimited, Inc. 1011
Blaher, *In re* 1129
Bleau, *In re* 914
Blythe, *In re* 1176
BNSF R. Co. *v.* EEOC 912
Board of Ed. of the Township of Teaneck; H. F. *v.* 1118
Bonnell, *In re* 1201
Bonnyman; Jones *v.* 1056
Booking.com B. V.; United States Patent and Trademark Office *v.* 1055
Booth *v.* Nissan North America, Inc. 1162
Boyd *v.* California Public Util. Comm'n 1200
BP P. L. C. *v.* Mayor and City Council of Baltimore 1040
Bracken, *In re* 915,1166
Bracy; Crank *v.* 1097
Braithwaite *v.* United States 1011
Brascom, *In re* 915
Brawner, *In re* 1058
Bray *v.* United States 913
Brende *v.* Young 1118
Bressi *v.* Gembic 1126
Bridges *v.* Davis 1118
Briggs; United States *v.* 1066,1130
Britton-Harr, *In re* 1201

Page Proof Pending Publication

Page
Brockington *v.* Saul 1247
Brooks *v.* Gabriel 903
Brown *v.* Civil Serv. Comm'n 1163
Brown *v.* Richmond, Va. 1162
Brown *v.* Saul 913
Brown *v.* United States 1011,1078,1189
Brown *v.* Virginia 1161
Bruner, *In re* 1177
Brunson, *In re* 914,1119
Bryan, *In re* 914
Bryant, *In re* 914,1119
Bryant *v.* Department of Ed. 1077
Bryant; West *v.* 1162
Buchwald; Lasher *v.* 1161
Buhannic, *In re* 1201
Burke *v.* Raven Elec., Inc. 1096
Burlington Cty. College; Dinnerstein *v.* 1163
Bussey *v.* Allen 1162
Butler *v.* U. S. District Court 907
Byrd, *In re* 1178
Cabrera-Cosme *v.* United States 1163
CACI Premier Technology, Inc. *v.* Al Shimari 1178
Calderon-Lopez, *In re* 1167
Caldwell *v.* Arizona Dept. of Public Safety 1162
Caldwell; Seibert *v.* 904
Calhoun Cty., Mich.; Adams *v.* 1196
California; Arizona *v.* 1199
California; Moon *v.* 906
California; Schwartzmiller *v.* 1161
California *v.* Texas 1166
California; Williams *v.* 903
California Public Util. Comm'n; Boyd *v.* 1200
Cambridge East Healthcare Center; Arucan *v.* 1078
Campbell *v.* Campbell 1161
Campbell *v.* United States 1118
Capri, *In re* 915
Caputo *v.* United States 911
Carelton Courtyard; Petko *v.* 1125
Cargill, Inc. *v.* Doe 1130
Carney *v.* Adams 1099
Carr, *In re* 1198
Carr; Moore *v.* 1067
Carswell *v.* E. Pihl & Son 1100
Carter, *In re* 1014

Page Proof Pending Publication

Page
Carter *v.* Davis 1126
Carter *v.* United States 1125
Casteel, *In re* 1058
Caswell *v.* New York 1246
Caterbone *v.* Lancaster City Bureau of Police 907
Caterbone *v.* United States 1056
Catholic Foundation of the Diocese of Lafayette; Sonnier *v.* 1172
Central Bank of Iran *v.* Peterson 1127
Central States, S. E. & S. W. Areas, Health Funds; Harris *v.* . . . 1129
Cerf; Pattishall *v.* 1118
Cervantes Valencia *v.* Davey 1161
Chabot *v.* Ohio A. Philip Randolph Institute 901
Champion Mortgage Co. of Tex.; Larson *v.* 1042
Chance *v.* United States 1078
Chaney *v.* United States 1126
Chapman *v.* United States 1189
Charles, *In re* 915,1078
Chatfield *v.* League of Women Voters of Mich. 1031
Cherry *v.* Simons 910
Chesapeake, Va.; Wilson *v.* 1125
Chi *v.* Stover 1120
Chiafalo *v.* Washington 1165,1178
Chicago, Ill. *v.* Fulton 1126
Chodosh *v.* Palm Beach Park Assn. 913
Christian; Atlantic Richfield Co. *v.* 1042
Christian *v.* Dadmun 1163
Circuit Ct. of Ky., Laurel Cty.; Reynolds *v.* 1161
CITGO Asphalt Refining Co. *v.* Frescati Shipping Co., Ltd. 1013
City. See name of city.
Civil Serv. Comm'n; Brown *v.* 1163
Clarke; Johnson *v.* 1011
Clarke; Meyers *v.* 1246
Clarke; Yilmaz *v.* 911
Clayborne *v.* Hansen 1196
Clayton; Stanford *v.* 1247
Clearstream Banking S. A. *v.* Peterson 1127
Cleveland *v.* Adger 908
Click-To-Call Technologies, LP; Dex Media, Inc. *v.* 1056
Click-To-Call Technologies, LP; Thryv, Inc. *v.* 1056
Clopton *v.* Davis 1125
Cochrun *v.* Dooley 1163
Colgate Palmolive Co.; Norton *v.* 1118
Collier, *In re* 1032
Collins *v.* Daniels 1097

Page Proof Pending Publication

Page
Collins *v.* Gonzalez 1189
Collins; United States *v.* 1066,1130
Colorado Dept. of State *v.* Baca 1165,1178
Columbia Pictures Industries, Inc.; Cunningham *v.* 1128
Comcast Corp. *v.* National Assn., African American-Owned Media 1014
Comier, *In re* 1014
Commissioner; Herndon *v.* 910
Commissioner; Nelson *v.* 1163
Commissioner; Schneider *v.* 1118
Commissioner; Waltner *v.* 1118
Commissioner of Internal Revenue. See Commissioner.
Commission, Lawyer Discip., State Bar of Tex.; Barnes *v.* 911
Commodity Futures Trading Comm'n; Fejokwu *v.* 1097
Commonwealth. See name of Commonwealth.
Conner *v.* United States 1129
Consumer Financial Prot. Bur.; Seila Law LLC *v.* . . . 1031,1041,1101,1190
Contra Costa Cty. Children and Family Servs. Bureau; K. S. *v.* 909
Contreras *v.* United States 902
Converteam SAS *v.* Outokumpu Stainless USA, LLC 1100
Conyers *v.* Wilkie 910
Cook *v.* United States 902,909
Cook Cty., Ill.; Wolf *v.* 1190
Cooks; Lucy *v.* 1246
Cooks *v.* Superior Ct. of Cal., Los Angeles Cty. 1011
Cooper *v.* United States 1099
Corbitt *v.* U. S. District Court 1161
CoreCivic Correctional Center; Marzan *v.* 1162
Corizon Correctional Health Care; Tucker *v.* 908
Corrections Commissioner. See name of commissioner.
Corrigan; Gullett-El *v.* 1096
Coulter *v.* Paulisick 1246
County. See name of county.
Court of Claims of Ill.; Johnson *v.* 1100
Court of Common Pleas of Pa., Union Cty.; Thomas *v.* 1164
Courtright, *In re* 915
Couture *v.* Berkebile 910
Cowan, Liebowitz & Latman, P. C.; Gurvey *v.* 1096
Cowpasture River Preserv. Assn.; Atlantic Coast Pipeline *v.* 1189
Cowpasture River Preserv. Assn.; United States Forest Serv. *v.* 1189
Cox, *In re* 915
Cox *v.* Old Republic Nat. Title Ins. Co. 1077
Cox *v.* United States 1012
Crank *v.* Bracy 1097
Credit Acceptance Corp.; Rajapakse *v.* 1101

Page Proof Pending Publication

Page
Crick *v.* Key 910
Cruz, *In re* 915
Cunningham *v.* Columbia Pictures Industries, Inc. 1128
Cunningham *v.* Washington Cty., Ore. 1128
Curry *v.* Lopez 913,1057
Cutler *v.* Illinois 1163
D. *v.* Kentucky Cabinet for Health and Family Servs. 1130
Dadmun; Christian *v.* 1163
Dahlem *v.* Louisiana 1166
DAL Global Servs.; Pittman *v.* 1013
Dallas Cty., Tex.; Kam *v.* 1097
Danforth; Delebreau *v.* 1125
Daniel *v.* Davis 1126
Daniels; Collins *v.* 1097
Dannewitz, *In re* 915
Dardanelle School Dist.; Doe *v.* 1032
Davey; Cervantes Valencia *v.* 1161
Davis; Banister *v.* 1057
Davis *v.* Bank of America Corp. 1162
Davis; Bridges *v.* 1118
Davis; Carter *v.* 1126
Davis; Clopton *v.* 1125
Davis; Daniel *v.* 1126
Davis; Flint *v.* 1125
Davis; Gardner *v.* 903
Davis; Harvin *v.* 1126
Davis *v.* Kia Motors America, Inc. 1011
Davis; Merryman *v.* 1246
Davis; Robertson *v.* 911
Davis; Sikes *v.* 1126
Davis *v.* United States 1173
Davis *v.* Vannoy 910
Davis; Vernon *v.* 1011
Davis; Washington *v.* 1246
Day-Petrano *v.* Hall 908
Dean *v.* United States 1162
DeCagna; Xiao Qing Liu *v.* 1079
DeCoito *v.* United States 910
DeKalb Cty. Assistant Public Defenders; Phillips *v.* 1163
Delaware; Windsor *v.* 1097
Delebreau *v.* Danforth 1125
Department of Ed.; Bryant *v.* 1077
Department of Homeland Security *v.* New York 1173
Department of Homeland Security *v.* Regents of Univ. of Cal. 1013,1041

Page Proof Pending Publication

Page
Department of Homeland Security *v.* Thuraissigiam 1030
Department of Justice; Simon *v.* 1172
Department of the Army; Domingo *v.* 910
Department of the Fam. of the Commw. of P. R.; Soto Nieves *v.* 1096
Derringer *v.* Saenz 1011
DeSantis, *In re* 1197
Deutsche Bank AG; Trump *v.* 1120
Deutsche Bank Nat. Trust Co.; Powe *v.* 1197
Dex Media, Inc. *v.* Click-To-Call Technologies, LP 1056
Diarra *v.* New York, N. Y. 1162
Diaz-Hinirio, *In re* 915
Diaz Palencia; Velasquez Perez *v.* 1032
Dinnerstein *v.* Burlington Cty. College 1163
Director of penal or correctional institution. See name or title of director.
Disbarment, *In re* 909
District Court. See U. S. District Court.
District Judge. See U. S. District Judge.
District of Columbia; King *v.* 1128
District of Columbia Office of Human Rights; McCrea *v.* 1197
Dixit *v.* Singh 910
Doe; Armstrong *v.* 1056
Doe; Cargill, Inc. *v.* 1130
Doe *v.* Dardanelle School Dist. 1032
Doe *v.* Federal Election Comm'n 1013
Doe; Nestle USA, Inc. *v.* 1130
Doe *v.* United States 1079
Domingo *v.* Department of the Army 910
Donahue *v.* Pennsylvania 1126,1189
Donahue *v.* Superior Ct. of Pa. 1196
Donate-Cardona *v.* United States 1012
Dongarra *v.* United States 1118
Dooley; Cochrun *v.* 1163
Dore; Robinson *v.* 1120
Douse *v.* United States 910
Doyle, *In re* 1043
Drake *v.* Parish 1161
Drevaleva *v.* Appellate Div., Super. Ct. of Cal., San Mateo Cty. 1128
Ducey; Taebel *v.* 1246
Duhart *v.* United States 902
Du Ju *v.* Washington 1118
Dummert *v.* Ngo 1161
Durban, *In re* 1177
Duriso *v.* West Gulf Maritime Assn. 1118

Page Proof Pending Publication

Page
Dutton *v.* McCrea 1011
Eaton, *In re* 1201
Eccleston, *In re* 1066
Eccleston *v.* United States 1066
Edmonds, *In re* 1131
Egland; House *v.* 1163
Elizabetas G. *v.* Illinois 911
Enclarity Inc. *v.* Fulton 901
English *v.* Roadhouse Holding Inc. 1162
Enow *v.* Foxwell 1163
E. Pihl & Son; Carswell *v.* 1100
EEOC; BNSF R. Co. *v.* 912
Erwin, *In re* 1198
Escourse-Westbrook *v.* United States 902
Espinoza *v.* Montana Dept. of Revenue 1101,1130
Everitt; Fuquen *v.* 1101
Ex parte. See name of party.
Ezor, *In re* 1057
F. *v.* Board of Ed. of the Township of Teaneck 1118
Facebook, Inc.; Rope *v.* 1163
Fahring, *In re* 1201
Family and Social Servs. Admin.; Addison *v.* 1161
Farmer; Lewis *v.* 1162
Farthing, *In re* 1198
FDIC; Rodriguez *v.* 132
Federal Election Comm'n; Doe *v.* 1013
Federal Nat. Mortgage Assn.; Higgins *v.* 1246
Federal Republic of Germany *v.* Philipp 1166
Fejokwu *v.* Commodity Futures Trading Comm'n 1097
Feliciano; Roman Catholic Archdiocese of San Juan *v.* 57
Fenstermaker *v.* Halvorson 1129
Fiat Chrysler; Ottah *v.* 911
Fields, *In re* 1102,1189
Finnegan, *In re* 1014
First Resolution Investment Corp.; Russell *v.* 1118
Flint *v.* Davis 1125
Florida *v.* Georgia 1177
Florida; Jackson *v.* 910
Florida; Joseph *v.* 1078
Florida; Kahlow *v.* 1119
Florida; Littles *v.* 1055
Florida; Palmer *v.* 1164
Florida; Perez *v.* 906
Florida; Robinson *v.* 1172

Page Proof Pending Publication

Page
Florida; Truesdale *v.* 1011,1246
Florida; Viera *v.* 1118
Florida Dept. of Children and Families; H. K. V. *v.* 1198
Ford, *In re* 915
Ford *v.* White 1131
Fordham Univ.; Rosenwasser *v.* 1162
Ford Motor Co. *v.* Bandemer 1164
Ford Motor Co. *v.* Montana Eighth Judicial Dist. Ct. 1164
Forquer *v.* Wells Fargo Bank, N. A. 1011
Fortune *v.* Virginia 1119
Fortune Society; Rochester *v.* 1163
Fowler *v.* Utah 1011
Foxwell; Enow *v.* 1163
Frakes; Nesbitt *v.* 906,1130
Francis, *In re* 1201
Frank, *In re* 1129
French, *In re* 1201
Frescati Shipping Co., Ltd.; CITGO Asphalt Refining Co. *v.* 1013
Fulton; Chicago, Ill. *v.* 1126
Fulton; Enclarity Inc. *v.* 901
Fulton *v.* Philadelphia, Pa. 1201
Fulton DeKalb Hospital Auth.; Oduok *v.* 1128
Fuquen *v.* Everitt 1101
G. *v.* Illinois 911
Gabriel; Brooks *v.* 903
Gallagher Bassett Servs., Inc.; Rubang *v.* 1057
Gardner *v.* Davis 903
Garrett; Pierce *v.* 1162
Gee *v.* June Medical Servs. L. L. C. 1067,1164,1166
GE Energy Power Conversion *v.* Outokumpu Stainless USA 1100
Geimah *v.* Barr 1100
Gembic; Bressi *v.* 1126
General Counsel of the Regents of the Univ. of Cal.; Touma *v.* . . . 1188
George, *In re* 914
Georgia; Florida *v.* 1177
Georgia *v.* Public.Resource.Org, Inc. 1042
Georgia; Rooney *v.* 1119
Germany *v.* Philipp 1166
Ghelichkhani *v.* United States 1126
Gilbert *v.* United States 902
Gillard *v.* Illinois 1011
Gilmore; Johnson *v.* 910
Glover; Kansas *v.* 912
Godert; Watson *v.* 1120

Page Proof Pending Publication

Page
Gomez; Stephens *v.* 1163
Gonzalez; Collins *v.* 1189
Goodwin; Jones *v.* 1055
Google LLC *v.* Oracle America, Inc. 1066
Gorman; Hayes *v.* 1126
Gossage *v.* Merit Systems Protection Bd. 1077
Governor of Ariz.; Taebel *v.* 1246
Governor of Del. *v.* Adams 1099
Governor of Ga.; Holland *v.* 1198
Governor of Utah.; Schmidt *v.* 1031
Goynes *v.* Nebraska 1013
Grady Mem. Hospital; Oduok *v.* 1128
Graham; Miller *v.* 911
Grant *v.* United States 910,1247
Green *v.* Beckwith 913
Greer *v.* United States 902
Greiner *v.* Macomb Cty., Mich. 913
Griffin; Veteto *v.* 1128
Grigalanz, *In re* 914
Guerrero Hernandez *v.* United States 1121
Gullett-El *v.* Corrigan 1096
Gundy *v.* United States 1097
Gurvey *v.* Cowan, Liebowitz & Latman, P. C. 1096
Hadsell, *In re* 914,1125
Hale *v.* United States 902
Hall, *In re* 1097
Hall; Day-Petrano *v.* 908
Halvorson; Fenstermaker *v.* 1129
Hamilton, *In re* 1057
Hamman, *In re* 1032
Hango *v.* Barr 1066
Hannah, *In re* 1197
Hanover, *In re* 1129
Hansen; Clayborne *v.* 1196
Harnage *v.* Barrone 1165
Harris, *In re* 1178
Harris *v.* Central States, S. E. & S. W. Areas, Health Funds 1129
Harris *v.* McCumsey 906
Harsay *v.* University of Kan. 1097
Harvey *v.* United States 913
Harvin *v.* Davis 1126
Hauser; Helm *v.* 1057
Hawaii State Judiciary; Yamano *v.* 1163
Hayes *v.* Gorman 1126

Page Proof Pending Publication

Page
Head *v.* United States 1077
Hebdon; Thompson *v.* 1
HEB Grocery Co., LP; Salazar *v.* 1162
Helm *v.* Hauser 1057
Helms *v.* Wells Fargo Bank, N. A. 1200
Henry Schein, Inc. *v.* Archer & White Sales, Inc. 1172
Hepp; Reynolds *v.* 1161
Herb Chambers 1186, Inc.; Kersey *v.* 908
Herbert; Parron *v.* 1013
Herbert; Schmidt *v.* 1031
Hernandez *v.* Mesa 93,1013
Hernandez *v.* United States 1121
Herndon *v.* Commissioner 910
Herr; Santa *v.* 1177
Herrera *v.* Price 1011
Herrera *v.* United States 902
Herrin *v.* United States 909
Hettinga *v.* Loumena 1166
H. F. *v.* Board of Ed. of the Township of Teaneck 1118
Hicks, *In re* 1201
Higgins *v.* Federal Nat. Mortgage Assn. 1246
Hill; Santiago *v.* 1196
Hing Wong, *In re* 1068
Hinkson, *In re* 914
H. K. V. *v.* Florida Dept. of Children and Families 1198
HMC Assets, LLC; Beeks *v.* 910
Holguin-Hernandez *v.* United States 912,1032
Holland *v.* Kemp 1198
Holley; Wright *v.* 1126
Hood; Hudson *v.* 1162
Hood; Raimondo *v.* 1188
Hospital Espanol Auxilio Mutuo de P. R., Inc.; Silva-Ramirez *v.* 1172
Hot Water Man; Linh Thi Minh Tran *v.* 1127
Hotze Health Wellness Center Int'l One, LLC, *In re* 1043
House *v.* Egland 1163
Householder *v.* Ohio A. Philip Randolph Inst. 901
Howard *v.* San Diego Cty. Counsel 1117
Howell *v.* Southerland 1163
HSBC Holdings PLC *v.* Picard 1101
Huang *v.* Huawei Technologies Co., Ltd. 1012
Huang *v.* Pai 1246
Huawei Technologies Co., Ltd.; Xiaohua Huang *v.* 1012
Hudson *v.* Hood 1162
Humbert *v.* United States 902

Page Proof Pending Publication

Page
Hungary *v.* Simon 1166
Huntington Ingalls, Inc.; Kirkland *v.* 1097
Hutchinson *v.* Louisiana 1246
Iancu; Arris Int'l, Ltd. *v.* 911
Iancu; Bhagat *v.* 1030
Ibeabuchi *v.* Banicki 903
Illinois; Adams *v.* 910
Illinois; Cutler *v.* 1163
Illinois; Elizabetas G. *v.* 911
Illinois; Gillard *v.* 1011
Illinois; Peters *v.* 905,1030,1101
Inch; Johnson *v.* 1079
Inch; Jones *v.* 1246
Inch; Marr *v.* 1129
Inch; Owens *v.* 1246
Inch; Raghubir *v.* 1162
Inch; Smith *v.* 1117
Inch; Williams *v.* 1126
Indiana; Addison *v.* 1161
Indiana; Kaushal *v.* 1096
ING Bank N. V.; NuStar Energy Servs., Inc. *v.* 1030
Inservco Ins. Servs.; Roberts *v.* 1097
Institutions for Life; Rollins *v.* 910
Intel Corp. Investment Policy Comm. *v.* Sulyma 1057
International. For labor union, see name of trade.
International Business Machines Corp.; Arunachalam *v.* 1097
Jackson *v.* Barla 1163
Jackson *v.* Florida 910
Jackson *v.* United States 902
Jackson Masonry, LLC.; Ritzen Group, Inc. *v.* 35,1032
James, *In re* 1129
Jammal *v.* American Family Ins. Co. 1188
Jander; Retirement Plans Comm. of IBM *v.* 49,1014
Jaye *v.* Oak Knoll Village Condominium Owners Assn., Inc. 1096
Jefferson, *In re* 1201
Jefferson *v.* Supreme Ct. of Ga. 1165
Jefferson *v.* United States 1127
Jenkins *v.* United States 1163
Jimenez; Scott *v.* 1161
Johnson, *In re* 915
Johnson *v.* Clarke 1011
Johnson *v.* Court of Claims of Ill. 1100
Johnson *v.* Gilmore 910
Johnson *v.* Inch 1079

Page Proof Pending Publication

Page
Johnson; Robinson *v.* 1077
Johnson *v.* Saul 1247
Johnson *v.* Severson 1246
Johnson *v.* United States 1031,1078
Johnston, *In re* 1201
Joiner *v.* Sutton 1055
Jones *v.* Bonnyman 1056
Jones *v.* Goodwin 1055
Jones *v.* Inch 1246
Jones *v.* Kentucky 1077
Jones *v.* Smith 1055
Jones *v.* Wetzel 1196
Jones *v.* Wisconsin 1246
Joseph *v.* Florida 1078
Joyner; Sheftall *v.* 911
JPMorgan Chase Bank, N. A.; Wazney *v.* 1161,1246
Ju *v.* Washington 1118
Judge, Circuit Ct. of Ala., Montgomery Cty.; Veteto *v.* 1128
Judge, Criminal Ct. for Sullivan Cty., Tenn.; Jones *v.* 1055
Judge, Superior Ct. of Ariz., Maricopa Cty.; Bartlett *v.* 904
June Medical Servs. L. L. C. *v.* Gee 1067,1164,1166
June Medical Servs. L. L. C. *v.* Russo 1200
Kahlow *v.* Florida 1119
Kallis; Metcalf *v.* 906
Kallis; Millis *v.* 1011
Kam *v.* Dallas Cty., Tex. 1097
Kam *v.* Peyton 1162
Kaneka Corp. *v.* Xiamen Kingdomway Group Co. 1198
Kansas *v.* Glover 912
Kaul, *In re* 1057
Kaur *v.* Maryland 1198
Kaushal *v.* Indiana 1096
Keita *v.* United States 1121
Kelly *v.* United States 1079,1121
Kemp; Holland *v.* 1198
Kentucky; Jones *v.* 1077
Kentucky Cabinet for Health and Family Servs.; N. B. D. *v.* 1130
Kersey *v.* Herb Chambers 1186, Inc. 908
Key; Crick *v.* 910
Keyes, *In re* 914
Khan *v.* United States 1055
Kia Motors America, Inc.; Davis *v.* 1011
Kilroy; *In re* 913
Kim; Peters *v.* 1067

Page Proof Pending Publication

Page
King, *In re* 914
King *v.* District of Columbia 1128
King *v.* Neall 905
Kinney *v.* Ohio 1161
Kirby; McIntosh *v.* 1100
Kirkland *v.* Huntington Ingalls, Inc. 1097
Klein; Shields *v.* 1055
Klemm; Rotkiske *v.* 8
K. N. *v.* Montana Dept. of Public Health and Human Servs. . . . 909,1101
Knochel *v.* Mihaylo 1199
Konieczko *v.* Adventist Health System/Sunbelt Inc. 1172
Kossie, *In re* 914,1201
Kouyate *v.* United States Customs and Border Protection 1097
Kretser, *In re* 1043
K. S. *v.* Contra Costa Cty. Children and Family Servs. Bureau . . 909
K. V. *v.* Florida Dept. of Children and Families 1198
Kwasnik, *In re* 1176
Labor Union. See name of trade.
Lamprell *v.* Stuckey 1042
Lancaster City Bureau of Police; Caterbone *v.* 907
Land of Lincoln Mut. Health Ins. Co. *v.* United States 912,1057
Lang, *In re* 1100
Langston *v.* Missouri Bd. of Probation and Parole 1172
La Rose; Stoutamire *v.* 909
Larry, *In re* 914
Larson *v.* Champion Mortgage Co. of Tex. 1042
Larson *v.* Nationstar Mortgage, LLC 1042
Larson *v.* Pacheco 1163
Lasher *v.* Buchwald 1161
Lasher *v.* Nebraska State Bd. of Pharmacy 1196
Lasher *v.* Stavis 1189
Laventure *v.* United Nations 1096
Law, *In re* 1131
Law Offices of Nina Ringgold, *In re* 1102,1201
League of Women Voters of Mich.; Chatfield *v.* 1031
Lee *v.* United States 1190
Leff; T. A. *v.* 1032,1101
Legrier *v.* United States 1031
Leonard, *In re* 1167
Lepre *v.* Pennsylvania 905,1057
Levy Gardens Partners 2007, L. P. *v.* Lewis Title Co., Inc. 1079
Lewis *v.* Farmer 1162
Lewis *v.* Lewis' Estate 1162
Lewis; Mutond *v.* 1166

Page Proof Pending Publication

Page
Lewis *v.* Newburgh Housing Auth. 1161
Lewis *v.* United States 1099,1163
Lewis; Weeks *v.* 909,1068
Lewis' Estate; Lewis *v.* 1162
Lewis Title Co., Inc.; Levy Gardens Partners 2007, L. P. *v.* 1079
Libby, *In re* 1201
Life Unlimited, Inc.; Black *v.* 1011
Lin *v.* United States 902
Linear Controls, Inc.; Peterson *v.* 1014
Linh Thi Minh Tran *v.* Stan the Hot Water Man 1127
Littles *v.* Florida 1055
Little Sisters of the Poor *v.* Pennsylvania 1165
Liu *v.* DeCagna 1079
Liu *v.* SEC 1041
Lloyd *v.* Presby's Inspired Life 1129
Logan *v.* Windsor, N. Y. 1118
Lomax *v.* Massachusetts 911
Lomax *v.* Ortiz-Marquez 1031,1190
Longmire *v.* Warshaw Burstein Cohen Schlesinger & Kuh, LLP 1130
Lopez; Curry *v.* 913,1057
Louisiana; Dahlem *v.* 1166
Louisiana; Hutchinson *v.* 1246
Louisiana Dept. of Public Safety and Corrections; Abshire *v.* 1161
Loumena; Hettinga *v.* 1166
Love, *In re* 914
Lovett *v.* Texas 1246
Lu *v.* Stanford Univ. 1118
Lucid Energy, Inc.; Rivera Rosado *v.* 908,1200
Lucy *v.* Cooks 1246
Ludwick; Schreiber *v.* 1119
Lundy, *In re* 1131
Lussy, *In re* 1102,1247
Lynch, *In re* 1121,1177
Maalouf *v.* Praetorian Ins. Co. 1119
Macomb Cty., Mich.; Greiner *v.* 913
Macy's, Inc.; Mitchell *v.* 1163
Madrid; Torres *v.* 1126
Maehr *v.* United States 1097
Magistrate Ct. of Troup Cty., Ga.; Stone *v.* 911
Mahally; Wojnarowski *v.* 1067
Maine Community Health Options *v.* United States 912,1056
Makdessi, *In re* 1043,1189
Malachowski *v.* United States 1067
Manasquan Savings Bank; Smith *v.* 1030

Page Proof Pending Publication

Page
Maricopa Cty. Attorney's Office; Taebel *v.* 1163
Marr *v.* Inch 1129
Martin *v.* United States 903
Martinez; Ombe *v.* 1161
Maryland; Kaur *v.* 1198
Marzan *v.* CoreCivic Correctional Center 1162
Massachusetts; Lomax *v.* 911
Matsura *v.* United States 1195
Matthews; Smith *v.* 907
Mattison, *In re* 1201
May, *In re* 914
May *v.* Wilkie 1042
Mayor and City Council of Baltimore; BP P. L. C. *v.* 1040
Mazars USA, LLP; Trump *v.* 1079,1120
McAleenan *v.* Batalla Vidal 1041
McAleenan *v.* Vidal 1014
McBride, *In re* 915
McCants *v.* United States 1012
McCarthren *v.* United States 1172
McCormick *v.* United States 903
McCrea *v.* District of Columbia Office of Human Rights 1197
McCrea; Dutton *v.* 1011
McCumsey; Harris *v.* 906
McDonald, *In re* 1043
McFadden; McGee *v.* 1011
McGee *v.* McFadden 1011
McGinley; Spence *v.* 1163
McGirt *v.* Oklahoma 1119,1178,1200
McGuire *v.* St. Louis Cty., Mo. 1247
McIntosh *v.* Kirby 1100
McKinney *v.* Arizona 139,1067
McLaurine *v.* Bern 910
McLeod, *In re* 1177
McNeil, *In re* 914
McNeil *v.* Nebraska 1117
Meier *v.* Berger 1078
Mendoza *v.* United States 902
Mergenthaler *v.* Osekavage 910
Merit Systems Protection Bd.; Gossage *v.* 1077
Merryman *v.* Davis 1246
Mesa; Hernandez *v.* 93,1013
Metcalf *v.* Kallis 906
Meyers *v.* Clarke 1246
Meyers *v.* Swiney 1011

Page Proof Pending Publication

Page
Miami, Fla.; Bank of America Corp. *v.* 1041
Michigan; Robinson *v.* 1246
Mickens; Wimbush *v.* 909,1196
Miguel Perez *v.* United States 1012
Mihaylo; Knochel *v.* 1199
Miles; Munt *v.* 903
Miller *v.* Graham 911
Milliman *v.* Randall 1011
Millis *v.* Kallis 1011
Mims *v.* Davis 1011
Minaya *v.* United States 1041
Minh Tran *v.* Stan the Hot Water Man 1127
Missouri Bd. of Probation and Parole; Langston *v.* 1172
Mitchell, *In re* 1043,1163
Mitchell *v.* Macy's, Inc. 1163
Mnuchin; Sagar *v.* 1097
Moda Health Plan, Inc. *v.* United States 912,1057
Monasky *v.* Taglieri 68,1042
Monsegue *v.* United States 910
Montana Dept. of Public Health and Human Servs.; K. N. *v.* . . 909,1101
Montana Dept. of Revenue; Espinoza *v.* 1101,1130
Montana Eighth Judicial Dist. Ct.; Ford Motor Co. *v.* 1164
Montgomery *v.* Walgreen Co. 1129
Moon *v.* California 906
Moore *v.* Carr 1067
Morales, *In re* 915
Moran, *In re* 1177
Mordaga; Moretti *v.* 908
Moretti *v.* Bergen Cty. Prosecutor's Office 908
Moretti *v.* Mordaga 908
Morgan *v.* Morgan 909
Morgan; Stoutamire *v.* 1172
Morris *v.* United States 1165
Morrissey-Berru; Our Lady of Guadalupe School *v.* 1126
Morrow *v.* West Central Ga. Workforce Development Corp. 1129
Mua *v.* O'Neal Firm, LLP. 1128
Munt *v.* Miles 903
Munt *v.* Roy 905
Mutond *v.* Lewis 1166
Myles *v.* United States 1117
N. *v.* Montana Dept. of Public Health and Human Servs. 909,1101
NantKwest, Inc.; Peter *v.* 23
Narvaez, *In re* 915
Nasrallah *v.* Barr 1030

Page Proof Pending Publication

Page
NAACP; Trump *v.* 1013,1041
National Assn., African American-Owned Media; Comcast Corp. *v.* 1014
National R. Passenger Corp.; Williams *v.* 1118
Nationstar Mortgage, LLC; Larson *v.* 1042
N. B. D. *v.* Kentucky Cabinet for Health and Family Servs. 1130
Neal; Taylor *v.* 1162
Neall; King *v.* 905
Neall; Xiao-Ying Yu *v.* 909,1118
Nebraska; Goynes *v.* 1013
Nebraska; McNeil *v.* 1117
Nebraska State Bd. of Pharmacy; Lasher *v.* 1196
Nelson *v.* Commissioner 1163
Nelson; Smeaton *v.* 911
Nelson *v.* Transit 1189
Nesbitt *v.* Frakes 906,1130
Nestle USA, Inc. *v.* Doe 1130
Nevada; Thomas *v.* 1068
Nevels *v.* Piggly Wiggly Corp. 1118
Newburgh Housing Auth.; Lewis *v.* 1161
New Jersey Dept. of Labor & Workforce Dev.; Osbourne *v.* 911
New Mexico; Texas *v.* 911,1032,1130,1177
Newsome *v.* RSL Funding, LLC 909
New York; Caswell *v.* 1246
New York; Department of Homeland Security *v.* 1173
New York, N. Y.; Diarra *v.* 1162
New York, N. Y.; New York State Rifle & Pistol Assn., Inc. *v.* 911,1013
New York State Lottery; Rivas *v.* 1096
New York State Rifle & Pistol Assn., Inc. *v.* New York, N. Y. . 911,1013
Ngo; Dummert *v.* 1161
Nicassio *v.* Viacom Int'l, Inc. 1247
Nieves *v.* Department of the Family of the Commonwealth of P. R. 1096
Nissan North America, Inc.; Booth *v.* 1162
North Carolina; Armstrong *v.* 1056
Norton *v.* Colgate Palmolive Co. 1118
Nosair *v.* United States 1066
NuStar Energy Servs., Inc. *v.* ING Bank N. V. 1030
Oak Knoll Village Condominium Owners Assn., Inc.; Jaye *v.* 1096
Oakland; Austin *v.* 910
Ocasio *v.* Perez 905
Oduok *v.* Fulton DeKalb Hospital Auth. 1128
Oduok *v.* Grady Mem. Hospital 1128
Ogunsula *v.* Barr 1172
Ogunsula *v.* Staffing Now, Inc. 1164
Ohio; Kinney *v.* 1161

Page Proof Pending Publication

Page
Ohio A. Philip Randolph Inst.; Chabot *v.* 901
Ohio A. Philip Randolph Inst.; Householder *v.* 901
Oklahoma; McGirt *v.* 1119,1178,1200
Old Republic Nat. Title Ins. Co.; Cox *v.* 1077
Ombe *v.* Martinez 1161
O'Neal Firm, LLP.; Mua *v.* 1128
Opati *v.* Republic of Sudan 1100
Oracle America, Inc.; Google LLC *v.* 1066
Ornalez, *In re* 1132
Ortiz-Marquez; Lomax *v.* 1031,1190
Osbourne *v.* New Jersey Dept. of Labor & Workforce Dev. 911
Osekavage; Mergenthaler *v.* 910
Ottah *v.* Fiat Chrysler 911
Our Lady of Guadalupe School *v.* Morrissey-Berru 1126
Outokumpu Stainless USA; Converteam SAS *v.* 1100
Outokumpu Stainless USA; GE Energy Power Conversion *v.* . . . 1100
Owens *v.* Inch 1246
Owens *v.* University of S. C. 1177
Pacheco; Larson *v.* 1163
Packard, *In re* 1177
Pai; Qihui Huang *v.* 1246
Palencia; Velasquez Perez *v.* 1032
Palko; Rich *v.* 1118
Palm Beach Park Assn.; Chodosh *v.* 913
Palmer *v.* Florida 1164
Palomarez, *In re* 1131
Paramo; Williams *v.* 1246
Parish; Drake *v.* 1161
Parks, *In re* 1121,1246
Parks *v.* Stolc 904
Parks *v.* United States 903
Parron *v.* Herbert 1013
Patterson, *In re* 1043,1121
Patterson *v.* U. S. District Court 1177
Pattishall *v.* Cerf 1118
Paulisick; Coulter *v.* 1246
Pazuniak Law Office, LLC; Arunachalam *v.* 1096
Pearson, *In re* 914
Pearson *v.* United States 1246
Pennsylvania; Allen *v.* 1119
Pennsylvania; Donahue *v.* 1126,1189
Pennsylvania; Lepre *v.* 905,1057
Pennsylvania; Little Sisters of the Poor *v.* 1165
Pennsylvania; Trump *v.* 1165

Page Proof Pending Publication

Page
Pereida *v.* Barr 1126,1200
Perez *v.* Diaz Palencia 1032
Perez *v.* Florida 906
Perez; Ocasio *v.* 905
Perez *v.* United States 1012
Peter *v.* NantKwest, Inc. 23
Peters *v.* Illinois 905,1030,1101
Peters *v.* Young Sun Kim 1067
Peterson; Banca UBAE, S. p. A. *v.* 1127
Peterson; Bank Markazi *v.* 1127
Peterson; Central Bank of Iran *v.* 1127
Peterson; Clearstream Banking S. A. *v.* 1127
Peterson *v.* Linear Controls, Inc. 1014
Peterson; UnitedHealth Group Inc. *v.* 1040
Petko *v.* Carelton Courtyard 1125
Petroleo Brasileiro S. A.-Petrobras *v.* Universities Superannuation Scheme Ltd. 1012
Peyton; Kam *v.* 1162
Pharmaceutical Care Mgmt. Assn.; Rutledge *v.* 1127
Philadelphia, Pa.; Fulton *v.* 1201
Philipp *v.* Federal Republic of Germany 1166
Philippe *v.* United States 1246
Phillips *v.* DeKalb Cty. Assistant Public Defenders 1163
Picard; HSBC Holdings PLC *v.* 1101
Piccone *v.* Supreme Ct. of Pa. 1011
Pierce *v.* Garrett 1162
Piggly Wiggly Corp.; Nevels *v.* 1118
Pihl & Son; Carswell *v.* 1100
Pima Cty., Ariz.; Webb *v.* 1096
Pineda; Bartlett *v.* 904
Pittman *v.* DAL Global Servs. 1013
Pompeo; Ammiyhuwd *v.* 1126
Porter *v.* Baltimore Wash. Medical Center, Inc. 910
Pouncy, *In re* 1102
Powe *v.* Deutsche Bank Nat. Trust Co. 1197
Praetorian Ins. Co.; Maalouf *v.* 1119
Pratt *v.* Barr 1197
Presby's Inspired Life; Lloyd *v.* 1129
President of United States *v.* NAACP 1013,1041
President of United States *v.* Pennsylvania 1165
Pressley; Wells *v.* 910
Price; Herrera *v.* 1011
Public.Resource.Org, Inc.; Georgia *v.* 1042
Puzey *v.* United States 908

Page Proof Pending Publication

Page
Qihui Huang *v.* Pai 1246
Qing Liu *v.* DeCagna 1079
Raburn; Rubio *v.* 904
Raghubir, *In re* 1014,1163
Raghubir *v.* Inch 1162
Raghubir *v.* U. S. District Court 1162
Raimondo *v.* Hood 1188
Rajapakse *v.* Credit Acceptance Corp. 1101
Ram *v.* United States 1078
Rams Football Co., LLC *v.* St. Louis Regional Convention 1012
Randall, *In re* 1011,1166
Randall; Milliman *v.* 1011
Randolph *v.* Texas 1161
Rashid *v.* United States 904,1101
Rauso *v.* United States 910
Raven Elec., Inc.; Burke *v.* 1096
Rawnsley *v.* United States 910
Ray; Walton *v.* 1118
Raymond *v.* Roy 912
Reddick *v.* United States 1118
Regents of Univ. of Cal.; Department of Homeland Security *v.* 1013,1041
Reina S. C., *In re* 914
Rental Maintenance, Inc.; Robinson *v.* 1096
Republic of Hungary *v.* Simon 1166
Republic of Sudan; Opati *v.* 1100
Retirement Plans Comm. of IBM *v.* Jander 49,1014
Reynolds, *In re* 1131
Reynolds *v.* Circuit Ct. of Ky., Laurel Cty. 1161
Reynolds *v.* Hepp 1161
Rhines; *In re* 1043
Rhines *v.* South Dakota Dept. of Corrections 1042
Rhodes *v.* Swarth 1189
Rich *v.* Palko 1118
Richards *v.* Vannoy 910
Richmond, Va.; Brown *v.* 1162
Ritzen Group, Inc. *v.* Jackson Masonry, LLC. 35,1032
Rivas *v.* New York State Lottery 1096
Rivera Cruz, *In re* 915
Rivera Rosado *v.* Lucid Energy, Inc. 908,1200
Roach *v.* Washington 1129
Roadhouse Holding Inc.; English *v.* 1162
Roane; Barr *v.* 1097
Roberson *v.* Rowlett Police Dept. 1078
Roberts, *In re* 915

Page Proof Pending Publication

Page
Roberts *v.* Inservco Ins. Servs. 1097
Roberts *v.* Texas 1173
Robertson *v.* Davis 911
Robinson *v.* Dore 1120
Robinson *v.* Florida 1172
Robinson *v.* Johnson 1077
Robinson *v.* Michigan 1246
Robinson *v.* Rental Maintenance, Inc. 1096
Robinson *v.* United States 902
Robinson *v.* Warden, Federal Correctional Institution, Fort Dix 1078
Rochester *v.* Fortune Society 1163
Rodriguez *v.* FDIC 132
Rodriguez *v.* United States 902
Rodriguez Ornalez, *In re* 1132
Rodriguez-Santana *v.* United States 1172
Rogero *v.* Azar 1119
Rollins *v.* Institutions for Life 910
Roman, *In re* 914,1119
Roman Catholic Archdiocese of Chicago; Rosas *v.* 1162
Roman Catholic Archdiocese of San Juan *v.* Acevedo Feliciano . . 57
Romero, *In re* 1129
Rooney *v.* Georgia 1119
Root; Adelman *v.* 1096
Rope *v.* Facebook, Inc. 1163
Rosa, *In re* 1166,1201
Rosado *v.* Lucid Energy, Inc. 908,1200
Rosas *v.* Roman Catholic Archdiocese of Chicago 1162
Rosenwasser *v.* Fordham Univ. 1162
Rotkiske *v.* Klemm 8
Rotte *v.* United States 1247
Rotz; Battles *v.* 911
Rowlett Police Dept.; Roberson *v.* 1078
Roy; Munt *v.* 905
Roy; Raymond *v.* 912
Rozberil; Scheib *v.* 903
RSL Funding, LLC; Newsome *v.* 909
Rubang *v.* Gallagher Bassett Servs., Inc. 1057
Rubang *v.* United Airlines, Inc. 1101
Rubin *v.* Sanchez 1118
Rubio *v.* Raburn 904
Ruiz-Rivera., *In re* 915
Rupak *v.* United States 1201
Russell *v.* First Resolution Investment Corp. 1118
Russell; Wilson *v.* 1011

Page Proof Pending Publication

Page
Russo *v.* June Medical Servs. L. L. C. 1200
Rutledge *v.* Pharmaceutical Care Mgmt. Assn. 1127
S. *v.* Contra Costa Cty. Children and Family Servs. Bureau 909
Sackler; Arizona *v.* 1100
Saenz; Derringer *v.* 1011
Sagar *v.* Mnuchin 1097
St. James School *v.* Biel 1127
St. Louis Cty., Mo.; McGuire *v.* 1247
St. Louis Regional Convention; Rams Football Co., LLC *v.* 1012
Salazar *v.* HEB Grocery Co., LP 1162
Salerno, *In re* 914
Salinas *v.* United States R. Retirement Bd. 1127,1200
Samuels; Williams *v.* 913
Sanchez; Rubin *v.* 1118
San Diego Cty. Counsel; Howard *v.* 1117
Sang Hing Wong, *In re* 1068
Sankara *v.* Barr 909
Santa *v.* Herr 1177
Santiago *v.* Hill 1196
Saul; Brockington *v.* 1247
Saul; Brown *v.* 913
Saul; Johnson *v.* 1247
Saul; Valent *v.* 1119
Saul; Washington *v.* 913
Saul; Watson *v.* 910,1165
Sawicky *v.* AMC Networks Inc. 913,1162
Schafer, *In re* 1043,1102
Scheib *v.* Rozberil 903
Schein, Inc. *v.* Archer & White Sales, Inc. 1172
Schmidt *v.* Herbert 1031
Schneider *v.* Commissioner 1118
Schreiber *v.* Ludwick 1119
Schwartzmiller *v.* California 1161
Scott *v.* Jimenez 1161
Scranage *v.* United States 1161
Secretary of Health and Human Servs.; Rogero *v.* 1119
Secretary of State; Ammiyhuwd *v.* 1126
Secretary of Treasury; Sagar *v.* 1097
Secretary of Veterans Affairs; Babb *v.* 1164
Secretary of Veterans Affairs; Conyers *v.* 910
Secretary of Veterans Affairs; May *v.* 1042
Secretary of Veterans Affairs; Smith *v.* 910
Secretary of Veterans Affairs; Toole *v.* 1118
SEC; Liu *v.* 1041

Page Proof Pending Publication

Page
Seibert *v.* Caldwell 904
Seila Law LLC *v.* Consumer Financial Prot. Bur. . . . 1031,1041,1101,1190
Severson; Johnson *v.* 1246
Sharbutt *v.* Vasquez 1100
Shaw *v.* United States 1011
Sheftall *v.* Joyner 911
Shepard *v.* United States 1126
Sheppard *v.* Texas 1119,1163
Shields *v.* Klein 1055
Shimari; CACI Premier Technology, Inc. *v.* 1178
Shipman, *In re* 1057
Shular *v.* United States 912
Sikes *v.* Davis 1126
Silberman, *In re* 1177
Silva-Ramirez *v.* Hospital Espanol Auxilio Mutuo de P. R., Inc. 1172
Simmons *v.* Vannoy 1246
Simon *v.* Department of Justice 1172
Simon; Republic of Hungary *v.* 1166
Simons; Cherry *v.* 910
Simpson, *In re* 1131
Sinceno *v.* Vannoy 911
Singh; Dixit *v.* 910
Sloop; White *v.* 1099
Smeaton *v.* Nelson 911
Smiley *v.* United States 909
Smith, *In re* 1014,1032,1177,1178
Smith *v.* Inch 1117
Smith; Jones *v.* 1055
Smith *v.* Manasquan Savings Bank 1030
Smith *v.* Matthews 907
Smith *v.* United States 1196
Smith *v.* U. S. District Court 1079
Smith *v.* Wilkie 910
Sneller, *In re* 915
Solomon *v.* United States 902
Sonnier *v.* Catholic Foundation of the Diocese of Lafayette 1172
Soto Nieves *v.* Department of the Fam. of the Commw. of P. R. 1096
South Dakota Dept. of Corrections; Rhines *v.* 1042
Southerland; Howell *v.* 1163
Spence, *In re* 914,1119
Spence *v.* McGinley 1163
Spencer, *In re* 1178
Stacy *v.* United States 1012
Staffing Now, Inc.; Ogunsula *v.* 1164

Page Proof Pending Publication

Page
Stanford *v.* Clayton 1247
Stanford Univ.; Lu *v.* 1118
Stan the Hot Water Man; Linh Thi Minh Tran *v.* 1127
Staszak, *In re* 1058,1189
Stavis; Lasher *v.* 1189
Steele, *In re* 1080,1246
Stephens *v.* Gomez 1163
Stewart, *In re* 914,1077
Stewart; Watson *v.* 1013
Stolc; Parks *v.* 904
Stone, *In re* 1032
Stone *v.* Magistrate Ct. of Troup Cty., Ga. 911
Stoutamire *v.* La Rose 909
Stoutamire *v.* Morgan 1172
Stover; Chi *v.* 1120
Strother *v.* Baldwin 1246
Stuckey; Lamprell *v.* 1042
Stucks, *In re* 915
Sudan; Opati *v.* 1100
Sulyma; Intel Corp. Investment Policy Comm. *v.* 1057
Summerhays *v.* United States 1163
Sun Kim; Peters *v.* 1067
Superior Ct. of Cal., Los Angeles Cty.; Cooks *v.* 1011
Superior Ct. of Cal., San Bernardino Cty.; Yaney *v.* 907
Superior Ct. of Pa.; Donahue *v.* 1196
Supreme Ct. of Ga.; Jefferson *v.* 1165
Supreme Ct. of Pa.; Piccone *v.* 1011
Surles, *In re* 912
Sutton, *In re* 1190
Sutton; Joiner *v.* 1055
Swarth; Rhodes *v.* 1189
Swiney; Meyers *v.* 1011
T. A. *v.* Leff 1032,1101
Taebel *v.* Ducey 1246
Taebel *v.* Maricopa Cty. Attorney's Office 1163
Taglieri; Monasky *v.* 68,1042
Tamez *v.* United States 1077
Tanvir; Tanzin *v.* 1078,1130
Tanzin *v.* Tanvir 1078,1130
Tate; Viola *v.* 909,1079
Taylor *v.* Neal 1162
Tchibassa, *In re* 915
TCT Mobile Int'l Ltd., *In re* 1198
Texas; California *v.* 1166

Page Proof Pending Publication

Page
Texas; Lovett *v.* 1246
Texas *v.* New Mexico 911,1032,1130,1177
Texas; Randolph *v.* 1161
Texas; Roberts *v.* 1173
Texas; Sheppard *v.* 1119,1163
Texas; United States House of Representatives *v.* 1166
Thi Minh Tran *v.* Stan the Hot Water Man 1127
Thole *v.* U. S. Bank N. A. 1100
Thomas *v.* Court of Common Pleas of Pa., Union Cty. 1164
Thomas *v.* Nevada 1068
Thomas *v.* United States 1012
Thomas More Law Center *v.* Becerra 1200
Thompson *v.* Hebdon 1
Thryv, Inc. *v.* Click-To-Call Technologies, LP 1056
Thuraissigiam; Department of Homeland Security *v.* 1030
Tiburcio *v.* United States 910
Toole *v.* Wilkie 1118
Torres, *In re* 1197
Torres *v.* Madrid 1126
Touma *v.* General Counsel of the Regents of the Univ. of Cal. . . . 1188
Town. See name of town.
Townsend *v.* Vasquez 1172
Tran *v.* Stan the Hot Water Man 1127
Transit; Nelson *v.* 1189
Trudeau *v.* United States 1161
Truesdale *v.* Florida 1011,1246
Trump *v.* Deutsche Bank AG 1120
Trump *v.* Mazars USA, LLP 1079,1120
Trump *v.* NAACP 1013,1041
Trump *v.* Pennsylvania 1165
Trump *v.* Vance 1120,1200
Tucker *v.* Corizon Correctional Health Care 908
Tuttle *v.* United States 1119
Tweed, *In re* 914
Ugwuonye, *In re* 1177
Uncapher, *In re* 1102
United. For labor union. See name of trade.
United Airlines; Biton *v.* 1056
United Airlines, Inc.; Alessio *v.* 1172
United Airlines, Inc.; Rubang *v.* 1101
UnitedHealth Group Inc. *v.* Peterson 1040
United Nations; Laventure *v.* 1096
U. S. Bank N. A.; Thole *v.* 1100
U. S. Bankruptcy Court; Amerson *v.* 913

Page Proof Pending Publication

Page
United States Customs and Border Protection; Kouyate *v.* 1097
U. S. District Court; Armstrong *v.* 907,1096,1097
U. S. District Court; Arunachalam *v.* 901,1097
U. S. District Court; Butler *v.* 907
U. S. District Court; Corbitt *v.* 1161
U. S. District Court; Patterson *v.* 1177
U. S. District Court; Raghubir *v.* 1162
U. S. District Court; Smith *v.* 1079
U. S. District Court; Viola *v.* 1079
U. S. District Court; Williams *v.* 905
U. S. District Judge; Hudson *v.* 1162
U. S. District Judge; Lasher *v.* 1161
U. S. District Judge; Raimondo *v.* 1188
United States Forest Serv. *v.* Cowpasture River Preserv. Assn. 1189
United States House of Representatives *v.* Texas 1166
United States Patent and Trademark Office *v.* Booking.com B. V. 1055
United States R. Retirement Bd.; Salinas *v.* 1127,1200
Universities Superannuation Scheme Ltd.; Petroleo Brasileiro S. A.-Petrobras *v.* 1012
University of Kan.; Harsay *v.* 1097
University of S. C.; Owens *v.* 1177
Upshaw *v.* United States 1100
Utah; Fowler *v.* 1011
Utah; Velasquez *v.* 1246
V. *v.* Florida Dept. of Children and Families 1198
Valencia *v.* Davey 1161
Valent *v.* Saul 1119
Valentine *v.* United States 1011
Vance; Trump *v.* 1120,1200
Vanderburg, *In re* 1198
Vannoy; Davis *v.* 910
Vannoy; Richards *v.* 910
Vannoy; Simmons *v.* 1246
Vannoy; Sinceno *v.* 911
Vannoy; Wills *v.* 1130
Vasquez; Sharbutt *v.* 1100
Vasquez; Townsend *v.* 1172
Vazquez *v.* United States 1196
Velasquez *v.* Utah 1246
Velasquez Perez *v.* Diaz Palencia 1032
Vernon *v.* Davis 1011
Verrilli; Biton *v.* 1032
Veteto, *In re* 914
Veteto *v.* Griffin 1128

Page Proof Pending Publication

Page
Viacom Int'l, Inc.; Nicassio *v.* 1247
Vidal; McAleenan *v.* 1014,1041
Viera *v.* Florida 1118
Villalona *v.* United States 1163
Viola *v.* Tate 909,1079
Viola *v.* U. S. District Court 1079
Virginia; Armstrong *v.* 1056
Virginia; Brown *v.* 1161
Virginia; Fortune *v.* 1119
Walgreen Co.; Montgomery *v.* 1129
Walker *v.* United States 1042,1066,1118,1121,1173
Waltner *v.* Commissioner 1118
Walton *v.* Ray 1118
Walton; United States *v.* 1078
Warden, Federal Correctional Institution, Fort Dix; Robinson *v.* 1078
Warren, *In re* 1080
Warshaw Burstein Cohen Schlesinger & Kuh, LLP; Longmire *v.* 1130
Washington; Chiafalo *v.* 1165,1178
Washington *v.* Davis 1246
Washington; Du Ju *v.* 1118
Washington; Roach *v.* 1129
Washington *v.* Saul 913
Washington Cty., Ore.; Cunningham *v.* 1128
Wasson *v.* United States 1120
Watkins *v.* United States 1031
Watson *v.* Godert 1120
Watson *v.* Saul 910,1165
Watson *v.* Stewart 1013
Watt, *In re* 1197
Wazney *v.* JPMorgan Chase Bank, N. A. 1161,1246
Wazney *v.* Wazney 1162
Webb *v.* Pima Cty., Ariz. 1096
Webster *v.* United States 902
Weeks *v.* Lewis 909,1068
Wei Zhou, *In re* 1131
Wells *v.* Pressley 910
Wells Fargo Bank, N. A.; Forquer *v.* 1011
Wells Fargo Bank, N. A.; Helms *v.* 1200
West *v.* Bryant 1162
West Central Ga. Workforce Development Corp.; Morrow *v.* 1129
West Gulf Maritime Assn.; Duriso *v.* 1118
West Virginia; Wright *v.* 1097
Wetzel; Jones *v.* 1196
White; Ford *v.* 1131

Page Proof Pending Publication

Page
White *v.* Sloop 1099
White *v.* United States 1011,1056,1100
Wilkie; Babb *v.* 1164
Wilkie; Conyers *v.* 910
Wilkie; May *v.* 1042
Wilkie; Smith *v.* 910
Wilkie; Toole *v.* 1118
Wilkinson, *In re* 1201
Williams, *In re* 912,914,1058
Williams *v.* California 903
Williams *v.* Inch 1126
Williams *v.* National R. Passenger Corp. 1118
Williams *v.* Paramo 1246
Williams *v.* Samuels 913
Williams *v.* United States 1055
Williams *v.* U. S. District Court 905
Willis; Barrow *v.* 1096
Wills *v.* Vannoy 1130
Wilmore *v.* United States 1077
Wilson *v.* Apex Reporting Group, Inc. 1078
Wilson *v.* Chesapeake, Va. 1125
Wilson *v.* Russell 1011
Wimbush, *In re* 1032,1131
Wimbush *v.* Mickens 909,1196
Windsor *v.* Delaware 1097
Windsor, N. Y.; Logan *v.* 1118
Wisconsin; Jones *v.* 1246
Wojnarowski *v.* Mahally 1067
Wolf; Adebowale *v.* 1201
Wolf *v.* Cook Cty., Ill. 1190
Wong, *In re* 1068
Woodberry *v.* United States 1056
Workers' Compensation Appeals Bd.; Barnes *v.* 913
Worthington, *In re* 1131
Wright *v.* Holley 1126
Wright *v.* West Virginia 1097
Wroten, *In re* 1131
Xiamen Kingdomway Group Co.; Kaneka Corp. *v.* 1198
Xiaohua Huang *v.* Huawei Technologies Co., Ltd. 1012
Xiao Qing Liu *v.* DeCagna 1079
Xiao-Ying Yu *v.* Neall 909,1118
Xing Lin *v.* United States 902
Yamano *v.* Hawaii State Judiciary 1163
Yaney *v.* Superior Ct. of Cal., San Bernardino Cty. 907

Page Proof Pending Publication

Page
Yilmaz *v.* Clarke 911
Young *v.* Alabama 1030
Young; Brende *v.* 1118
Young Sun Kim; Peters *v.* 1067
Yu *v.* Neall 909,1118
Zhou, *In re* 1131
Zimmermann, *In re* 913,1068,1161

Page Proof Pending Publication

CASES ADJUDGED

IN THE

SUPREME COURT OF THE UNITED STATES

AT

OCTOBER TERM, 2019

THOMPSON ET AL. *v.* HEBDON, EXECUTIVE DIRECTOR OF THE ALASKA PUBLIC OFFICES COMMISSION, ET AL.

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

Page Proof Pending Publication

No. 19–122. Decided November 25, 2019

Alaska law limits the amount an individual can contribute to a candidate for political office, or to an election-oriented group other than a political party, to $500 per year. Alaska Stat. § 15.13.070(b)(1). Petitioners Aaron Downing and Jim Crawford are Alaska residents who wanted to contribute more than the permitted amount. They sued members of the Alaska Public Offices Commission, contending that Alaska's individual-to-candidate and individual-to-group contribution limits violate the First Amendment. The District Court upheld the contribution limits and the Ninth Circuit agreed. 909 F. 3d 1027. The Ninth Circuit analyzed the contribution limits based on a standard established in Circuit precedent, although the court acknowledged that this Court's decisions in *Citizens United* v. *Federal Election Comm'n*, 558 U. S. 310, and *McCutcheon* v. *Federal Election Comm'n*, 572 U. S. 185, "created some doubt as to the continuing vitality of [this] standard." 909 F. 3d, at 1034, n. 2. In upholding the challenged contribution limits, the Ninth Circuit declined to apply this Court's precedent in *Randall* v. *Sorrell*, 548 U. S. 230, the last time the Court considered a non-aggregate contribution limit.

Per Curiam

Held: The judgment is vacated, and the case is remanded for the Ninth Circuit to revisit whether Alaska's contribution limits are consistent with this Court's First Amendment precedents. In *Randall*, the Court invalidated a Vermont law that limited individual contributions on a per-election basis to: $400 to a candidate for Governor, Lieutenant Governor, or other statewide office; $300 to a candidate for state senator; and $200 to a candidate for state representative. The plurality observed that "contribution limits that are too low can . . . harm the electoral process by preventing challengers from mounting effective campaigns against incumbent officeholders, thereby reducing democratic accountability," and proving "an obstacle to the very electoral fairness it seeks to promote." 548 U. S., at 248–249. *Randall* identified several "danger signs" about Vermont's law that warranted closer review, *id.*, at 249, and the Court finds Alaska's limit on campaign contributions shares some of those characteristics. First, Alaska's $500 individual-to-candidate contribution limit is "substantially lower than . . . the limits [the Court has] previously upheld." *Id.*, at 253; see *Nixon* v. *Shrink Missouri Government PAC*, 528 U. S. 377. Second, Alaska's individual-to-candidate contribution limit is "substantially lower than . . . comparable limits in other States," *Randall*, 548 U. S., at 253, and applies uniformly to all state offices, making it the most restrictive in the country in this regard. Third, Alaska's $500 contribution limit is not adjusted for inflation and is the same as it was in 1996. 1996 Alaska Sess. Laws ch. 48, § 10(b)(1). Finally, in *Randall*, the plurality noted that Vermont had failed to provide "any special justification that might warrant a contribution limit so low." 548 U. S., at 261. The parties dispute whether there are pertinent special justifications here. In light of the foregoing, the case is remanded for the Court of Appeals to revisit whether Alaska's contribution limits are consistent with the Court's First Amendment precedents.

Preliminary Prints Publication

Certiorari granted; 909 F. 3d 1027, vacated and remanded.

PER CURIAM.

Alaska law limits the amount an individual can contribute to a candidate for political office, or to an election-oriented group other than a political party, to $500 per year. Alaska Stat. § 15.13.070(b)(1) (2018). Petitioners Aaron Downing and Jim Crawford are Alaska residents. In 2015, they contributed the maximum amounts permitted under Alaska law to candidates or groups of their choice, but wanted to contribute more. They sued members of the Alaska Public

Offices Commission, contending that Alaska's individual-to-candidate and individual-to-group contribution limits violate the First Amendment.

The District Court upheld the contribution limits and the Ninth Circuit agreed. 909 F. 3d 1027 (2018); *Thompson* v. *Dauphinais*, 217 F. Supp. 3d 1023 (Alaska 2016). Applying Circuit precedent, the Ninth Circuit analyzed whether the contribution limits furthered a "sufficiently important state interest" and were "closely drawn" to that end. 909 F. 3d, at 1034 (quoting *Montana Right to Life Assn.* v. *Eddleman*, 343 F. 3d 1085, 1092 (2003); internal quotation marks omitted). The court recognized that our decisions in *Citizens United* v. *Federal Election Comm'n* and *McCutcheon* v. *Federal Election Comm'n* narrow "the type of state interest that justifies a First Amendment intrusion on political contributions" to combating "actual quid pro quo corruption or its appearance." 909 F. 3d, at 1034 (citing *McCutcheon* v. *Federal Election Comm'n*, 572 U. S. 185, 206–207 (2014); *Citizens United* v. *Federal Election Comm'n*, 558 U. S. 310, 359–360 (2010)). The court below explained that under its precedent in this area "the quantum of evidence necessary to justify a legitimate state interest is low: the perceived threat must be merely more than 'mere conjecture' and 'not . . . illusory.'" 909 F. 3d, at 1034 (quoting *Eddleman*, 343 F. 3d, at 1092; some internal quotation marks omitted). The court acknowledged that "*McCutcheon* and *Citizens United* created some doubt as to the continuing vitality of [this] standard," but noted that the Ninth Circuit had recently reaffirmed it. 909 F. 3d, at 1034, n. 2.

Page Proof Pending Publication

After surveying the State's evidence, the court concluded that the individual-to-candidate contribution limit "'focuses narrowly on the state's interest,' 'leaves the contributor free to affiliate with a candidate,' and 'allows the candidate to amass sufficient resources to wage an effective campaign,'" and thus survives First Amendment scrutiny. *Id.*, at 1036 (quoting *Eddleman*, 343 F. 3d, at 1092; alterations omitted);

see also 909 F. 3d, at 1036–1039. The court also found the individual-to-group contribution limit valid as a tool for preventing circumvention of the individual-to-candidate limit. See *id.*, at 1039–1040.

In reaching those conclusions, the Ninth Circuit declined to apply our precedent in *Randall* v. *Sorrell*, 548 U. S. 230 (2006), the last time we considered a non-aggregate contribution limit. See 909 F. 3d, at 1037, n. 5. In *Randall*, we invalidated a Vermont law that limited individual contributions on a per-election basis to: $400 to a candidate for Governor, Lieutenant Governor, or other statewide office; $300 to a candidate for state senator; and $200 to a candidate for state representative. JUSTICE BREYER's opinion for the plurality observed that "contribution limits that are too low can . . . harm the electoral process by preventing challengers from mounting effective campaigns against incumbent officeholders, thereby reducing democratic accountability." 548 U. S., at 248–249; see also *id.*, at 264–265 (Kennedy, J., concurring in judgment) (agreeing that Vermont's contribution limits violated the First Amendment); *id.*, at 265–273 (THOMAS, J., joined by Scalia, J., concurring in judgment) (agreeing that Vermont's contribution limits violated the First Amendment while arguing that such limits should be subject to strict scrutiny). A contribution limit that is too low can therefore "prove an obstacle to the very electoral fairness it seeks to promote." *Id.*, at 249 (plurality opinion).*

Page Proof Pending Publication

*The court below declined to consider *Randall* "because no opinion commanded a majority of the Court," 909 F. 3d, at 1037, n. 5, instead relying on its own precedent predating *Randall* by three years. Courts of Appeals from ten Circuits have, however, correctly looked to *Randall* in reviewing campaign finance restrictions. See, *e. g.*, *National Org. for Marriage* v. *McKee*, 649 F. 3d 34, 60–61 (CA1 2011); *Ognibene* v. *Parkes*, 671 F. 3d 174, 192 (CA2 2012); *Preston* v. *Leake*, 660 F. 3d 726, 739–740 (CA4 2011); *Zimmerman* v. *Austin*, 881 F. 3d 378, 387 (CA5 2018); *McNeilly* v. *Land*, 684 F. 3d 611, 617–620 (CA6 2012); *Illinois Liberty PAC* v. *Madigan*, 904 F. 3d 463, 469–470 (CA7 2018); *Minnesota Citizens Concerned for Life*,

In *Randall*, we identified several "danger signs" about Vermont's law that warranted closer review. *Ibid.* Alaska's limit on campaign contributions shares some of those characteristics. First, Alaska's $500 individual-to-candidate contribution limit is "substantially lower than . . . the limits we have previously upheld." *Id.*, at 253. The lowest campaign contribution limit this Court has upheld remains the limit of $1,075 per two-year election cycle for candidates for Missouri state auditor in 1998. *Id.*, at 251 (citing *Nixon* v. *Shrink Missouri Government PAC*, 528 U. S. 377 (2000)). That limit translates to over $1,600 in today's dollars. Alaska permits contributions up to 18 months prior to the general election and thus allows a maximum contribution of $1,000 over a comparable two-year period. Alaska Stat. § 15.13.074(c)(1). Accordingly, Alaska's limit is less than two-thirds of the contribution limit we upheld in *Shrink*.

Second, Alaska's individual-to-candidate contribution limit is "substantially lower than . . . comparable limits in other States." *Randall*, 548 U. S., at 253. Most state contribution limits apply on a per-election basis, with primary and general elections counting as separate elections. Because an individual can donate the maximum amount in both the primary and general election cycles, the per-election contribution limit is comparable to Alaska's annual limit and 18-month campaign period, which functionally allow contributions in both the election year and the year preceding it. Only five other States have any individual-to-candidate contribution limit of $500 or less per election: Colorado, Connecticut, Kansas, Maine, and Montana. Colo. Const., Art. XXVIII, § 3(1)(b); 8 Colo. Code Regs. 1505–6, Rule 10.17.1(b)(2) (2019); Conn. Gen. Stat. § 9–611(a)(5) (2017);

Page Proof Pending Publication

Inc. v. *Swanson*, 640 F. 3d 304, 319, n. 9 (CA8 2011), rev'd in part on other grounds, 692 F. 3d 864 (2012) (en banc); *Independence Inst.* v. *Williams*, 812 F. 3d 787, 791 (CA10 2016); *Alabama Democratic Conference* v. *Attorney Gen. of Ala.*, 838 F. 3d 1057, 1069–1070 (CA11 2016); *Holmes* v. *Federal Election Comm'n*, 875 F. 3d 1153, 1165 (CADC 2017).

Kan. Stat. Ann. §25–4153(a)(2) (2018 Cum. Supp.); Me. Rev. Stat. Ann., Tit. 21–A, §1015(1) (2018 Cum. Supp.); Mont. Code Ann. §§13–37–216(1)(a)(ii), (iii) (2017). Moreover, Alaska's $500 contribution limit applies uniformly to all offices, including Governor and Lieutenant Governor. Alaska Stat. §15.13.070(b)(1). But Colorado, Connecticut, Kansas, Maine, and Montana all have limits above $500 for candidates for Governor and Lieutenant Governor, making Alaska's law the most restrictive in the country in this regard. Colo. Const., Art. XXVIII, §3(1)(a)(I); 8 Colo. Code Regs. 1505–6, Rule 10.17.1(b)(1)(A); Conn. Gen. Stat. §§9–611(a)(1), (2); Kan. Stat. Ann. §25–4153(a)(1); Me. Rev. Stat. Ann., Tit. 21–A, §1015(1); Mont. Code Ann. §13–37–216(1)(a)(i).

Third, Alaska's contribution limit is not adjusted for inflation. We observed in *Randall* that Vermont's "failure to index limits means that limits which are already suspiciously low" will "almost inevitably become too low over time." 548 U. S., at 261. The failure to index "imposes the burden of preventing the decline upon incumbent legislators who may not diligently police the need for changes in limit levels to ensure the adequate financing of electoral challenges." *Ibid.* So too here. In fact, Alaska's $500 contribution limit is the same as it was 23 years ago, in 1996. 1996 Alaska Sess. Laws ch. 48, §10(b)(1).

Page Proof Pending Publication

In *Randall*, we noted that the State had failed to provide "any special justification that might warrant a contribution limit so low." 548 U. S., at 261. The parties dispute whether there are pertinent special justifications here.

In light of all the foregoing, the petition for certiorari is granted, the judgment of the Court of Appeals is vacated, and the case is remanded for that court to revisit whether Alaska's contribution limits are consistent with our First Amendment precedents.

It is so ordered.

Statement of JUSTICE GINSBURG.

I do not oppose a remand to take account of *Randall* v. *Sorrell*, 548 U. S. 230 (2006). I note, however, that Alaska's law does not exhibit certain features found troublesome in Vermont's law. For example, unlike in Vermont, political parties in Alaska are subject to much more lenient contribution limits than individual donors. Alaska Stat. § 15.13.070(d) (2018); see *Randall*, 548 U. S., at 256–259. Moreover, Alaska has the second smallest legislature in the country and derives approximately 90 percent of its revenues from one economic sector—the oil and gas industry. As the District Court suggested, these characteristics make Alaska "highly, if not uniquely, vulnerable to corruption in politics and government." *Thompson* v. *Dauphinais*, 217 F. Supp. 3d 1023, 1029 (Alaska 2016). "[S]pecial justification" of this order may warrant Alaska's low individual contribution limit. See *Randall*, 548 U. S., at 261.

Page Proof Pending Publication

Syllabus

ROTKISKE *v.* KLEMM ET AL.

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

No. 18–328. Argued October 16, 2019—Decided December 10, 2019

The Fair Debt Collection Practices Act (FDCPA) authorizes private civil actions against debt collectors who engage in certain prohibited practices. An FDCPA action must be brought "within one year from the date on which the violation occurs." 15 U. S. C. § 1692k(d). Respondent Klemm & Associates (Klemm) sued petitioner Rotkiske to collect an unpaid debt and attempted service at an address where Rotkiske no longer lived. An individual other than Rotkiske accepted service. Rotkiske failed to respond to the summons, and Klemm obtained a default judgment in 2009. Rotkiske claims that he first learned of this judgment in 2014 when his mortgage application was denied. He then filed suit against Klemm, alleging that Klemm violated the FDCPA by contacting him without lawful ability to collect. Klemm moved to dismiss the action as barred by the FDCPA's one-year statute of limitations. As relevant here, Rotkiske argued for the application of a "discovery rule" to delay the beginning of the limitations period until the date that he knew or should have known of the alleged FDCPA violation. Relying on the statute's plain language, the District Court rejected Rotkiske's approach and dismissed the action. The Third Circuit affirmed.

Page Proof Pending Publication

Held: Absent the application of an equitable doctrine, § 1692k(d)'s statute of limitations begins to run when the alleged FDCPA violation occurs, not when the violation is discovered. Pp. 12–16.

(a) The plain text of § 1692k(d) unambiguously sets the date of the violation as the event that starts the FDCPA's one-year limitations period. Rotkiske argues for the application of a general discovery rule as a principle of statutory interpretation that, in effect, would read a discovery provision into § 1692k(d). But adopting this approach would require improper atextual supplementation of the statute. Such supplementation is particularly inappropriate when, as here, Congress has shown that it knows how to adopt the omitted language or provision. See, *e. g.*, 12 U. S. C. § 3416. Pp. 13–15.

(b) Rotkiske cannot rely on the application of an equitable, fraud-specific discovery rule to excuse his otherwise untimely filing. This Court has noted the existence of decisions applying a discovery rule in fraud cases, see, *e. g.*, *Merck & Co.* v. *Reynolds*, 559 U. S. 633, 644, and

has characterized these decisions as applying an equity-based doctrine, see, *e. g.*, *California Public Employees' Retirement System* v. *ANZ Securities, Inc.*, 582 U. S. 497, 509–510. Rotkiske, however, neither preserved this issue before the Third Circuit nor raised it in his petition for certiorari. P. 15.

890 F. 3d 422, affirmed.

THOMAS, J., delivered the opinion of the Court, in which ROBERTS, C. J., and BREYER, ALITO, SOTOMAYOR, KAGAN, GORSUCH, and KAVANAUGH, JJ., joined. SOTOMAYOR, J., filed a concurring opinion, *post*, p. 16. GINSBURG, J., filed an opinion dissenting in part and dissenting from the judgment, *post*, p. 17.

Scott E. Gant argued the cause for petitioner. With him on the briefs was *Matthew B. Weisberg.*

Shay Dvoretzky argued the cause for respondents. With him on the brief were *Jeffrey R. Johnson* and *Amanda K. Rice.*

Jonathan C. Bond argued the cause for the United States as *amicus curiae* urging affirmance. With him on the briefs were *Solicitor General Francisco*, *Deputy Attorney General Stewart*, and *Steven Y. Bressler.**

Page Proof Pending Publication

JUSTICE THOMAS delivered the opinion of the Court.

The Fair Debt Collection Practices Act (FDCPA) authorizes private civil actions against debt collectors who engage in certain prohibited practices. 91 Stat. 881, 15 U. S. C. § 1692k(a). An action under the FDCPA may be brought "within one year from the date on which the violation oc-

---

**Stuart T. Rossman* filed a brief for the National Consumer Law Center as *amicus curiae* urging reversal.

Briefs of *amicus curiae* urging affirmance were filed for ACA International by *Megan S. Ben'Ary*; for the Mortgage Bankers Association et al. by *Elaine J. Goldenberg* and *Daryl Joseffer*; for the National Creditors Bar Association by *Misha Tseytlin*; and for Receivables Management Association International, Inc., by *Donald S. Maurice, Jr.*

Stuart Banner filed a brief for Samuel L. Bray et al. as *amici curiae.*

curs." § 1692k(d). This case requires us to determine when the FDCPA's limitations period begins to run. We hold that, absent the application of an equitable doctrine, the statute of limitations in § 1692k(d) begins to run on the date on which the alleged FDCPA violation occurs, not the date on which the violation is discovered.

I

A

In 1977, Congress enacted the FDCPA "to eliminate abusive debt collection practices by debt collectors, to insure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged, and to promote consistent State action to protect consumers against debt collection abuses." § 1692(e). The FDCPA pursues these stated purposes by imposing affirmative requirements on debt collectors and prohibiting a range of debt-collection practices. §§ 1692b–1692j.

Page Proof Pending Publication

The FDCPA authorizes the Federal Trade Commission, the Bureau of Consumer Financial Protection, and other federal agencies to enforce its provisions. § 1692*l*. The FDCPA also authorizes private civil actions against debt collectors. § 1692k(a). These private civil actions "may be brought in any appropriate United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, within one year from the date on which the violation occurs." § 1692k(d).

B

Petitioner Kevin Rotkiske failed to pay approximately $1,200 in credit card debt.[1] His credit card company re-

[1] Because this case comes to us from a decision granting a motion to dismiss, we assume the truth of the facts alleged in Rotkiske's operative complaint. See, *e. g.*, *Swierkiewicz* v. *Sorema N. A.*, 534 U. S. 506, 508, n. 1 (2002).

ferred the debt to respondent Klemm & Associates (Klemm) for collection.[2] In March 2008, Klemm sued Rotkiske, seeking to collect the unpaid debt. Klemm attempted service at an address where Rotkiske no longer lived, and a person whose description did not match Rotkiske's accepted service of the complaint. Klemm later withdrew the suit.

Klemm refiled suit in January 2009, and a process server attempted service at the same address. Once again, someone other than Rotkiske accepted service. Rotkiske failed to respond to the summons, and Klemm obtained a default judgment. Rotkiske claims that he was not aware of Klemm's 2009 debt-collection lawsuit until September 2014, when he was denied a mortgage because of the default judgment against him.

On June 29, 2015, more than six years after the default judgment, Rotkiske brought suit against Klemm under the FDCPA. Rotkiske's amended complaint alleged that equitable tolling excused his otherwise untimely filing because Klemm purposely served process in a manner that ensured he would not receive service. The sole FDCPA claim in the complaint asserted that Klemm commenced the 2009 debt-collection lawsuit after the state-law limitations period expired and therefore "violated the FDCPA by contacting [Rotkiske] without lawful ability to collect." First Amended Complaint in No. 2:15–cv–03638 (ED Pa.), Doc. 15, p. 4.

Page Proof Pending Publication

Klemm moved to dismiss the action as barred by the FDCPA's one-year statute of limitations, 15 U. S. C. § 1692k(d). Rotkiske argued that the court should apply a "discovery rule" to delay the beginning of the limitations

---

[2] Paul Klemm, the managing partner of Klemm & Associates, moved to a new firm named Nudelman, Nudelman & Ziering, which was later renamed Nudelman, Klemm & Golub. Rotkiske has sued Paul Klemm, Klemm & Associates, Nudelman, Klemm & Golub, and Nudelman, Nudelman & Ziering. For the sake of simplicity, we refer to the respondents as Klemm.

period until the date he knew or should have known of the alleged FDCPA violation. To support this contention, Rotkiske relied on the Ninth Circuit's decision in *Mangum* v. *Action Collection Serv., Inc.*, 575 F. 3d 935 (2009). That case held that, under the "discovery rule," limitations periods in federal litigation generally begin to run when plaintiffs know or have reason to know of their injury. *Id.*, at 940–941.

The District Court dismissed the action. It held that the Ninth Circuit's general rule does not apply to § 1692k(d), relying on the statute's plain language. The court also concluded that Rotkiske was not entitled to equitable tolling because, even accepting the truth of the allegations in the complaint, he was not misled by Klemm's conduct.

On appeal, the Third Circuit *sua sponte* reviewed the case en banc and unanimously affirmed. 890 F. 3d 422 (2018). The court held that, under the text of § 1692k(d), the FDCPA's one-year limitations period runs from the "date on which the violation occurs," not the date a potential plaintiff discovers or should have discovered the violation. *Id.*, at 425–426. The court expressly rejected the Ninth Circuit's approach, stating that there is no default presumption that all federal limitations periods run from the date of discovery. *Id.*, at 427. Rotkiske failed to raise the application of equitable doctrines on appeal, so the court did not address that issue. *Id.*, at 428–429.

Page Proof Pending Publication

Given the conflict between the Courts of Appeals, see *id.*, at 427, we granted certiorari. 586 U. S. 1190 (2019).

II

The question before us is whether the "discovery rule" applies to the FDCPA's limitations period. The phrase "discovery rule," however, has no generally accepted meaning. Rotkiske's arguments invoking the discovery rule implicate two distinct concepts—the application of a general discovery rule as a principle of statutory interpretation and the appli-

cation of a fraud-specific discovery rule as an equitable doctrine. We address each in turn.

A

When interpreting limitations provisions, as always, "we begin by analyzing the statutory language." *Hardt* v. *Reliance Standard Life Ins. Co.*, 560 U. S. 242, 251 (2010). If the words of a statute are unambiguous, this first step of the interpretive inquiry is our last. *Connecticut Nat. Bank* v. *Germain*, 503 U. S. 249, 254 (1992). If "there are two plausible constructions of a statute of limitations," we generally "adopt the construction that starts the time limit running when the cause of action . . . accrues" because "Congress legislates against the 'standard rule that the limitations period commences when the plaintiff has a complete and present cause of action.'" *Graham County Soil & Water Conservation Dist.* v. *United States ex rel. Wilson*, 545 U. S. 409, 418–419 (2005) (quoting *Bay Area Laundry and Dry Cleaning Pension Trust Fund* v. *Ferbar Corp. of Cal.*, 522 U. S. 192, 201 (1997)).

Page Proof Pending Publication

Here, the text of § 1692k(d) clearly states that an FDCPA action "may be brought . . . within one year from the date on which the violation occurs." That language unambiguously sets the date of the violation as the event that starts the one-year limitations period. At the time of the FDCPA's enactment, the term "violation" referred to the "[a]ct or instance of violating, or state of being violated." Webster's New International Dictionary 2846 (2d ed. 1949) (Webster's Second). The term "occur" meant "to happen," and, as Webster's Second explains, "occur" described "that which is thought of as definitely taking place as an event." *Id.*, at 1684. Read together, these dictionary definitions confirm what is clear from the face of § 1692k(d)'s text: The FDCPA limitations period begins to run on the date the alleged FDCPA violation actually happened. We must presume that Congress "says in a statute what it means and

means in a statute what it says there." *Connecticut Nat. Bank*, 503 U. S., at 254.

Rotkiske does not contest the plain meaning of § 1692k(d)'s text or claim that he brought suit within one year of the alleged FDCPA violation. Instead, he suggests that we should interpret § 1692k(d) to include a general "discovery rule" that applies to all FDCPA actions. In effect, Rotkiske asks the Court to read in a provision stating that § 1692k(d)'s limitations period begins to run on the date an alleged FDCPA violation is discovered.

This expansive approach to the discovery rule is a "bad wine of recent vintage." *TRW Inc.* v. *Andrews*, 534 U. S. 19, 37 (2001) (Scalia, J., concurring in judgment). It is a fundamental principle of statutory interpretation that "absent provision[s] cannot be supplied by the courts." A. Scalia & B. Garner, Reading Law: The Interpretation of Legal Texts 94 (2012). To do so "'is not a construction of a statute, but, in effect, an enlargement of it by the court.'" *Nichols* v. *United States*, 578 U. S. 104, 110 (2016) (quoting *Iselin* v. *United States*, 270 U. S. 245, 251 (1926)).

Page Proof Pending Publication

Atextual judicial supplementation is particularly inappropriate when, as here, Congress has shown that it knows how to adopt the omitted language or provision. Congress has enacted statutes that expressly include the language Rotkiske asks us to read in, setting limitations periods to run from the date on which the violation occurs *or the date of discovery of such violation.* See, *e. g.*, 12 U. S. C. § 3416; 15 U. S. C. § 1679i. In fact, at the time Congress enacted the FDCPA, many statutes included provisions that, in certain circumstances, would begin the running of a limitations period upon the *discovery* of a violation, injury, or some other event. See, *e. g.*, 15 U. S. C. § 77m (1976 ed.); 19 U. S. C. § 1621 (1976 ed.); 26 U. S. C. § 7217(c) (1976 ed.); 29 U. S. C. § 1113 (1976 ed.).

It is not our role to second-guess Congress' decision to include a "violation occurs" provision, rather than a discovery provision, in § 1692k(d). The length of a limitations pe-

riod "reflects a value judgment concerning the point at which the interests in favor of protecting valid claims are outweighed by the interests in prohibiting the prosecution of stale ones." *Johnson* v. *Railway Express Agency, Inc.*, 421 U. S. 454, 463–464 (1975). It is Congress, not this Court, that balances those interests. We simply enforce the value judgments made by Congress.

B

Narrowing his initial assertion and moving away from the question on which we granted certiorari, Rotkiske also contends that his filing should be treated as timely under an equitable, fraud-specific discovery rule, relying on a line of decisions beginning with *Bailey* v. *Glover*, 21 Wall. 342 (1875). Rotkiske claims that *Bailey* and its progeny apply an equitable doctrine that delays the commencement of the statute of limitations in fraud actions, and that he has pleaded (or could plead) a claim within the scope of this doctrine. This Court has noted the existence of decisions applying a discovery rule in "fraud cases" that is distinct from the traditional equitable tolling doctrine. *Merck & Co.* v. *Reynolds*, 559 U. S. 633, 644 (2010); *Gabelli* v. *SEC*, 568 U. S. 442, 450 (2013) (referring to the "fraud discovery rule"). And it has repeatedly characterized these decisions as applying an equity-based doctrine. *California Public Employees' Retirement System* v. *ANZ Securities, Inc.*, 582 U. S. 497, 509–510 (2017); *Lozano* v. *Montoya Alvarez*, 572 U. S. 1, 10–11 (2014); *Credit Suisse Securities (USA) LLC* v. *Simmonds*, 566 U. S. 221, 226–227 (2012); *Young* v. *United States*, 535 U. S. 43, 49–50 (2002). Rotkiske failed to preserve this issue before the Third Circuit, 890 F. 3d, at 428, and failed to raise this issue in his petition for certiorari. Accordingly, Rotkiske cannot rely on this doctrine to excuse his otherwise untimely filing.[3]

Page Proof Pending Publication

[3] We do not decide whether the text of 15 U. S. C. § 1692k(d) permits the application of equitable doctrines or whether the claim raised in this case falls within the scope of the doctrine applied in *Bailey* and its progeny.

* * *

For the foregoing reasons, the judgment of the Court of Appeals is affirmed.

It is so ordered.

JUSTICE SOTOMAYOR, concurring.

Like my colleagues in both the majority and the partial dissent, I agree that 15 U. S. C. § 1692k(d) is a one-year statute of limitations that typically begins to run when the alleged violation "occurs," not when the plaintiff discovers it. Compare *ante*, at 10, with *post*, at 17 (GINSBURG, J., dissenting in part and from judgment). The only daylight between the majority and dissenting opinions is whether petitioner Rotkiske forfeited reliance on an "equitable, fraud-specific discovery rule" that forgives otherwise untimely filings. *Ante*, at 15; cf. *post*, at 20–21. Because I believe the Court of Appeals fairly found that Rotkiske failed to preserve an equitable argument of this sort, see 890 F. 3d 422, 429, and n. 5 (CA3 2018), and because the Court did not grant certiorari on that doctrine, I join the majority opinion.

Page Proof Pending Publication

I write separately to emphasize that this fraud-specific equitable principle is not the " 'bad wine of recent vintage' " of which my colleagues speak. *Ante*, at 14 (quoting *TRW Inc.* v. *Andrews*, 534 U. S. 19, 37 (2001) (Scalia, J., concurring in judgment)). Rather, the Court has long "recogni[zed]" and applied this "historical exception for suits based on fraud." *Id.*, at 37; see also *id.*, at 27 (majority opinion) (noting equitable discovery rule "in cases of fraud or concealment"); *Holmberg* v. *Armbrecht*, 327 U. S. 392 (1946); *Exploration Co.* v. *United States*, 247 U. S. 435 (1918); *Bailey* v. *Glover*, 21 Wall. 342 (1875); *Sherwood* v. *Sutton*, 21 F. Cas. 1303 (No. 12,782) (CC NH 1828) (Story, J.). Nothing in today's decision prevents parties from invoking that well-settled doctrine.

JUSTICE GINSBURG, dissenting from the opinion in part and from the judgment.

Generally, I agree with the Court, the "discovery rule" does not apply to the one-year statute of limitations contained in the Fair Debt Collection Practices Act (FDCPA), 15 U. S. C. § 1692k(d). That limitations period ordinarily commences to run on the date "the violation occurs," *ibid.* See *TRW Inc.* v. *Andrews*, 534 U. S. 19, 28–33 (2001). But the ordinarily applicable time trigger does not apply when fraud on the creditor's part accounts for the debtor's failure to sue within one year of the creditor's violation. *Id.*, at 37 (Scalia, J., concurring in judgment). See also *id.*, at 27 (majority opinion).

True, in the case at hand, debtor Rotkiske's FDCPA claim does not rest on any fraud inhering in the claim creditor Klemm stated in his debt-collection suit. Rather, debtor Rotkiske alleges that creditor Klemm commenced the debt-collection suit too late. But Rotkiske was disarmed from asserting that defense in Klemm's suit, for he never received notice of the suit and therefore had no opportunity to defend against it. For the same reason, he was stopped from raising an FDCPA claim challenging Klemm's suit within the one-year limitations period. By knowingly arranging for service of the complaint against Rotkiske at an address where Rotkiske no longer lived, and filing a false affidavit of service, Rotkiske alleges, Klemm engaged in fraud. Such fraud, I would hold, warrants application of the discovery rule to time Rotkiske's FDCPA suit from the date he learned of the default judgment against him.

Page Proof Pending Publication

As today's decision recognizes, see *ante*, at 15, this Court long ago "adopted as its own the old chancery rule that where a plaintiff has been injured by fraud and remains in ignorance of it without any fault or want of diligence or care on his part, the bar of the statute [of limitations] does not

begin to run until the fraud is discovered." *Holmberg* v. *Armbrecht*, 327 U. S. 392, 397 (1946) (internal quotation marks omitted). See also *Bailey* v. *Glover*, 21 Wall. 342, 347 (1875) ("[W]hen the object of the suit is to obtain relief against a fraud, the bar of the statute does not commence to run until the fraud is discovered or becomes known to the party injured by it."). Like the general discovery rule that lower courts have "appl[ied] . . . when a statute is silent on the issue" of a claim's accrual, *TRW Inc.*, 534 U. S., at 27 (quoting *Rotella* v. *Wood*, 528 U. S. 549, 555 (2000)), the fraud-based discovery rule operates as a statutory presumption "read into every federal statute of limitation," *Holmberg*, 327 U. S., at 397. This circumscribed rule is distinct from the general discovery rule in that it governs only "case[s] of fraud." *Merck & Co.* v. *Reynolds*, 559 U. S. 633, 644 (2010). Unlike the general discovery rule, there is no reason to believe the FDCPA displaced the fraud-based discovery rule. The Court does not hold otherwise.

Page Proof Pending Publication

The fraud-based discovery rule has a thrust different from equitable tolling.* "Equitable tolling" describes a doctrine that pauses, or "tolls," a statutory limitations period after it has commenced. *Lozano* v. *Montoya Alvarez*, 572 U. S. 1, 10 (2014). A litigant qualifies for equitable tolling only if he establishes "(1) that he has been pursuing his rights dili-

*The two doctrines are often blended or confused. See *Klehr* v. *A. O. Smith Corp.*, 521 U. S. 179, 192 (1997). The Court has sometimes referred to *Bailey* v. *Glover*, 21 Wall. 342 (1875), and *Holmberg* v. *Armbrecht*, 327 U. S. 392 (1946), as equitable tolling decisions. See *Lampf, Pleva, Lipkind, Prupis & Petigrow* v. *Gilbertson*, 501 U. S. 350, 363 (1991); *Lozano* v. *Montoya Alvarez*, 572 U. S. 1, 10–11 (2014). And it has described *Holmberg* as "stand[ing] for the proposition that equity tolls the statute of limitations in cases of fraud or concealment." *TRW Inc.* v. *Andrews*, 534 U. S. 19, 27 (2001). But as this Court recently clarified, each doctrine has an independent office. See *Gabelli* v. *SEC*, 568 U. S. 442, 447, n. 2, 449 (2013) (addressing whether application of the fraud-based discovery rule was appropriate after acknowledging that the plaintiff had expressly waived equitable tolling).

gently, and (2) that some extraordinary circumstance stood in his way and prevented timely filing." *Menominee Tribe of Wis.* v. *United States*, 577 U. S. 250, 255 (2016) (internal quotation marks omitted). For example, in *Burnett* v. *New York Central R. Co.*, 380 U. S. 424 (1965), a plaintiff filed an action under the Federal Employers' Liability Act (FELA) in Ohio state court, alleging that he sustained a workplace injury just under three years earlier. *Ibid.* Several months later, the state court dismissed the suit for improper venue under state law. *Id.*, at 425. The plaintiff promptly brought an identical action in federal district court. That court dismissed the action on the ground that the FELA's three-year statute of limitations began to run when the plaintiff was injured and had expired while his state-court action was pending. *Ibid.* This Court reversed. *Id.*, at 436. Yes, the limitations period began to run on the date of the plaintiff's injury. But, the Court held, the clock tolled during the pendency of the plaintiff's state-court suit. *Ibid.* Subtracting the time consumed by the state-court suit, the plaintiff's federal action was timely. *Id.*, at 426, 434–436.

Page Proof Pending Publication

By contrast, the fraud-based discovery rule sets the time at which a claim accrues, *i. e.*, the time when the statute of limitations commences to run. See *Merck & Co.*, 559 U. S., at 644–645. It is "an exception to the standard rule" that "a claim accrues when the plaintiff has a complete and present cause of action." *Gabelli* v. *SEC*, 568 U. S. 442, 448–449 (2013) (internal quotation marks omitted). Accordingly, when a plaintiff is "injured by fraud . . . 'the bar of the statute does not begin to run until the fraud is discovered.'" *Holmberg*, 327 U. S., at 397 (quoting *Bailey*, 21 Wall., at 348). For example, in *Exploration Co.* v. *United States*, 247 U. S. 435 (1918), a company had unlawfully procured land from the United States through a series of fraudulent transactions in 1902. *Id.*, at 437, 438. The parties involved in the transactions successfully concealed the scheme until 1909. *Ibid.* When the Government brought suit to void the transactions,

the company raised the six-year statute of limitations as a defense. *Id.*, at 445. Applying the fraud-based discovery rule, the Court held that the limitations period began to run only upon the Government's discovery of the fraud. *Id.*, at 449. The suit was filed within six years of that date and was therefore timely. *Ibid.*

I do not agree that Rotkiske failed to preserve a fraud-based discovery rule argument in the Court of Appeals. See *ante*, at 15. Rotkiske did raise the issue; he argued that "[a]t the very least, . . . the discovery rule applies to [FDCPA] claims based on false or misleading misrepresentations or other self-concealing conduct." Supp. Brief for Appellant in No. 16–1668 (CA3), p. 13 (citing *Bailey*, 21 Wall., at 350). The Court of Appeals apparently declined to address that argument because Rotkiske had failed to raise "equitable tolling" in his appellate briefs. 890 F. 3d 422, 428–429, and n. 5 (CA3 2018). But failure to raise "equitable tolling" should pose no obstacle to determining whether the discrete fraud-based discovery rule applies to Rotkiske's claim.

Page Proof Pending Publication

Nor do I agree that Rotkiske forfeited the issue by not raising it in his petition for certiorari. See *ante*, at 15. Generously read, Rotkiske asked whether a discovery rule of any kind applies to the FDCPA's one-year statute of limitations. While hardly a model of the deft pleader's art, the petition for certiorari stated that Rotkiske did not learn of Klemm's debt-collection suit and default judgment until long after their occurrence because of the "intended re-service [of Klemm's complaint] at a known incorrect address." Pet. for Cert. 8. His brief on the merits in this Court noted: "Petitioner is not advocating that the Court adopt a generally applicable discovery rule." Brief for Petitioner 16, n. 16. His reply brief was more precise: "The default judgment obtained by [Klemm] at issue in [Rotkiske's FDCPA] complaint was made possible by the filing of a fraudulent Affidavit of Service." Reply Brief 15. Indeed, the Court recognizes

that Rotkiske's arguments included "a fraud-specific discovery rule as an equitable doctrine." *Ante*, at 13.

Rotkiske's FDCPA complaint, in my view, falls comfortably within the fraud-based discovery rule's scope. See Brief for Samuel L. Bray et al. as *Amici Curiae* 12–14. Rotkiske alleged that Klemm engaged in "sewer service"—intentionally serving process in a manner designed to prevent Rotkiske from learning of the collection suit. Klemm did so, according to Rotkiske, in order to ensure that Klemm's untimely suit would result in a default judgment that would remain undiscovered until time to oppose that judgment, and to commence an FDCPA suit, ran out. Though Rotkiske did not allege that "sewer service" is itself a practice independently proscribed by the FDCPA, such service is nonetheless a fraudulent abuse that should trigger the fraud-based discovery rule. See Reply Brief 15–17.

The Government urges that the fraud-based discovery rule applies only when the fraudulent conduct is itself the basis for the plaintiff's claim for relief. Brief for United States as *Amicus Curiae* 31–32. That is not so of Rotkiske's complaint, the Government observes, for his claim is premised on the assertion that Klemm's debt-collection suit was time barred.

Public Proof Pending Publication

I do not view the fraud-based discovery rule as so confined and would hold that the rule governs if either the conduct giving rise to the claim is fraudulent, or if fraud infects the manner in which the claim is presented. That understanding of the rule is consistent with its equitable roots and historic rationale. Nearly two centuries ago, Justice Story explained the rule this way: "[E]very statute is to be expounded reasonably, so as to suppress, and not to extend, the mischief[s] which it was designed to cure." *Sherwood* v. *Sutton*, 21 F. Cas. 1303, 1307 (No. 12,782) (CC NH 1828). Because statutes of limitations "preven[t] fraudulent and unjust claims from starting up at great distances of time," a

limitations provision "ought not . . . be so construed, as to become an instrument to encourage fraud, if it admits of any other reasonable interpretation." *Ibid.* "[C]ases of fraud, therefore, form an implied exception [to a limitations prescription]," so as not to "permi[t] the defendant to avail himself of his own fraud." *Ibid.* This Court expressed the same understanding of the fraud-based discovery rule in *Bailey*. There, the Court stated: "To hold that by concealing a fraud, or by committing a fraud in a manner that it concealed itself until such time as the party committing the fraud could plead the statute of limitations to protect it, is to make the law which was designed to prevent fraud the means by which it is made successful and secure." 21 Wall., at 349.

Klemm allegedly employed fraudulent service to obtain and conceal the default judgment that precipitated Rotkiske's FDCPA claim. That allegation, if proved, should suffice, under the fraud-based discovery rule, to permit adjudication of Rotkiske's claim on its merits.

Page Proof Pending Publication

* * *

For the reasons stated, I would vacate the judgment of the Court of Appeals for the Third Circuit and remand the case for further proceedings.

Syllabus

PETER, DEPUTY DIRECTOR, PATENT AND TRADEMARK OFFICE *v.* NANTKWEST, INC.

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

No. 18–801. Argued October 7, 2019—Decided December 11, 2019

The Patent Act provides two mutually exclusive methods for challenging an adverse decision by the Patent and Trademark Office (PTO). A dissatisfied applicant may appeal directly to the Federal Circuit, 35 U. S. C. § 141, or, as relevant here, may file a new civil action against the PTO Director in the United States District Court for the Eastern District of Virginia, § 145. Under this second proceeding, the applicant must pay "[a]ll the expenses of the proceedings." *Ibid.*

Respondent NantKwest, Inc., filed a § 145 civil action after its patent application was denied. The District Court granted summary judgment to the PTO, and the Federal Circuit affirmed. The PTO moved for reimbursement of expenses, including the pro rata salaries of PTO attorneys and a paralegal who worked on the case. The District Court denied the motion, concluding that the statutory language referencing expenses was not sufficient to rebut the "American Rule" presumption that parties are responsible for their own attorney's fees. The en banc Federal Circuit affirmed.

Page Proof Pending Publication

Held: The PTO cannot recover the salaries of its legal personnel under § 145. Pp. 28–34.

(a) The "American Rule"—the bedrock principle that "[e]ach litigant pays his own attorney's fees, win or lose, unless a statute or contract provides otherwise," *Hardt* v. *Reliance Standard Life Ins. Co.*, 560 U. S. 242, 253—provides the starting point for assessing whether § 145 authorizes payment of the PTO's legal fees. Contrary to the Government's view, this Court has never suggested that any statute is exempt from the presumption against fee shifting or limited its American Rule inquiries to prevailing-party statutes. Rather, it has developed a line of precedents addressing statutory deviations from the American Rule that do not limit attorney's fees awards to prevailing parties. See, *e. g.*, *id.*, at 254. The presumption against fee shifting is particularly important here because reading § 145 to permit an unsuccessful government agency to recover attorney's fees from a prevailing party "would be a radical departure from longstanding fee-shifting principles adhered to in a wide range of contexts." *Ruckelshaus* v. *Sierra Club*, 463 U. S. 680, 683. Pp. 28–30.

Syllabus

(b) Section 145's plain text does not overcome the American Rule's presumption against fee shifting. Definitions of "expenses," while capacious enough to include attorney's fees, provide scant guidance. The mere failure to foreclose a fee award "neither specifically nor explicitly authorizes courts to shift [fees]." *Baker Botts L. L. P.* v. *ASARCO LLC*, 576 U. S. 121, 128. The complete phrase "expenses of the proceeding" would not have been commonly understood to include attorney's fees at the time § 145 was enacted. Finally, the modifier "all" does not transform "expenses" to reach an outlay it would not otherwise include.

In common statutory usage, the term "expenses" alone has never been considered to authorize an award of attorney's fees with sufficient clarity to overcome the American Rule presumption. The appearance of "expenses" and "attorney's fees" together across various statutes indicates that Congress understands the terms to be distinct and not inclusive of each other. See, *e. g.*, 11 U. S. C. § 363(n). Other statutes that refer to attorney's fees as a subset of expenses show only that "expenses" can include attorney's fees when so defined. See, *e. g.*, 28 U. S. C. § 361. Nor do this Court's cases further the Government's position that the Court has used "expenses" to mean "attorney's fees." See, *e. g.*, *Taniguchi* v. *Kan Pacific Saipan, Ltd.*, 566 U. S. 560, 573.

Pre-Publication Publication

The Patent Act's history reinforces that Congress did not intend to shift attorney's fees in § 145 actions. There is no evidence that the original Patent Office ever paid its personnel from sums collected from adverse parties. Neither has the PTO, until this litigation, sought its attorney's fees under § 145. When Congress intended to provide for attorney's fees in the Patent Act, it has stated so explicitly. See, *e. g.*, 35 U. S. C. § 285. Pp. 30–34.

898 F. 3d 1177, affirmed.

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

Deputy Solicitor General Stewart argued the cause for petitioner. With him on the briefs were *Solicitor General Francisco*, *Assistant Attorney General Hunt*, *Matthew Guarnieri*, *Mark R. Freeman*, *Charles W. Scarborough*, *Jaynie Lilley*, *Sarah Harris*, *Thomas W. Krause*, *William LaMarca*, *Thomas L. Casagrande*, and *Mai-Trang Dang*.

Morgan Chu argued the cause for respondent. With him on the brief were *Gary N. Frischling*, *Alan J. Heinrich*, and *Michael D. Harbour*.*

JUSTICE SOTOMAYOR delivered the opinion of the Court.

Section 145 of the Patent Act affords applicants "dissatisfied with the decision of the Patent Trial and Appeal Board" an opportunity to file a civil action in the United States District Court for the Eastern District of Virginia. 35 U. S. C. § 145. The statute specifies that "[a]ll the expenses of the proceedings shall be paid by the applicant." *Ibid.* The question presented in this case is whether such "expenses" include the salaries of attorney and paralegal employees of the United States Patent and Trademark Office (PTO). We hold that they do not.

I

A

Page Proof Pending Publication

The Patent Act creates two mutually exclusive pathways to challenge an adverse decision by the PTO. The first per-

---

Charles Duan filed a brief for the R Street Institute as *amicus curiae* urging reversal.

Briefs of *amici curiae* urging affirmance were filed for the American Bar Association by *Robert M. Carlson*, *Theodore H. Davis, Jr.*, and *Mitchell G. Stockwell*; for the American Intellectual Property Law Association by *Jeffrey I. D. Lewis*, *Sheldon H. Klein*, and *Peter B. Siegal*; for the Association of Amicus Counsel et al. by *Charles E. Miller*, *Robert J. Rando*, and *Alan M. Sack*; for the Association of the Bar of the City of New York by *Philip L. Hirschhorn*, *Timothy P. Heaton*, *Yin Huang*, and *John Gladstone Mills III*; for IEEE-USA by *Rick Neifeld*; for the Intellectual Property Law Association of Chicago by *Charles W. Shifley*, *Robert Resis*, and *Margaret M. Duncan*; for the Intellectual Property Owners Association by *Gregory A. Castanias* and *Kevin H. Rhodes*; for the International Trademark Association by *Lawrence K. Nodine* and *David S. Fleming*; and for the New York Intellectual Property Law Association by *Charles R. Macedo*, *David P. Goldberg*, *Colman B. Ragan*, and *Robert M. Isackson*.

William P. Atkins filed a brief for the Federal Circuit Bar Association as *amicus curiae*.

mits judicial review by direct appeal to the United States Court of Appeals for the Federal Circuit. § 141. There is "no opportunity for the applicant to offer new evidence" in a § 141 proceeding, and the Federal Circuit "must review the PTO's decision on the same administrative record that was before the [agency]." *Kappos* v. *Hyatt*, 566 U. S. 431, 434 (2012); 35 U. S. C. § 144.

The second pathway allows applicants to file a new civil action against the Director of the PTO in federal district court. § 145. Unlike § 141, § 145 "permits the applicant to present new evidence . . . not presented to the PTO." *Kappos*, 566 U. S., at 435. The district court "acts as a factfinder when new evidence is introduced in a § 145 proceeding" and must make *de novo* determinations that take into account "both the new evidence and the administrative record before the PTO." *Id.*, at 444, 446. The parties may appeal the district court's final decision to the Federal Circuit. 28 U. S. C. § 1295(a)(4)(C).

Page Proof Pending Publication

Because § 145 does not limit an applicant's ability to introduce new evidence to challenge the denial of a patent, *Kappos*, 566 U. S., at 439, it can result in protracted litigation. As a condition for permitting such extensive review, the Patent Act requires applicants who avail themselves of § 145 to pay "[a]ll the expenses of the proceedings." 35 U. S. C. § 145.

B

After the PTO denied respondent NantKwest, Inc.'s patent application directed to a method for treating cancer, NantKwest filed a complaint against the PTO Director in the Eastern District of Virginia under § 145. The District Court granted summary judgment to the PTO, and the Federal Circuit affirmed. *NantKwest, Inc.* v. *Lee*, 686 Fed. Appx. 864 (2017). The PTO moved for reimbursement of expenses that included—for the first time in the 170-year history of § 145—the pro rata salaries of PTO attorneys and a paralegal who worked on the case.

The District Court denied the PTO's motion to recover its pro rata legal fees as "expenses" of the § 145 proceeding. The court concluded that the statutory language referencing expenses was not clear enough to rebut the "American Rule"—the background principle that parties are responsible for their own attorney's fees. *NantKwest, Inc.* v. *Lee*, 162 F. Supp. 3d 540, 542 (ED Va. 2016). A divided Federal Circuit panel reversed, with Judge Stoll dissenting. *NantKwest, Inc.* v. *Matal*, 860 F. 3d 1352 (2017). The majority expressed "substantial doub[t]" that § 145 even implicated the American Rule's presumption against fee shifting in a case in which the payment was not made to a prevailing party. *Id.*, at 1355. The majority concluded that, even assuming the American Rule presumption applied, the term "expenses" in § 145 "specific[ally]" and "explicit[ly]" authorized an award of fees. *Id.*, at 1356.

Page Proof Pending Publication

The en banc Federal Circuit voted *sua sponte* to rehear the case and reversed the panel over a dissent. *NantKwest, Inc.* v. *Iancu*, 898 F. 3d 1177, 1184 (2018). The majority opinion—now authored by Judge Stoll—held that the American Rule presumption applied to § 145 because it is "the starting point whenever a party seeks to shift fees from one side to the other in adversarial litigation." *Id.*, at 1184 (citing *Baker Botts L. L. P.* v. *ASARCO LLC*, 576 U. S. 121, 126 (2015)). After examining the plain text and statutory history of § 145, the judicial and congressional understanding of similar language, and overarching policy considerations, the majority concluded that "[a]warding '[a]ll the expenses' simply cannot supply the 'specific and explicit' directive from Congress to shift attorneys' fees, and nothing else in the statute evinces congressional intent to make them available." 898 F. 3d, at 1196 (quoting *Alyeska Pipeline Service Co.* v. *Wilderness Society*, 421 U. S. 240, 260 (1975)). We granted certiorari, 586 U. S. 1207 (2019), and now affirm.

II

This Court's "'basic point of reference' when considering the award of attorney's fees is the bedrock principle known as the '"American Rule"': Each litigant pays his own attorney's fees, win or lose, unless a statute or contract provides otherwise." *Hardt* v. *Reliance Standard Life Ins. Co.*, 560 U. S. 242, 252–253 (2010) (quoting *Ruckelshaus* v. *Sierra Club*, 463 U. S. 680, 683 (1983)). The American Rule has "roots in our common law reaching back to at least the 18th century." *Baker Botts*, 576 U. S., at 126 (citing *Arcambel* v. *Wiseman*, 3 Dall. 306 (1796)); see also *Summit Valley Industries, Inc.* v. *Carpenters*, 456 U. S. 717, 721 (1982) (observing that the American Rule "has been consistently followed for almost 200 years"); *Alyeska Pipeline*, 421 U. S., at 257 (referring to the presumption against shifting attorney's fees as a "general" rule).

The Government does not dispute this principle or its pedigree, but argues instead that it does not apply at all. Because the American Rule presumption is most often overcome when a statute awards fees to a "prevailing party," the Government maintains, the presumption applies only to prevailing-party statutes. And because § 145 requires one party to pay all expenses regardless of outcome, the argument goes, it is not a statute subject to the presumption.

Page Proof Pending Publication

That view is incorrect. This Court has never suggested that any statute is exempt from the presumption against fee shifting. Nor has it limited its American Rule inquiries to prevailing-party statutes. Indeed, the Court has developed a "line of precedents" "addressing statutory deviations from the American Rule that do not limit attorney's fees awards to the 'prevailing party.'" *Hardt*, 560 U. S., at 254; see also *Baker Botts*, 576 U. S., at 127–129 (analyzing a bankruptcy provision that did not mention prevailing parties under the American Rule's presumption against fee shifting).

Sebelius v. *Cloer*, 569 U. S. 369 (2013), confirms that the presumption against fee shifting applies to all statutes—

even those like § 145 that do not explicitly award attorney's fees to "prevailing parties." In *Cloer*, the Court interpreted a provision of the National Childhood Vaccine Injury Act that permitted courts to "award attorney's fees . . . 'incurred [by a claimant] in any proceeding on' an unsuccessful vaccine-injury 'petition . . . brought in good faith [with] a reasonable basis for the claim.'" *Id.*, at 371 (quoting 42 U. S. C. § 300aa–15(e)(1)). The Court held that the provision's clear language authorized attorney's fees, even though the statute exclusively applied to unsuccessful litigants. 569 U. S., at 372.

Cloer establishes two points: First, contrary to the Government's suggestion, Congress has indeed enacted fee-shifting statutes that apply to nonprevailing parties. Second, and again contrary to the Government's view, the American Rule applies to such statutes. The Government itself argued in *Cloer* that the presumption against fee shifting applied by default, but maintained that the statute "depart[ed] so far from background principles about who pays a litigant's attorneys' fees that it [could not] be justified without a clearer statement than the Act can supply." Brief for Petitioner in *Sebelius* v. *Cloer*, O. T. 2012, No. 12–236, p. 32. The Court acknowledged the Government's position but concluded that the "rul[e] of thumb" against fee shifting gave way because the "words of [the] statute [were] unambiguous." *Cloer*, 569 U. S., at 380–381 (citing the Government's brief).

Page Proof Pending Publication

The dissenting en banc Federal Circuit Judges also doubted that the American Rule could apply to a § 145 action. They characterized the proceeding as an intermediate step in obtaining a patent and the payment of legal fees as a portion of the application costs. 898 F. 3d, at 1200 (opinion of Prost, C. J.). Yet § 145 has all the marks of the kind of adversarial litigation in which fee shifting, and the presumption against it, is common; the statute authorizes filing a separate civil action where new evidence can be introduced for

de novo review by a district judge. Thus, the presumption against fee shifting not only applies, but is particularly important because § 145 permits an unsuccessful government agency to recover its expenses from a prevailing party. Reading § 145 to award attorney's fees in that circumstance "would be a radical departure from longstanding fee-shifting principles adhered to in a wide range of contexts." *Ruckelshaus*, 463 U. S., at 683.

The American Rule thus provides the starting point for assessing whether § 145 authorizes payment of the PTO's legal fees.

III

To determine whether Congress intended to depart from the American Rule presumption, the Court first "look[s] to the language of the section" at issue. *Hardt*, 560 U. S., at 254 (internal quotation marks omitted). While "[t]he absence of [a] specific reference to attorney's fees is not dispositive," *Key Tronic Corp.* v. *United States*, 511 U. S. 809, 815 (1994), Congress must provide a sufficiently "specific and explicit" indication of its intent to overcome the American Rule's presumption against fee shifting. *Alyeska Pipeline*, 421 U. S., at 260.

Page Proof Pending Publication

A

The reference to "expenses" in § 145 does not invoke attorney's fees with the kind of "clarity we have required to deviate from the American Rule." *Baker Botts*, 576 U. S., at 126.

Definitions of "expenses" provide scant guidance. The term, standing alone, encompasses wide-ranging "expenditure[s] of money, time, labor, or resources to accomplish a result," Black's Law Dictionary 698 (10th ed. 2014), "charges or costs met with in . . . doing one's work," Webster's New World College Dictionary 511 (5th ed. 2014), and "outlay[s]" for labor, Merriam-Webster's Dictionary of Law 180 (1996); see also N. Webster, An American Dictionary of the English Language 319 (3d ed. 1830) (defining the term broadly to

include "the employment and consumption, as of time or labor," or the "disbursing of money"). Though these definitions are capacious enough to include attorney's fees, the mere failure to foreclose a fee award "neither specifically nor explicitly authorizes courts to shift [fees]." *Baker Botts*, 576 U. S., at 128.

Reading the term "expenses" alongside neighboring words in the statute, however, supports a conclusion excluding legal fees from the scope of § 145. The complete phrase "expenses of the proceeding" is similar to the Latin *expensæ litis*, or "expenses of the litigation." This term has long referred to a class of expenses commonly recovered in litigation to which attorney's fees did not traditionally belong. See Black's Law Dictionary 461 (1891) (defining "*expensæ litis*" to mean "generally allowed" costs); 1 J. Bouvier, Law Dictionary 392 (1839) (defining the term to mean the "costs which are generally allowed to the successful party"); *id.*, at 244 (excluding from the definition of "costs" the "extraordinary fees [a party] may have paid counsel"). These definitions suggest that the use of "expenses" in § 145 would not have been commonly understood to include attorney's fees at its enactment.

Page Proof Pending Publication

Finally, the modifier "all" does not expand § 145's reach to include attorney's fees. Although the word conveys breadth, it cannot transform "expenses" to reach an outlay it would not otherwise include. Cf. *Rimini Street, Inc.* v. *Oracle USA, Inc.*, 586 U. S. 334, 341 (2019) ("The adjective 'full' in § 505 therefore does not alter the meaning of the word 'costs.' Rather, 'full costs' are all the 'costs' otherwise available under law").

Section 145's plain text thus does not overcome the American Rule's presumption against fee shifting to permit the PTO to recoup its legal personnel salaries as "expenses of the proceedings."

B

"The record of statutory usage" also illustrates how the term "expenses" alone does not authorize recovery of attor-

ney's fees. See *West Virginia Univ. Hospitals, Inc.* v. *Casey*, 499 U. S. 83, 88 (1991) (looking to statutory usage to determine whether attorney's fees and expert fees were distinct expenses in the fee-shifting context).

That "expenses" and "attorney's fees" appear in tandem across various statutes shifting litigation costs indicates that Congress understands the two terms to be distinct and not inclusive of each other. See, *e. g.*, 898 F. 3d, at 1188 (quoting 11 U. S. C. §363(n) (allowing trustee to recover "any costs, attorneys' fees, or expenses incurred"); 12 U. S. C. §1786(p) (permitting courts to "allow to any such party such reasonable expenses and attorneys' fees as it deems just and proper"); 25 U. S. C. §1401(a) (allowing distribution of funds after payment of "attorney fees and litigation expenses"); 26 U. S. C. §6673(a)(2)(A) (authorizing recovery of "costs, expenses, and attorneys' fees" against an attorney who "unreasonably and vexatiously" multiplies proceedings); 31 U. S. C. §3730(d)(1) (permitting recovery of "reasonable expenses . . . plus reasonable attorneys' fees and costs"); 38 U. S. C. §4323(h)(2) (allowing courts to award "reasonable attorney fees, expert witness fees, and other litigation expenses") (all internal quotation marks omitted)).

Page Proof Pending Publication

While some other statutes refer to attorney's fees as a subset of expenses, they show only that "expenses" can include attorney's fees when so defined. See, *e. g.*, 28 U. S. C. §361 (authorizing "reasonable expenses, including attorneys' fees"); §1447(c) ("An order remanding the case may require payment of just costs and any actual expenses, including attorney fees, incurred as a result of the removal"); 29 U. S. C. §1370(e)(1) ("[T]he court in its discretion may award all or a portion of the costs and expenses incurred in connection with such action, including reasonable attorney's fees"); 42 U. S. C. §247d–6d(e)(9) (allowing a party to recover "reasonable expenses incurred . . . , including a reasonable attorney's fee").

The Government cites several decisions to argue how, on occasion, this Court has used the term "expenses" to mean

"attorney's fees." None of the cases furthers its position. See, *e. g.*, *Rimini Street*, 586 U. S., at 339, 345 (reasoning that the term "costs" in the general federal costs statutes does not include attorney's fees); *Taniguchi* v. *Kan Pacific Saipan, Ltd.*, 566 U. S. 560, 573 (2012) (mentioning that a party may bear "expenses" related to attorneys, without specifying whether these "expenses" include attorney's fees); *Arlington Central School Dist. Bd. of Ed.* v. *Murphy*, 548 U. S. 291, 297–303 (2006) (distinguishing "attorney's fees" from "costs" and "costs" from "expenses," without indicating whether "expenses" encompasses attorney's fees); *Casey*, 499 U. S., at 99 (suggesting that an explicit reference to "expert witness fees" or "litigation expenses" could shift expert fees in addition to attorney's fees—not that the term "litigation expenses" alone could shift attorney's fees).

Simply put, in common statutory usage, the term "expenses" alone has never been considered to authorize an award of attorney's fees with sufficient clarity to overcome the American Rule presumption.

Page Proof Pending Publication

C

In fact, the Patent Act's history reinforces that Congress did not intend to shift fees in § 145 actions.

There is no evidence that the Patent Office, the PTO's predecessor, originally paid its personnel from sums collected from adverse parties in litigation, or that the Office initially even employed attorneys. See Act of July 4, 1836, § 9, 5 Stat. 121 ("[T]he moneys received into the Treasury under this act shall constitute a fund for the payment of the salaries of the officers and clerks herein provided for, and all other expenses of the Patent Office, and to be called the patent fund"). That salaries of PTO employees might have qualified as an "expense" of the agency, however, does not mean that they are an "expense" of a § 145 proceeding. Neither has the PTO, until this litigation, sought its attorney's fees under § 145. That the agency has managed to pay its

attorneys consistently suggests that financial necessity does not require reading § 145 to shift fees, either.

In later years, when Congress intended to provide for attorney's fees in the Patent Act, it stated so explicitly. See, *e. g.*, 35 U. S. C. § 285 ("The court in exceptional cases may award reasonable attorney fees to the prevailing party"); § 271(e)(4) ("[A] court may award attorney fees under section 285"); § 273(f) (same); § 296(b) (same); § 297(b)(1) ("Any customer . . . who is found by a court to have been injured by any material false or fraudulent statement . . . may recover . . . reasonable costs and attorneys' fees"). Because Congress failed to make its intention similarly clear in § 145, the Court will not read the statute to "contravene fundamental precepts of the common law." *United States* v. *Rodgers*, 461 U. S. 677, 716 (1983).

The history of the Patent Act thus reaffirms the Court's view that the statute does not specifically or explicitly authorize the PTO to recoup its lawyers' or paralegals' pro rata salaries in § 145 civil actions.

Page Proof Pending Publication

* * *

For the foregoing reasons, we conclude that the PTO cannot recover the pro rata salaries of its legal personnel under § 145 and therefore affirm the judgment of the Court of Appeals for the Federal Circuit.

It is so ordered.

Syllabus

RITZEN GROUP, INC. *v.* JACKSON MASONRY, LLC

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

No. 18–938. Argued November 13, 2019—Decided January 14, 2020

An appeal of right lies from "final judgments, orders, and decrees" entered by bankruptcy courts "in cases and proceedings." 28 U. S. C. § 158(a). Bankruptcy court orders are considered final and immediately appealable if they "dispose of discrete disputes within the larger [bankruptcy] case." *Bullard* v. *Blue Hills Bank*, 575 U. S. 496, 501.

Ritzen Group, Inc. (Ritzen) sued Jackson Masonry, LLC (Jackson) in Tennessee state court for breach of a land-sale contract. Jackson filed for bankruptcy under Chapter 11 of the Bankruptcy Code. The state-court litigation was put on hold by operation of 11 U. S. C. § 362(a), which provides that filing a bankruptcy petition automatically "operates as a stay" of creditors' debt-collection efforts outside the umbrella of the bankruptcy case. The Bankruptcy Court denied Ritzen's motion for relief from the automatic stay filed pursuant to § 362(d). Ritzen did not appeal that disposition. Instead, its next step was to file a proof of claim against the bankruptcy estate. The Bankruptcy Court subsequently disallowed Ritzen's claim and confirmed Jackson's plan of reorganization. Ritzen then filed a notice of appeal in the District Court, challenging the Bankruptcy Court's order denying relief from the automatic stay. The District Court rejected Ritzen's appeal as untimely under 28 U. S. C. § 158(c)(2) and Federal Rule of Bankruptcy Procedure 8002(a), which require appeals from a bankruptcy court order to be filed "within 14 days after entry of [that] order." The Sixth Circuit affirmed, concluding that the order denying Ritzen's motion to lift the stay was final under § 158(a), and that the 14-day appeal clock therefore ran from entry of that order.

Page Proof Pending Publication

Held: A bankruptcy court's order unreservedly denying relief from the automatic stay constitutes a final, immediately appealable order under § 158(a). Pp. 41–48.

(a) This Court's application of § 158(a)'s finality requirement is guided by the opinion in *Bullard* v. *Blue Hills Bank*, 575 U. S. 496. Addressing repayment plan confirmations under Chapter 13, the Court held in *Bullard* that a bankruptcy court's order rejecting a proposed plan was not final because it did not conclusively resolve the relevant "proceeding." Rather, the proceeding would continue until approval of a plan. *Id.*, at 502. Pp. 41–42.

Syllabus

(b) In applying *Bullard*'s analysis here, the key inquiry is "how to define the immediately appealable 'proceeding' in the context of [stay-relief motions]." 575 U. S., at 502. Adjudication of a creditor's motion for relief from the stay is properly considered a discrete "proceeding." A bankruptcy court's order ruling on a stay-relief motion disposes of a procedural unit anterior to, and separate from, claim-resolution proceedings. It occurs before and apart from proceedings on the merits of creditors' claims. And its resolution forms no part of the adversary claims-adjudication process, proceedings typically governed by state substantive law. Relief from bankruptcy's automatic stay thus presents a discrete dispute qualifying as an independent "proceeding" within the meaning of § 158(a). *Id.*, at 502–505. Pp. 42–44.

(c) Ritzen incorrectly characterizes denial of stay relief as determining nothing more than the forum for claim adjudication and thus a preliminary step in the claims-adjudication process. Resolution of a stay-relief motion can have large practical consequences, however, including whether a creditor can isolate its claim from those of other creditors and go it alone outside bankruptcy or the manner in which adversary claims will be adjudicated. Moreover, bankruptcy's automatic stay stops even nonjudicial efforts to obtain or control the debtor's assets, matters that often do not concern the forum for, and cannot be considered part of, any subsequent claim adjudication. Ritzen errs in arguing that the order should nonetheless rank as nonfinal where, as here, the bankruptcy court's decision turns on a substantive issue that may be raised later in the litigation. Section 158(a) asks whether the order in question terminates a procedural unit separate from the remaining case, not whether the bankruptcy court has preclusively resolved a substantive issue. Finally, rather than disrupting the efficiency of the bankruptcy process, immediate appeal may permit creditors to establish their rights expeditiously outside the bankruptcy process, affecting the relief sought and awarded later in the bankruptcy case. Pp. 44–47.

906 F. 3d 494, affirmed.

Page Proof Pending Publication

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

James K. Lehman argued the cause for petitioner. With him on the briefs were *Shane G. Ramsey*, *James A. Haltom*, *John T. Baxter*, *A. Mattison Bogan*, *William C. Wood, Jr.*, and *G. Eric Brunstad, Jr.*

Griffin S. Dunham argued the cause for respondent. With him on the brief were *Henry E. Hildebrand IV* and *Jeffrey T. Green.*

Vivek Suri argued the cause for the United States as *amicus curiae* urging affirmance. With him on the brief were *Solicitor General Francisco, Assistant Attorney General Hunt, Deputy Solicitor General Stewart,* and *Mark B. Stern.**

JUSTICE GINSBURG delivered the opinion of the Court.

Under the Bankruptcy Code, filing a petition for bankruptcy automatically "operates as a stay" of creditors' debt-collection efforts outside the umbrella of the bankruptcy case. 11 U. S. C. §362(a). The question this case presents concerns the finality of, and therefore the time allowed for appeal from, a bankruptcy court's order denying a creditor's request for relief from the automatic stay. In civil litigation generally, a court's decision ordinarily becomes "final," for purposes of appeal, only upon completion of the entire case, *i. e.*, when the decision "terminate[s the] action" or "ends the litigation on the merits and leaves nothing for the court to do but execute the judgment." *Gelboim* v. *Bank of America Corp.*, 574 U. S. 405, 409 (2015) (internal quotation marks omitted). The regime in bankruptcy is different. A bankruptcy case embraces "an aggregation of individual controversies." 1 Collier on Bankruptcy ¶5.08[1][b], p. 5–43 (16th ed. 2019). Orders in bankruptcy cases qualify as "final" when they definitively dispose of discrete disputes within the overarching bankruptcy case. *Bullard* v. *Blue Hills Bank*, 575 U. S. 496, 501 (2015).

Page Proof Pending Publication

The precise issue the Court today decides: Does a creditor's motion for relief from the automatic stay initiate a distinct proceeding terminating in a final, appealable order when the bankruptcy court rules dispositively on the motion? In agreement with the courts below, our answer is "yes." We hold that the adjudication of a motion for relief

---

**Craig Goldblatt, Danielle Spinelli, Joel Millar, Ari Savitzky, Henry J. Sommer,* and *Tara Twomey* filed a brief for the National Association of Consumer Bankruptcy Attorneys as *amicus curiae* urging affirmance.

from the automatic stay forms a discrete procedural unit within the embracive bankruptcy case. That unit yields a final, appealable order when the bankruptcy court unreservedly grants or denies relief.

I

In civil litigation generally, 28 U. S. C. § 1291 governs appeals from "final decisions." Under that provision, a party may appeal to a court of appeals as of right from "final decisions of the district courts." *Ibid.* A "final decision" within the meaning of § 1291 is normally limited to an order that resolves the entire case. Accordingly, the appellant must raise all claims of error in a single appeal. See *In re Saco Local Development Corp.*, 711 F. 2d 441, 443 (CA1 1983) (Breyer, J.) ("Traditionally, every civil action in a federal court has been viewed as a 'single judicial unit,' from which only one appeal would lie."). This understanding of the term "final decision" precludes "piecemeal, prejudgment appeals" that would "undermin[e] efficient judicial administration and encroac[h] upon the prerogatives of district court judges." *Bullard*, 575 U. S., at 501 (quoting *Mohawk Industries, Inc.* v. *Carpenter*, 558 U. S. 100, 106 (2009); internal quotation marks omitted).

Page Proof Pending Publication

The ordinary understanding of "final decision" is not attuned to the distinctive character of bankruptcy litigation. A bankruptcy case encompasses numerous "individual controversies, many of which would exist as stand-alone lawsuits but for the bankrupt status of the debtor." *Bullard*, 575 U. S., at 501 (internal quotation marks omitted). It is thus common for bankruptcy courts to resolve discrete controversies definitively while the umbrella bankruptcy case remains pending. Delaying appeals from discrete, controversy-resolving decisions in bankruptcy cases would long postpone appellate review of fully adjudicated disputes. Moreover, controversies adjudicated during the life of a bankruptcy case may be linked, one dependent on the out-

come of another. Delaying appeal until the termination of the entire bankruptcy case, therefore, could have this untoward consequence: Reversal of a decision made early on could require the bankruptcy court to unravel later adjudications rendered in reliance on an earlier decision.

The provision on appeals to U. S. district courts from decisions of bankruptcy courts is 28 U. S. C. § 158(a). Under that provision, an appeal of right lies from "final judgments, orders, and decrees" entered by bankruptcy courts "in cases and proceedings." *Ibid.* By providing for appeals from final decisions in bankruptcy "proceedings," as distinguished from bankruptcy "cases," Congress made "orders in bankruptcy cases . . . immediately appeal[able] if they finally dispose of discrete disputes within the larger [bankruptcy] case." *Bullard*, 575 U. S., at 501 (quoting *Howard Delivery Service, Inc.* v. *Zurich American Ins. Co.*, 547 U. S. 651, 657, n. 3 (2006)); see *In re Saco Local Development Corp.*, 711 F. 2d, at 444–447. In short, "the usual judicial unit for analyzing finality in ordinary civil litigation is the case, [but] in bankruptcy[,] it is [often] the proceeding." Brief for United States as *Amicus Curiae* 10.

Page Proof Pending Publication

Correct delineation of the dimensions of a bankruptcy "proceeding" is a matter of considerable importance. An erroneous identification of an interlocutory order as a final decision may yield an appeal over which the appellate forum lacks jurisdiction. Conversely, an erroneous identification of a final order as interlocutory may cause a party to miss the appellate deadline.

II

The dispute at hand involves a contract in which Ritzen Group, Inc. (Ritzen) agreed to buy land in Nashville, Tennessee from Jackson Masonry, LLC (Jackson). The land sale was never effected. Blaming Jackson for the deal's unraveling, Ritzen sued for breach of contract in Tennessee state court. After over a year of litigation, just days before trial was to begin, Jackson filed for bankruptcy under Chapter 11

of the Bankruptcy Code. By operation of the Bankruptcy Code's automatic stay provision, 11 U. S. C. § 362(a), the state-court litigation was put on hold.

Ritzen filed a motion in the Federal Bankruptcy Court for relief from the automatic stay, seeking an order allowing the trial to proceed in state court. Ritzen argued that relief would promote judicial economy and that Jackson had filed for bankruptcy in bad faith. After a hearing, the Bankruptcy Court denied the motion. The Bankruptcy Code and Federal Rules of Bankruptcy Procedure require parties to appeal from a final order "within 14 days after entry of the . . . order . . . being appealed." 28 U. S. C. § 158(c)(2); Fed. Rule Bkrtcy. Proc. 8002(a). Ritzen did not appeal from the order refusing to lift the stay within the prescribed period.

In pursuit of the breach-of-contract claim initially commenced in state court, Ritzen filed a proof of claim against the bankruptcy estate. Following an adversary proceeding, the Bankruptcy Court found that Ritzen, not Jackson, was the party in breach of the land-sale contract because Ritzen failed to secure financing by the closing date. The court therefore disallowed Ritzen's claim against the bankruptcy estate. Without objection from Ritzen, the court confirmed Jackson's plan of reorganization. The plan permanently enjoined all creditors from the "commencement or continuation of any . . . proceeding against [d]ebtor . . . on account of [c]laims against [d]ebtor." Debtor's Plan of Reorganization in No. 3:16–bk–02065 (MD Tenn.), p. 15.

Page Proof Pending Publication

Thereafter, Ritzen filed two separate notices of appeal in the District Court for the Middle District of Tennessee. First, Ritzen challenged the Bankruptcy Court's order denying relief from the automatic stay. Second, Ritzen challenged the court's resolution of its breach-of-contract claim.

The District Court rejected the first of Ritzen's appeals as untimely, holding that under § 158(c)(2) and Federal Rule of Bankruptcy Procedure 8002(a), time to appeal expired 14 days after the Bankruptcy Court's entry of the order deny-

ing relief from the automatic stay. Turning to the appeal from the Bankruptcy Court's rejection of Ritzen's breach-of-contract claim, the District Court ruled against Ritzen on the merits.

On further appeal, the Court of Appeals for the Sixth Circuit affirmed the District Court's dispositions. As to the timeliness of the first notice of appeal, the Court of Appeals rendered this determination: Adjudication of Ritzen's motion for relief from the automatic stay qualified as a discrete "proceeding," commencing with the filing of the motion, followed by procedural steps, and culminating in a "[dispositive] decision based on the application of a legal standard." *In re Jackson Masonry, LLC*, 906 F. 3d 494, 499–500 (2018).[1] The 14-day appeal clock, the Court of Appeals therefore concluded, ran from the order denying the motion to lift the stay, a disposition "(1) entered in a proceeding and (2) final[ly] terminating that proceeding." *Id.*, at 499 (alterations omitted).

Page Proof Pending Publication

We granted certiorari to resolve whether orders denying relief from bankruptcy's automatic stay are final, therefore immediately appealable under § 158(a)(1). 587 U. S. 1014 (2019).

III

A

This Court's opinion in *Bullard* v. *Blue Hills Bank*, 575 U. S. 496, guides our application of § 158(a)'s finality requirement. Addressing repayment plan confirmations under Chapter 13, we held in *Bullard* that a bankruptcy court's order rejecting a proposed plan was not "final" under § 158(a) because it did not conclusively resolve the relevant "proceed-

[1] The "procedural steps" included Ritzen's provision of notice to Jackson and the Bankruptcy Court's conduct of a hearing at which the parties presented witness testimony and other evidence. App. to Pet. for Cert. 48a. The question under the "applicable legal standard": Did Ritzen establish "cause" to permit the state-court litigation to proceed. See *id.*, at 52a–67a; 11 U. S. C. § 362(d)(1).

ing." *Id.*, at 499, 502–503. The plan-confirmation process, the *Bullard* opinion explains, involves back and forth negotiations. See *id.*, at 502. Plan proposal rejections may be followed by amended or new proposals. Only plan approval, we observed, "alters the status quo and fixes the rights and obligations of the parties." *Ibid.* "Denial of confirmation with leave to amend," by contrast, leaves the "parties' rights and obligations . . . unsettled," and therefore cannot be typed "final." *Id.*, at 503. The appropriate procedural unit for determining finality, we concluded, is not a plan proposal, it is "the process of attempting to arrive at an approved plan." *Id.*, at 502.

B

We take up next the application of *Bullard*'s analysis to a bankruptcy court's order denying relief from the automatic stay. As earlier stated, see *supra*, at 37, under the Bankruptcy Code, the filing of a bankruptcy petition automatically halts efforts to collect prepetition debts from the bankrupt debtor outside the bankruptcy forum. 11 U. S. C. §362(a). The stay serves to "maintai[n] the status quo and preven[t] dismemberment of the estate" during the pendency of the bankruptcy case. 1 Collier ¶1.05[1], p. 1–19; 3 *id.*, ¶362.03, p. 362–23. Among other things, the stay bars commencement or continuation of lawsuits to recover from the debtor, enforcement of liens or judgments against the debtor, and exercise of control over the debtor's property. §362(a).

Not Binding Precedent

A creditor may seek relief from the stay by filing in the bankruptcy court a motion for an order "terminating, annulling, modifying, or conditioning" the stay, asserting in support of the motion either "cause" or the presence of specified conditions. §362(d). A majority of circuits and the leading treatises regard orders denying such motions as final, immediately appealable decisions.[2] We reach the same conclusion.

[2] See, *e. g.*, *Rajala* v. *Gardner*, 709 F. 3d 1031, 1034 (CA10 2013); *In re Excel Innovations, Inc.*, 502 F. 3d 1086, 1092 (CA9 2007); *In re James Wilson Assocs.*, 965 F. 2d 160, 166 (CA7 1992); *In re Sonnax Industries,*

Bullard instructs that we inquire "how to define the immediately appealable 'proceeding' in the context of [stay-relief motions]." 575 U. S., at 502. Jackson urges that, as the Court of Appeals held, adjudication of a stay-relief motion is a discrete "proceeding." Ritzen urges that stay-relief adjudication is properly considered a first step in the process of adjudicating a creditor's claim against the estate.

We agree with the Court of Appeals and Jackson that the appropriate "proceeding" is the stay-relief adjudication. A bankruptcy court's order ruling on a stay-relief motion disposes of a procedural unit anterior to, and separate from, claim-resolution proceedings. Adjudication of a stay-relief motion, as just observed, occurs before and apart from proceedings on the merits of creditors' claims: The motion initiates a discrete procedural sequence, including notice and a hearing, and the creditor's qualification for relief turns on the statutory standard, *i. e.*, "cause" or the presence of specified conditions. § 362(d), (e); Fed. Rules Bkrtcy. Proc. 4001(a)(1) and (2), 9014 (describing procedure for adjudicating motions for relief from automatic stay). Resolution of stay-relief motions does not occur as part of the adversary claims-adjudication process, proceedings typically governed by state substantive law. See *Butner* v. *United States*, 440 U. S. 48, 54–55 (1979). Under *Bullard*, a discrete dispute of

Page Proof Pending Publication

Inc., 907 F. 2d 1280, 1284–1285 (CA2 1990); *In re Lieb*, 915 F. 2d 180, 185, n. 3 (CA5 1990); *Grundy Nat. Bank* v. *Tandem Mining Corp.*, 754 F. 2d 1436, 1439 (CA4 1985), overruled in part on other grounds by *United Sav. Assn. of Tex.* v. *Timbers of Inwood Forest Associates, Ltd.*, 484 U. S. 365 (1988); *In re American Mariner Industries, Inc.*, 734 F. 2d 426, 429 (CA9 1984), overruled in part on other grounds by *Timbers of Inwood Forest Associates, Ltd.*, 484 U. S. 365; *In re Leimer*, 724 F. 2d 744, 745 (CA8 1984); 16 C. Wright, A. Miller, & E. Cooper, Federal Practice and Procedure § 3926.2, p. 352, and nn. 39–40 (3d ed. 2012 and Supp. 2019) ("Automatic-stay rulings by a bankruptcy judge or appellate panel should be appealable as final decisions."). See also 1 Collier on Bankruptcy ¶5.09, pp. 5–55 to 5–57 (16th ed. 2019).

this kind constitutes an independent "proceeding" within the meaning of 28 U. S. C. § 158(a). 575 U. S., at 502–505.

Our conclusion that the relevant "proceeding" is the stay-relief adjudication is consistent with statutory text. See *id.*, at 503. A provision neighboring § 158(a), § 157(b)(2)(G), types motions to terminate, annul, or modify the automatic stay as "core proceedings" arising in a bankruptcy case. Section 157(b)(2) lists those motions separately from the "allowance or disallowance of claims against the estate." § 157(b)(2)(B), (G). Although the discrete "core proceedings" listings "hardly clinc[h] the matter," as the "provision's purpose is not to explain appealability," they are a "textual clue" that Congress viewed adjudication of stay-relief motions as "proceedings" distinct from claim adjudication. *Bullard*, 575 U. S., at 503.

C

In Ritzen's view, the position Jackson advances and we adopt "slic[es] the case too thin." *Id.*, at 502. Ritzen asserts that an order denying stay relief simply decides the forum for adjudication of adversary claims—bankruptcy court or state court—and therefore should be treated as merely a preliminary step in the claims-adjudication process. Brief for Petitioner 19–21, 26–28.

Page Proof Pending Publication

Courts, we agree, should not define "proceeding" to include disputes over minor details about how a bankruptcy case will unfold. As we put it in *Bullard*, "[t]he concept of finality cannot stretch to cover, for example, an order resolving a disputed request for an extension of time." 575 U. S., at 505.

But Ritzen incorrectly characterizes denial of stay relief as determining nothing more than the forum for claim adjudication. Resolution of a motion for stay relief can have large practical consequences. See 3 Collier ¶362.03, pp. 362–23 to 362–24. Disposition of the motion determines whether a creditor can isolate its claim from those of other

creditors and go it alone outside bankruptcy. It can also affect the manner in which adversary claims will be adjudicated. See 11 U. S. C. § 502 (permitting summary adjudication or estimation of amounts due in bankruptcy claims adjudication). These are not matters of minor detail; they can significantly increase creditors' costs. Leaving the stay in place may, *inter alia*, delay collection of a debt or cause collateral to decline in value. See Brief for United States as *Amicus Curiae* 14.

Ruling on a motion for stay relief, it is true, will determine where the adjudication of an adversary claim will take place—in the bankruptcy forum or state court. But that effect does not render a ruling nonfinal. Orders denying a plaintiff the opportunity to seek relief in its preferred forum often qualify as final and immediately appealable, though they leave the plaintiff free to sue elsewhere. Notably, dismissal for want of personal jurisdiction ranks as a final decision. See *Daimler AG* v. *Bauman*, 571 U. S. 117, 124–125 (2014). So too, dismissal for improper venue, or under the doctrine of *forum non conveniens*. See *United States* v. *Wallace & Tiernan Co.*, 336 U. S. 793, 794–795, n. 1 (1949); 15A C. Wright, A. Miller, & E. Cooper, Federal Practice and Procedure §§ 3914.6, 3914.12 (2d ed. 1992 and Supp. 2019) (collecting cases on appealability of dismissal without prejudice to filing in another forum).[3]

Page Proof Pending Publication

Ritzen's position encounters a further shoal: Many motions to lift the automatic stay do not involve adversary claims against the debtor that would be pursued in another forum but for bankruptcy. Bankruptcy's embracive automatic stay stops even nonjudicial efforts to obtain or control the debtor's assets. See § 362(a). Motions for stay relief may, for

[3] We note, however, that within the federal court system, when venue is laid in the wrong district, or when the plaintiff chooses an inconvenient forum, transfer rather than dismissal is ordinarily ordered if "in the interest of justice." 28 U. S. C. §§ 1404(a), 1406(a).

example, seek permission to repossess or liquidate collateral, to terminate a lease, or to set off debts. *Ibid.* These matters do not concern the forum for, and cannot be considered part of, any subsequent claim adjudication. See Brief for National Association of Consumer Bankruptcy Attorneys as *Amicus Curiae* 23–24. We see no good reason to treat stay adjudication as the relevant "proceeding" in only a subset of cases. As we have held in another context, "the issue of appealability" should "be determined for the entire category to which a claim belongs." *Digital Equipment Corp.* v. *Desktop Direct, Inc.*, 511 U. S. 863, 868 (1994) (addressing collateral order doctrine).

Ritzen alternatively argues that, even if an order denying stay relief is not part of the claims-adjudication process, the order should nonetheless rank as nonfinal where, as here, the bankruptcy court's decision turns on a substantive issue that may be raised later in the litigation. Brief for Petitioner 45. Specifically, Ritzen stresses that it based its stay-relief motion largely on an argument that Jackson filed for bankruptcy in bad faith, an issue that could have been urged again later in the bankruptcy case. *Ibid.*

Page Proof Pending Publication

That argument is misaddressed. Section 158(a) asks whether the order in question terminates a procedural unit separate from the remaining case, not whether the bankruptcy court has preclusively resolved a substantive issue. It does not matter whether the court rested its decision on a determination potentially pertinent to other disputes in the bankruptcy case, so long as the order conclusively resolved the movant's entitlement to the requested relief.

Finally, Ritzen protests that the rule we adopt will encourage piecemeal appeals and unduly disrupt the efficiency of the bankruptcy process. *Id.*, at 48–52. As we see it, classifying as final all orders conclusively resolving stay-relief motions will avoid, rather than cause, "delays and inefficiencies." *Bullard*, 575 U. S., at 504. Immediate appeal, if

successful, will permit creditors to establish their rights expeditiously outside the bankruptcy process, affecting the relief sought and awarded later in the bankruptcy case. The rule Ritzen urges "would force creditors who lose stay-relief motions to fully litigate their claims in bankruptcy court and then, after the bankruptcy case is over, appeal and seek to redo the litigation all over again in the original court." 906 F. 3d, at 503.

This case is illustrative. After the Bankruptcy Court denied Ritzen's motion for relief from the automatic stay, Ritzen filed a claim against Jackson in the Bankruptcy Court. The parties and court expended substantial resources definitively litigating the dueling breach-of-contract allegations, and Ritzen lost. The Bankruptcy Court thereafter considered and confirmed Jackson's reorganization plan. By endeavoring now to appeal the stay-relief order, after forgoing an appeal directly after the denial, Ritzen seeks to return to square one. Its aim, to relitigate the opposing contract claims in state court. Nevermind that the Bankruptcy Court has fully adjudicated the contract claims and has, without objection from Ritzen, approved Jackson's reorganization plan. The second bite Ritzen seeks scarcely advances the finality principle.

Page Proof Pending Publication

IV

Because the appropriate "proceeding" in this case is the adjudication of the motion for relief from the automatic stay, the Bankruptcy Court's order conclusively denying that motion is "final." The court's order ended the stay-relief adjudication and left nothing more for the Bankruptcy Court to do in that proceeding.[4] The Court of Appeals therefore correctly ranked the order as final and immediately appealable,

[4] We do not decide whether finality would attach to an order denying stay relief if the bankruptcy court enters it "without prejudice" because further developments might change the stay calculus. Nothing in the record before us suggests that this is such an order.

and correctly affirmed the District Court's dismissal of Ritzen's appeal as untimely.

* * *

For the reasons stated, the judgment of the Court of Appeals is

Affirmed.

Page Proof Pending Publication

Syllabus

RETIREMENT PLANS COMMITTEE OF IBM ET AL. *v.* JANDER ET AL.

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

No. 18–1165. Argued November 6, 2019—Decided January 14, 2020

This Court held in *Fifth Third Bancorp* v. *Dudenhoeffer*, 573 U. S. 409, 428, that "[t]o state a claim for breach of the duty of prudence" imposed by the Employee Retirement Income Security Act of 1974 "on the basis of inside information, a plaintiff must plausibly allege an alternative action that the defendant could have taken that would have been consistent with the securities laws and that a prudent fiduciary in the same circumstances would not have viewed as more likely to harm the fund than to help it." The petition for certiorari in this case presents the question whether *Dudenhoeffer*'s "more harm than good" pleading standard can be satisfied by generalized allegations that the harm of an inevitable disclosure of an alleged fraud generally increases over time. In their briefing on the merits, however, the petitioners (plan fiduciaries) and the Government (presenting the views of the Securities and Exchange Commission as well as the Department of Labor) focus their arguments primarily upon other matters not addressed by the Second Circuit.

Page Proof Pending Publication

Held: The judgment is vacated, and the case is remanded. The Court declines to consider arguments not addressed by the Court of Appeals. *F. Hoffmann-La Roche Ltd.* v. *Empagran S. A.*, 542 U. S. 155, 175. Nevertheless, in light of the Court's statement in *Dudenhoeffer* that the views of the SEC might "well be relevant" to discerning the content of ERISA's duty of prudence in the context here, 573 U. S., at 429, the Court of Appeals should have an opportunity to decide in the first instance whether to entertain the parties' arguments.

910 F. 3d 620, vacated and remanded.

Paul D. Clement argued the cause for petitioners. With him on the briefs were *George W. Hicks, Jr.*, *C. Harker Rhodes IV*, *Andrew C. Lawrence*, *Lawrence Portnoy*, *Michael S. Flynn*, and *David Toscano*.

Jonathan Y. Ellis argued the cause for the United States as *amicus curiae* urging vacatur. With him on the brief were *Solicitor General Francisco*, *Deputy Solicitor General*

Kneedler, *G. William Scott*, *Robert B. Stebbins*, *Michael A. Conley*, and *David D. Lisitza*.

Samuel E. Bonderoff argued the cause for respondents. With him on the brief were *Jacob H. Zamansky* and *James Ostaszewski*.*

PER CURIAM.

In *Fifth Third Bancorp* v. *Dudenhoeffer*, 573 U. S. 409 (2014), we held that "[t]o state a claim for breach of the duty of prudence" imposed on plan fiduciaries by the Employee Retirement Income Security Act of 1974 (ERISA) "on the basis of inside information, a plaintiff must plausibly allege an alternative action that the defendant could have taken that would have been consistent with the securities laws and that a prudent fiduciary in the same circumstances would not have viewed as more likely to harm the fund than to help it." *Id.*, at 428. We then set out three considerations that "inform the requisite analysis." *Ibid.*

Page Proof Pending Publication

First, we pointed out that the "duty of prudence, under ERISA as under the common law of trusts, does not require a fiduciary to break the law." *Ibid.* Accordingly, "ERISA's duty of prudence cannot require" the fiduciary of an Employee Stock Ownership Plan (ESOP) "to perform an action—such as divesting the fund's holdings of the employer's stock on the basis of inside information—that would violate the securities laws." *Ibid.*

---

*Briefs of *amici curiae* urging reversal were filed for the American Benefits Council et al. by *Russell L. Hirschhorn*, *John E. Roberts*, and *Lindsey H. Chopin*; for DRI–The Voice of the Defense Bar by *Michael R. Pennington* and *Scott Burnett Smith*; and for the Securities Industry and Financial Markets Association et al. by *Nicole A. Saharsky*, *Brian D. Netter*, *Matthew A. Waring*, *Nancy G. Ross*, *Kevin M. Carroll*, and *Daryl Joseffer*.

Briefs of *amici curiae* urging affirmance were filed for the American Association for Justice et al. by *Matthew W. H. Wessler*, *Gregory A. Beck*, and *Leah M. Nicholls*; for Law Professors by *Todd M. Schneider*; and for Occupy the SEC by *Akshat Tewary*.

We then added that, where a complaint "faults fiduciaries for failing to decide, on the basis of the inside information, to refrain from making additional stock purchases or for failing to disclose that information to the public so that the stock would no longer be overvalued, additional considerations arise." *Id.*, at 429. In such cases, "[t]he courts should consider the extent to which an ERISA-based obligation either to refrain on the basis of inside information from making a planned trade or to disclose inside information to the public could conflict with the complex insider trading and corporate disclosure requirements imposed by the federal securities laws or with the objectives of those laws." *Ibid.* We noted that the "U. S. Securities and Exchange Commission ha[d] not advised us of its views on these matters, and we believe[d] those views may well be relevant." *Ibid.*

Third, and finally, we said that "lower courts faced with such claims should also consider whether the complaint has plausibly alleged that a prudent fiduciary in the defendant's position could not have concluded that stopping purchases—which the market might take as a sign that insider fiduciaries viewed the employer's stock as a bad investment—or publicly disclosing negative information would do more harm than good to the fund by causing a drop in the stock price and a concomitant drop in the value of the stock already held by the fund." *Id.*, at 429–430.

Page Proof Pending Publication

The question presented in this case concerned what it takes to plausibly allege an alternative action "that a prudent fiduciary in the same circumstances would not have viewed as more likely to harm the fund than to help it." *Id.*, at 428. It asked whether *Dudenhoeffer*'s " 'more harm than good' pleading standard can be satisfied by generalized allegations that the harm of an inevitable disclosure of an alleged fraud generally increases over time." Pet. for Cert. i.

In their briefing on the merits, however, the petitioners (fiduciaries of the ESOP at issue here) and the Government (presenting the views of the Securities and Exchange Com-

mission as well as the Department of Labor), focused their arguments primarily upon other matters. The petitioners argued that ERISA imposes no duty on an ESOP fiduciary to act on inside information. And the Government argued that an ERISA-based duty to disclose inside information that is not otherwise required to be disclosed by the securities laws would "conflict" at least with "objectives of" the "complex insider trading and corporate disclosure requirements imposed by the federal securities laws . . . ." *Dudenhoeffer*, 573 U. S., at 429.

The Second Circuit "did not address the[se] argument[s], and, for that reason, neither shall we." *F. Hoffmann-La Roche Ltd.* v. *Empagran S. A.*, 542 U. S. 155, 175 (2004) (citation omitted); see *Cutter* v. *Wilkinson*, 544 U. S. 709, 718, n. 7 (2005) ("[W]e are a court of review, not of first view"). See also 910 F. 3d 620 (CA2 2018). Nevertheless, in light of our statement in *Dudenhoeffer* that the views of the "U. S. Securities and Exchange Commission" might "well be relevant" to discerning the content of ERISA's duty of prudence in this context, 573 U. S., at 429, we believe that the Court of Appeals should have an opportunity to decide whether to entertain these arguments in the first instance. For this reason we vacate the judgment below and remand the case, leaving it to the Second Circuit whether to determine their merits, taking such action as it deems appropriate.

Page Proof Pending Publication

It is so ordered.

JUSTICE KAGAN, with whom JUSTICE GINSBURG joins, concurring.

Today's *per curiam* vacates and remands so that the Court of Appeals for the Second Circuit can decide whether to consider two arguments that occupied most of the briefing in this Court even though the lower courts had not addressed them. I join the Court's opinion with two further notes.

First, the Court of Appeals may of course determine that under its usual rules of waiver or forfeiture, it will not con-

sider those arguments. The *per curiam* is clear that the Second Circuit is to "decide whether to entertain" the arguments in the first instance. *Ante*, at 52. If the arguments were not properly preserved, sound judicial practice points toward declining to address them. See, *e.g.*, *Wood* v. *Milyard*, 566 U. S. 463, 473 (2012) ("For good reason, appellate courts ordinarily abstain from entertaining issues that have not been raised and preserved"). That is so, contrary to JUSTICE GORSUCH's suggestion, whether or not the issue will come back in the future. See *post*, at 55 (concurring opinion).

Second, if the Court of Appeals chooses to address the merits of either argument, the opening question must be whether it is consistent with this Court's decision in *Fifth Third Bancorp* v. *Dudenhoeffer*, 573 U. S. 409 (2014). I cannot see how. The petitioners argue that ERISA "imposes no duty on an ESOP fiduciary to act on insider information." *Ante*, at 52. But *Dudenhoeffer* makes clear that an ESOP fiduciary at times has such a duty; the decision sets out exactly what a plaintiff must allege to state a claim that the fiduciary breached his duty of prudence by "failing to act on inside information." 573 U. S., at 423; see *id.*, at 428; *ante*, at 50. For its part, the Government argues that (absent extraordinary circumstances) an ESOP fiduciary has only the duty to disclose inside information that the federal securities laws already impose. See *ante*, at 52. But *Dudenhoeffer* characterizes the relationship between ERISA's duty of prudence and the securities laws differently. It recognizes that a fiduciary can have no obligation to take actions "violat[ing] the securities laws" or "conflict[ing]" with their "requirements" or "objectives." 573 U. S., at 428–429; see *ante*, at 50–51. At the same time, the decision explains that when an action does not so conflict, it might fall within an ESOP fiduciary's duty—even if the securities laws do not require it. See 573 U. S., at 428. The question in that conflict-free zone is whether a prudent fiduciary would think the action more

Page Proof Pending Publication

likely to help than to harm the fund. See *id.*, at 428, 430; see *ante*, at 50–51. The Government candidly acknowledges that its approach would mostly wipe out that central aspect of the *Dudenhoeffer* standard. See Brief for United States as *Amicus Curiae* 22. That too does not accord with the decision.*

JUSTICE GORSUCH, concurring.

The gist of respondents' sole surviving claim is that certain ERISA fiduciaries should have used their positions as corporate insiders to cause the company to make an SEC-regulated disclosure. But merely stating the theory suggests a likely flaw: In ordering up a special disclosure, the defendants necessarily would be acting in their capacities as corporate officers, not ERISA fiduciaries. Run-of-the-mill ERISA fiduciaries cannot, after all, order corporate disclosures on behalf of their portfolio companies. Nor do even all corporate insiders have that authority. These defendants (allegedly) had the opportunity to make a corrective disclosure only because of the positions they happened to hold within the organization. So while respondents are correct to note that insider fiduciaries are subject to the "same duty of prudence that applies to ERISA fiduciaries in general," *Fifth Third Bancorp* v. *Dudenhoeffer*, 573 U. S. 409, 412 (2014), at bottom they seek to impose an even *higher* duty on fiduciaries who have the authority to make or order SEC-regulated disclosures on behalf of the corporation. Because

Page Proof Pending Publication

*JUSTICE GORSUCH essays still another argument, but it also conflicts with *Dudenhoeffer*. He claims that an ESOP fiduciary can never have a duty under ERISA to make disclosures "in their capacities as corporate officers." *Post* this page. But *Dudenhoeffer* spells out when ERISA forecloses such a duty—when making the disclosure would conflict with the requirements and objectives of the securities laws. See 573 U. S., at 429. Absent a conflict of that kind, there is no categorical exclusion: The question, stated once again, is whether a prudent fiduciary would think the disclosure more likely to benefit than to harm the fund. See *id.*, at 429–430.

ERISA fiduciaries are liable only for actions taken while "acting as a fiduciary," it would be odd to hold the same fiduciaries liable for "alternative action[s they] could have taken" *only* in some other capacity. Compare *Pegram* v. *Herdrich*, 530 U. S. 211, 225–226 (2000), with *Dudenhoeffer*, 573 U. S., at 428.

Despite its promise, this argument seemingly wasn't considered by lower courts before the case arrived in our Court. In these circumstances, I agree with the Court's *per curiam* that the better course is to remand the case to allow the lower courts to address these matters in the first instance. But the payout of today's remand is really about timing: By remanding rather than dismissing, we give the lower courts the chance to answer this important question sooner rather than later. To be sure, on remand respondents might try to say this argument was waived or forfeited in earlier motions practice. See *ante*, at 52–53 (KAGAN, J., concurring). But following respondents down that path would do no more than briefly delay the task at hand. The argument before us involves a pure question of law, raised in the context of a motion to dismiss. If it isn't addressed immediately on remand, it will only prove unavoidable later, not just in other suits but at later stages in this very litigation.

Page Proof Pending Publication

Of course, today's remand would be pointless if the argument before us were already foreclosed by *Dudenhoeffer*, as JUSTICE KAGAN suggests. *Ante*, at 54, n. But I do not believe our remand is a wasted gesture, because I do not read *Dudenhoeffer* so broadly. *Dudenhoeffer* held that an ERISA plaintiff must plausibly allege "an alternative action that the defendant could have taken that would have been consistent with the securities laws and that a prudent fiduciary . . . would not have viewed as more likely to harm the fund than to help it." 573 U. S., at 428. Put differently, the Court held the plaintiff's ability to identify a helpful action that the defendant could have taken consistent with the securities laws is a *necessary* condition to an ERISA suit. But

nowhere did *Dudenhoeffer* hold this is also a *sufficient* condition to suit, promising that a case may proceed anytime a plaintiff is able to conjure a hypothetical helpful action that would've been consistent with the securities laws.

The Court didn't consider whether *other* necessary conditions to suit might exist because the question wasn't before it. *Dudenhoeffer* did discuss some "additional considerations" that might arise when a plaintiff tries to plead as "alternative action[s]" either "refrain[ing] from making additional stock purchases" or "disclos[ing] inside information to the public." *Id.*, at 428–429. But the Court singled out these circumstances only because of their obvious potential to "conflict with the complex insider trading and corporate disclosure requirements imposed by the federal securities laws." *Id.*, at 429. So *Dudenhoeffer* made plain that suits requiring fiduciaries to violate the securities laws cannot proceed. But only the most unabashed optimist could read *that* as guaranteeing all other suits may.

Page Proof Pending Publication

The truth is, *Dudenhoeffer* was silent on the argument now before us for the simple reason that the parties in *Dudenhoeffer* were silent on it too. No one in that case asked the Court to decide whether ERISA plaintiffs may hold fiduciaries liable for alternative actions they could have taken only in a nonfiduciary capacity. And it is beyond debate that "[q]uestions which merely lurk in the record, neither brought to the attention of the court nor ruled upon, are not to be considered as having been so decided as to constitute precedents." *Webster* v. *Fall*, 266 U. S. 507, 511 (1925).

Syllabus

ROMAN CATHOLIC ARCHDIOCESE OF SAN JUAN, PUERTO RICO *v.* ACEVEDO FELICIANO ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF PUERTO RICO

No. 18–921. Decided February 24, 2020

Active and retired school employees filed complaints seeking injunctive relief in the Puerto Rico Court of First Instance based on their allegation that the Pension Plan for Employees of Catholic Schools Trust (Trust) had terminated their pension plan and eliminated their pension benefits. Named defendants in the suit included the Roman Catholic and Apostolic Church of Puerto Rico (alleged to be a legal entity with supervisory authority over all Catholic institutions in Puerto Rico), the Archdiocese of San Juan, the Superintendent of Catholic Schools, three Catholic academies, and the Trust. Litigation proceeded in the Puerto Rico courts regarding, among other issues, which defendants in the case had legal personalities sufficient to subject them to suit. The Puerto Rico Supreme Court ultimately upheld the award of preliminary injunctive relief in favor of plaintiffs, and remanded the case to the Court of First Instance to determine which entities would be responsible for continuing to pay the pensions. After that, the Archdiocese removed the case to the United States District Court for the District of Puerto Rico, arguing that the litigation was sufficiently related to the Trust's pending Chapter 11 bankruptcy proceedings to give rise to federal jurisdiction. The Trust's bankruptcy proceeding was dismissed on March 13, 2018. On March 16, 2018, and based on its determination that the Roman Catholic and Apostolic Church in Puerto Rico was the only defendant with separate legal personhood, the Court of First Instance ordered the Church to make payments to the employees in accordance with the pension plan. On March 26 and March 27, 2018, the Court of First Instance issued orders requiring the Church to deposit $4.7 million in a court account within 24 hours and seizing certain Church assets. See App. to Pet. for Cert. 224, 227, 241. Nearly five months later on August 20, 2018, the District Court remanded the case to the Court of First Instance by way of a *nunc pro tunc* judgment stating that the order "shall be effective as of March 13, 2018." Ultimately, the Puerto Rico Supreme Court upheld the preliminary injunction issued against the Church. The Archdiocese petitioned this Court for a writ of certiorari, arguing that the Free Exercise and Establishment Clauses of the

Page Proof Pending Publication

First Amendment require courts to follow the Church's lead in recognizing the separate legal personalities of each Church entity.

Held: The Court does not reach the merits arguments presented because the Court of First Instance lacked jurisdiction to issue the payment and seizure orders at issue. Once a notice of removal is filed, "the State court shall proceed no further unless and until the case is remanded." 28 U. S. C. § 1446(d). The state court "los[es] all jurisdiction over the case, and, being without jurisdiction, its subsequent proceedings and judgment [are] not . . . simply erroneous, but absolutely void." *Kern* v. *Huidekoper*, 103 U. S. 485, 493. The Court of First Instance issued its payment and seizure orders after the proceeding was removed to Federal District Court, but before that court remanded the proceeding back to the Puerto Rico court. At the time those orders were entered, the Court of First Instance had no jurisdiction over the proceeding, and those orders are therefore void.

Two possible rejoinders lack merit. First, the Archdiocese did not consent to the Court of First Instance's jurisdiction by filing motions in that court after removal. See *Steamship Co.* v. *Tugman*, 106 U. S. 118, 122–123. Second, although the District Court remanded the case by way of a *nunc pro tunc* judgment stating that the order "shall be effective as of March 13, 2018," the case remained in federal court until August 20, 2018, when the District Court rendered a decision about the pending motion to remand. Federal courts may issue *nunc pro tunc* orders, or "now for then" orders, Black's Law Dictionary, 1287, to "reflect[ ] the reality" of what has already occurred, *Missouri* v. *Jenkins*, 495 U. S. 33, 49. "Such a decree presupposes a decree allowed, or ordered, but not entered, through inadvertence of the court." *Cuebas y Arredondo* v. *Cuebas y Arredondo*, 223 U. S. 376, 390. But the court "cannot make the record what it is not." *Jenkins*, 495 U. S., at 49. The Court of First Instance's actions before August 20—the date the District Court remanded the case—are void. The Court remands the case to the Puerto Rico courts to consider how to proceed in light of the jurisdictional defect identified.

Page Proof Pending Publication

Certiorari granted; 200 D. P. R. 458, vacated and remanded.

PER CURIAM.

In 1979, the Office of the Superintendent of Catholic Schools of the Archdiocese of San Juan created a trust to administer a pension plan for employees of Catholic schools, aptly named the Pension Plan for Employees of Catholic Schools Trust (Trust). Among the participating schools

were Perpetuo Socorro Academy, San Ignacio de Loyola Academy, and San Jose Academy.

In 2016, active and retired employees of the academies filed complaints in the Puerto Rico Court of First Instance alleging that the Trust had terminated the plan, eliminating the employees' pension benefits. The employees named as a defendant the "Roman Catholic and Apostolic Church of Puerto Rico," which the employees claimed was a legal entity with supervisory authority over all Catholic institutions in Puerto Rico. App. to Pet. for Cert. 58–59, 152–153 (emphasis deleted).[1] The employees also named as defendants the Archdiocese of San Juan, the Superintendent, the three academies, and the Trust.

The Court of First Instance, in an order affirmed by the Puerto Rico Court of Appeals, denied a preliminary injunction requiring the payment of benefits, but the Puerto Rico Supreme Court reversed. The Supreme Court concluded that "if the Trust did not have the necessary funds to meet its obligations, the participating employers would be obligated to pay." *Id.*, at 3. But, because "there was a dispute as to which defendants in the case had legal personalities," the Supreme Court remanded the case to the Court of First Instance to "determine who would be responsible for continuing paying the pensions, pursuant to the preliminary injunction." *Ibid.*

Page Proof Pending Publication

The Court of First Instance determined that the "Roman Catholic and Apostolic Church in Puerto Rico" was the only defendant with separate legal personhood. *Id.*, at 239–240. The Court held such personhood existed by virtue of the Treaty of Paris of 1898, through which Spain ceded Puerto Rico to the United States. The Court found that the Archdiocese of San Juan, the Superintendent, and the academies

[1] The petition for a writ of certiorari includes certified translations of the opinions, originally in Spanish, of the Puerto Rico courts. See also 200 D. P. R. 458 (2018); App. to Pet. for Cert. 1–95, 97–220. We cite the certified translations.

each constituted a "division or dependency" of the Church, because those entities were not separately incorporated. *Ibid.*

As a result, the Court of First Instance ordered the "Roman Catholic and Apostolic Church in Puerto Rico" to make payments to the employees in accordance with the pension plan. *Id.*, at 241. Ten days later, the Court issued a second order requiring the Church to deposit $4.7 million in a court account within 24 hours. The next day, the Court issued a third order, requiring the sheriff to "seize assets and moneys of . . . the Holy Roman Catholic and Apostolic Church, and any of its dependencies, that are located in Puerto Rico." *Id.*, at 223.

The Puerto Rico Court of Appeals reversed. It held that the "Roman Catholic and Apostolic Church in Puerto Rico" was a "legally nonexistent entity." *Id.*, at 136. But, the Court concluded, the Archdiocese of San Juan and the Perpetuo Socorro Academy could be ordered to make contribution payments. The Archdiocese enjoyed separate legal personhood as the effective successor to the Roman Catholic Church in Puerto Rico, the entity recognized by the Treaty of Paris. Perpetuo Socorro Academy likewise constituted a separate legal person because it had been incorporated in accordance with Puerto Rico law, even though its registration was not active in 2016, when the orders were issued. The two remaining academies, San Ignacio Academy and San Jose Academy, were part of the same legal entity as "their respective parishes," but the employees could not obtain relief against the parishes because they had not been named as defendants. *Id.*, at 167.

The Puerto Rico Supreme Court again reversed, reinstating the preliminary injunction issued by the trial court. The Supreme Court first held that the "relationship between Spain, the Catholic Church, and Puerto Rico is *sui generis*, given the particularities of its development and historical context." *Id.*, at 5. The Court explained that the Treaty

Page Proof Pending Publication

of Paris recognized the "legal personality" of "the Catholic Church" in Puerto Rico. *Id.*, at 6.

The Puerto Rico Supreme Court further observed that "each entity created that operates separately and with a certain degree of autonomy from the Catholic Church is in reality a fragment of only one entity that possesses legal personality," at least where the entities have not "independently submitt[ed] to an ordinary incorporation process." *Id.*, at 13–14 (emphasis deleted). "In other words," the Court continued, "the entities created as a result of any internal configuration of the Catholic Church," such as the Archdiocese of San Juan, "are not automatically equivalent to the formation of entities with different and separate legal personalities in the field of Civil Law," but "are merely indivisible fragments of the legal personality that the Catholic Church has." *Ibid.* And Perpetuo Socorro Academy was not a registered corporation in 2016, when the plan was terminated. *Id.*, at 16. Therefore, under the Court's reasoning, the only defendant with separate legal personality, and the only entity that could be ordered to pay the employees' pensions, was the "Roman Catholic and Apostolic Church in Puerto Rico." *Id.*, at 2.

Page Proof Pending Publication

Two Justices dissented. Justice Rodríguez Rodríguez criticized the majority for "inappropriately interfer[ing] with the operation of the Catholic Church by imposing on it a legal personality that it does not hold in the field of private law." *Id.*, at 29. In her view, the Archdiocese of San Juan and the five other dioceses in Puerto Rico each has its own "independent legal personality." *Id.*, at 52. Justice Colón Pérez likewise determined that, under Puerto Rico law, "each Diocese and the Archdiocese ha[s its] own legal personality" and that no separate "legal personality" called the "Roman Catholic and Apostolic Church" exists. *Id.*, at 80, 90 (emphasis deleted).

The Archdiocese petitioned this Court for a writ of certiorari. The Archdiocese argues that the Free Exercise and

Establishment Clauses of the First Amendment require courts to defer to "the Church's own views on how the Church is structured." Pet. for Cert. 1. Thus, in this case, the courts must follow the Church's lead in recognizing the separate legal personalities of each diocese and parish in Puerto Rico. The Archdiocese claims that the Puerto Rico Supreme Court decision violated the "religious autonomy doctrine," which provides: "[W]henever the questions of discipline, or of faith, or ecclesiastical rule, custom, or law have been decided by the highest of these church judicatories to which the matter has been carried, the legal tribunals must accept such decisions as final, and as binding on them, in their application to the case before them." *Id.*, at 20 (quoting *Watson* v. *Jones*, 13 Wall. 679, 727 (1872)).

We called for the Solicitor General's views on the petition. 588 U. S. 904 (2019). The Solicitor General argues that we need not "reach [the Archdiocese's] broader theory in order to properly dispose of this case," because a different error warrants vacatur and remand. Brief for United States as *Amicus Curiae* on Pet. for Cert. 13–14 (Brief for United States). Instead of citing "any neutral rule of Puerto Rico law governing corporations, incorporated or unincorporated associations, veil-piercing, joint-and-several liability, or vicarious liability," the Puerto Rico Supreme Court "relied on a special presumption—seemingly applicable only to the Catholic Church . . .—that all Catholic entities on the Island are 'merely indivisible fragments of the legal personality that the Catholic Church has.'" *Id.*, at 9 (quoting App. to Pet. for Cert. 14). The Solicitor General contends that the Puerto Rico Supreme Court thus violated the fundamental tenet of the Free Exercise Clause that a government may not "single out an individual religious denomination or religious belief for discriminatory treatment." Brief for United States 8 (citing *Murphy* v. *Collier*, 587 U. S. 901 (2019) (KAVANAUGH, J., concurring); *Church of Lukumi Babalu Aye, Inc.* v. *Hialeah*, 508 U. S.

Page Proof Pending Publication

520, 524–525 (1993); *Fowler* v. *Rhode Island*, 345 U. S. 67, 69 (1953)).

We do not reach either argument because we find that the Court of First Instance lacked jurisdiction to issue the payment and seizure orders. On February 6, 2018, after the Supreme Court of Puerto Rico remanded the case to the Court of First Instance to determine the appropriate parties to the preliminary injunction, the Archdiocese removed the case to the United States District Court for the District of Puerto Rico. Notice of Removal in *Acevedo-Feliciano* v. *Holy Catholic Church*, No. 3:18–cv–01060. The Archdiocese argued that the Trust had filed for Chapter 11 bankruptcy and that this litigation was sufficiently related to the bankruptcy to give rise to federal jurisdiction. *Id.*, at 5–6 (citing 28 U. S. C. §§ 1334(b), 1452). The Bankruptcy Court dismissed the Trust's bankruptcy proceeding on March 13, 2018. Opinion and Order Granting Motions to Dismiss in *In re Catholic Schools Employee Pension Trust*, No. 18–00108. The Puerto Rico Court of First Instance issued the relevant payment and seizure orders on March 16, March 26, and March 27. App. to Pet. for Cert. 224, 227, 241. But the District Court did not remand the case to the Puerto Rico Court of First Instance until nearly five months later, on August 20, 2018. Order Granting Motion to Remand in *Acevedo-Feliciano* v. *Archdiocese of San Juan*, No. 3:18–cv–01060.

Page Proof Pending Publication

Once a notice of removal is filed, "the State court shall proceed no further unless and until the case is remanded." 28 U. S. C. § 1446(d).[2] The state court "los[es] all jurisdiction over the case, and, being without jurisdiction, its subsequent

[2] "The laws of the United States relating to . . . removal of causes . . . as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the United States District Court for the District of Puerto Rico and the courts of Puerto Rico." 48 U. S. C. § 864.

proceedings and judgment [are] not . . . simply erroneous, but absolutely void." *Kern* v. *Huidekoper*, 103 U. S. 485, 493 (1881). "Every order thereafter made in that court [is] *coram non judice*," meaning "not before a judge." *Steamship Co.* v. *Tugman*, 106 U. S. 118, 122 (1882); Black's Law Dictionary 426 (11th ed. 2019). See also 14C C. Wright, A. Miller, E. Cooper, J. Steinman, & M. Kane, Federal Practice and Procedure § 3736, pp. 727–729 (2018).

The Court of First Instance issued its payment and seizure orders after the proceeding was removed to federal district court, but before the federal court remanded the proceeding back to the Puerto Rico court. At that time, the Court of First Instance had no jurisdiction over the proceeding. The orders are therefore void.

We note two possible rejoinders. First, the Puerto Rico Court of Appeals suggested that the Archdiocese consented to the Court of First Instance's jurisdiction by filing motions in that court after removal. But we have held that a removing party's right to a federal forum becomes "fixed" upon filing of a notice of removal, and that if the removing party's "right to removal [is] ignored by the State court," the party may "make defence in that tribunal in every mode recognized by the laws of the State, without forfeiting or impairing, in the slightest degree, its right to a trial" in federal court. *Steamship Co.*, 106 U. S., at 122–123. Such actions do not "restore[ ]" "the jurisdiction of the State court." *Id.*, at 122. So, too, the Archdiocese's motions did not restore jurisdiction to the Court of First Instance.

Page Proof Pending Publication

Second, the District Court remanded the case to the Court of First Instance by way of a *nunc pro tunc* judgment stating that the order "shall be effective as of March 13, 2018," the date that the Trust's bankruptcy proceeding was dismissed. *Nunc Pro Tunc* Judgt. in No. 3:18–cv–01060 (Aug. 8, 2018).

Federal courts may issue *nunc pro tunc* orders, or "now for then" orders, Black's Law Dictionary, at 1287, to "reflect[ ] the reality" of what has already occurred, *Missouri* v. *Jenkins*, 495 U. S. 33, 49 (1990). "Such a decree presupposes a decree allowed, or ordered, but not entered, through inadvertence of the court." *Cuebas y Arredondo* v. *Cuebas y Arredondo*, 223 U. S. 376, 390 (1912).

Put colorfully, "[n]unc pro tunc orders are not some Orwellian vehicle for revisionist history—creating 'facts' that never occurred in fact." *United States* v. *Gillespie*, 666 F. Supp. 1137, 1139 (ND Ill. 1987). Put plainly, the court "cannot make the record what it is not." *Jenkins*, 495 U. S., at 49.

Nothing occurred in the District Court case on March 13, 2018. See Order Granting Motion to Remand in No. 3:18–cv–01060 (noting, on August 20, 2018, that the motion is "hereby" granted and ordering judgment "accordingly"). March 13 was when the Bankruptcy Court dismissed the Trust's proceeding and thus the day that the Archdiocese's argument for federal jurisdiction lost its persuasive force. Even so, the case remained in federal court until that court, on August 20, reached a decision about the motion to remand that was pending before it. The Court of First Instance's actions in the interim, including the payment and seizure orders, are void.

Page Proof Pending Publication

The Solicitor General agrees that the Court of First Instance lacked jurisdiction but argues that this defect does not prevent us from addressing additional errors, including those asserted under the Free Exercise Clause. That may be correct, given that the Puerto Rico courts do not exercise Article III jurisdiction. But we think the preferable course at this point is to remand the case to the Puerto Rico courts to consider how to proceed in light of the jurisdictional defect we have identified.

The petition for certiorari and the motions for leave to file briefs *amici curiae* are granted, the judgment of the

Puerto Rico Supreme Court is vacated, and the case is remanded for further proceedings not inconsistent with this opinion.

It is so ordered.

JUSTICE ALITO, with whom JUSTICE THOMAS joins, concurring.

I join the opinion of the Court but write separately to note other important issues that may arise on remand.

First, the decision of the Supreme Court of Puerto Rico is based on an erroneous interpretation of this Court's old decision in *Municipality of Ponce* v. *Roman Catholic Apostolic Church in Porto Rico*, 210 U. S. 296, 323–324 (1908). The main question decided by the Supreme Court of Puerto Rico below was whether the Catholic Church in Puerto Rico is a single entity for civil law purposes or whether any subdivisions, such as dioceses or parishes, or affiliated entities, such as schools and trusts, are separate entities for those purposes. The Supreme Court of Puerto Rico held that *Ponce* decided that in Puerto Rico the Catholic Church is a single entity for purposes of civil liability. That was incorrect.

Page Proof Pending Publication

The question in *Ponce* was whether the Catholic Church or the municipality of Ponce held title to two churches that had been built and maintained during the Spanish colonial era using both private and public funds. The Church sued to establish that it had title, and the municipality argued that the Church could not bring suit because it was not a juridical person. 210 U. S., at 308–309. After considering the Treaty of Paris, Dec. 10, 1898, 30 Stat. 1754, which ended the Spanish-American War, this Court simply held that the Church was a juridical person and thus could bring suit. See 210 U. S., at 310–311, 323–324. This Court did not hold that the Church is a single entity for purposes of civil liability, but that is how the Supreme Court of Puerto Rico interpreted the decision. That court quoted *Ponce*'s statement that "'[t]he Roman Catholic Church has been recognized as

possessing legal personality by the treaty of Paris, and its property rights solemnly safeguarded.'" App. to Pet. for Cert. 7 (quoting 210 U. S., at 323–324). Immediately thereafter it wrote: "Despite this, the intermediate appellate court understood that each division of the Catholic Church in Puerto Rico equals the creation of a different and separate legal entity and did not recognize that legal personality of the Catholic Church." App. to Pet. for Cert. 8.

This is an incorrect interpretation of this Court's decision, and it would have been appropriate for us to reverse the decision below on that ground were it not for the jurisdictional issue that the Court addresses. The assets that may be reached by civil plaintiffs based on claims regarding conduct by entities and individuals affiliated in some way with the Catholic Church (or any other religious body) is a difficult and important issue, but at least one thing is clear: This Court's old decision in *Ponce* did not address that question.

Page Proof Pending Publication

Second, as the Solicitor General notes, the Free Exercise Clause of the First Amendment at a minimum demands that all jurisdictions use neutral rules in determining whether particular entities that are associated in some way with a religious body may be held responsible for debts incurred by other associated entities. See Brief for United States as *Amicus Curiae* on Pet. for Cert. 8–13.

Beyond this lurk more difficult questions, including (1) the degree to which the First Amendment permits civil authorities to question a religious body's own understanding of its structure and the relationship between associated entities and (2) whether, and if so to what degree, the First Amendment places limits on rules on civil liability that seriously threaten the right of Americans to the free exercise of religion as members of a religious body.

The Court does not reach these issues because of our jurisdictional holding. But they are questions that may well merit our review.

Syllabus

MONASKY *v.* TAGLIERI

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

No. 18–935. Argued December 11, 2019—Decided February 25, 2020

The Hague Convention on the Civil Aspects of International Child Abduction (Hague Convention or Convention), implemented in the United States by the International Child Abduction Remedies Act, 22 U. S. C. § 9001 *et seq.*, provides that a child wrongfully removed from her country of "habitual residence" ordinarily must be returned to that country.

Petitioner Monasky, a U. S. citizen, asserts that her Italian husband, respondent Taglieri, became abusive after the couple moved to Italy from the United States. Two months after the birth of the couple's daughter, A. M. T., in Italy, Monasky fled with the infant to Ohio. Taglieri petitioned the U. S. District Court for the Northern District of Ohio for A. M. T.'s return to Italy under the Convention, pursuant to 22 U. S. C. § 9003(b), on the ground that the child had been wrongfully removed from her country of "habitual residence." The District Court granted Taglieri's petition, concluding that the parents' shared intent was for their daughter to live in Italy. Then two-year-old A. M. T. was returned to Italy. The en banc Sixth Circuit affirmed. Under its precedent, the court first noted, an infant's habitual residence depends on the parents' shared intent. It then reviewed the District Court's habitual-residence determination for clear error and found none. In doing so, the court rejected Monasky's argument that Italy could not qualify as A. M. T.'s "habitual residence" in the absence of an actual agreement by her parents to raise her there.

Page Proof Pending Publication

Held:

1. A child's habitual residence depends on the totality of the circumstances specific to the case, not on categorical requirements such as an actual agreement between the parents. Pp. 76–83.

(a) The inquiry begins with the Convention's text "and the context in which the written words are used." *Air France* v. *Saks*, 470 U. S. 392, 397. The Convention does not define "habitual residence," but, as the Convention's text and explanatory report indicate, a child habitually resides where she is at home. This fact-driven inquiry must be "sensitive to the unique circumstances of the case and informed by common sense." *Redmond* v. *Redmond*, 724 F. 3d 729, 744. Acclimation of older children and the intentions and circumstances of caregiving parents are relevant considerations, but no single fact is dispositive across

all cases. The treaty's "negotiation and drafting history" corroborates that habitual residence depends on the specific circumstances of the particular case. *Medellín* v. *Texas*, 552 U. S. 491, 507. This interpretation also aligns with habitual-residence determinations made by other nations party to the Convention. Pp. 76–81.

(b) Monasky's arguments in favor of an actual-agreement requirement are unpersuasive. While an infant's "mere physical presence" is not a dispositive indicator of an infant's habitual residence, a wide range of facts other than an actual agreement, including those indicating that the parents have made their home in a particular place, can enable a trier to determine whether an infant's residence has the quality of being "habitual." Nor is adjudicating a dispute over whether an agreement existed a more expeditious way of promoting returns of abducted children and deterring would-be abductors than according courts leeway to consider all the circumstances. Finally, imposing a categorical actual-agreement requirement is unlikely to be an appropriate solution to the serious problem of protecting children born into domestic violence, for it would leave many infants without a habitual residence, and therefore outside the Convention's domain. Domestic violence should be an issue fully explored in the custody adjudication upon the child's return. The Convention also has a mechanism for guarding children from the harms of domestic violence: Article 13(b) allows a court to refrain from ordering a child's return to her habitual residence if "there is a grave risk that [the child's] return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation." Pp. 81–83.

Page Proof Pending Publication

2. A first-instance habitual-residence determination is subject to deferential appellate review for clear error. A trial court's habitual-residence determination presents a mixed question of law and fact that is heavily fact laden. The determination thus presents a task for fact-finding courts and should be judged on appeal by a clear-error review standard. See *U. S. Bank N. A.* v. *Village at Lakeridge, LLC*, 583 U. S. 387, 396. There is no "historical tradition" indicating otherwise. *Pierce* v. *Underwood*, 487 U. S. 552, 558. Clear-error review has a particular virtue in Hague Convention cases: By speeding up appeals, it serves the Convention's emphasis on expedition. Notably, courts of other treaty partners also review first-instance habitual-residence determinations deferentially. Pp. 83–84.

3. Given the circumstances of this case, it is unnecessary to disturb the judgment below and remand the case to give the lower courts an opportunity to apply the governing totality-of-the-circumstances standard in the first instance. Pp. 85–86.

907 F. 3d 404, affirmed.

GINSBURG, J., delivered the opinion of the Court, in which ROBERTS, C. J., and BREYER, SOTOMAYOR, KAGAN, GORSUCH, and KAVANAUGH, JJ., joined, and in which THOMAS, J., joined as to Parts I, III, and IV. THOMAS, J., *post*, p. 86, and ALITO, J., *post*, p. 91, filed opinions concurring in part and concurring in the judgment.

Amir C. Tayrani argued the cause for petitioner. With him on the briefs were *Melanie L. Katsur*, *Kellam M. Conover*, *Shannon U. Han*, *Joan S. Meier*, *Andrew A. Zashin*, *Christopher R. Reynolds*, and *Amy M. Keating*.

Sopan Joshi argued the cause for the United States as *amicus curiae* urging vacatur. With him on the brief were *Solicitor General Francisco*, *Assistant Attorney General Hunt*, *Deputy Solicitor General Kneedler*, *Sharon Swingle*, and *Lewis S. Yelin*.

Andrew J. Pincus argued the cause for respondent. With him on the brief were *Charles A. Rothfeld*, *Paul W. Hughes*, *Michael B. Kimberly*, *Eugene R. Fidell*, *John D. Sayre*, and *Amy Berman Hamilton*.*

Page Proof Pending Publication

JUSTICE GINSBURG delivered the opinion of the Court.

Under the Hague Convention on the Civil Aspects of International Child Abduction (Hague Convention or Convention), Oct. 25, 1980, T. I. A. S. No. 11670, S. Treaty Doc. No. 99–11 (Treaty Doc.), a child wrongfully removed from her country of "habitual residence" ordinarily must be re-

*Briefs of *amici curiae* urging reversal were filed for the Frederick K. Cox International Law Center by *David A. Carney*, *Michael P. Scharf*, *Stephen J. Petras*, *Jr.*, *Andrew S. Pollis*, and *Aleksandar Cuic*; and for Sanctuary for Families et al. by *Michael A. F. Johnson* and *Dirk C. Phillips*.

Briefs of *amici curiae* urging affirmance were filed for the American Academy of Matrimonial Lawyers by *Peter M. Walzer*; and for the International Academy of Family Lawyers by *Edwin Freedman*, *Dana Prescott*, and *Richard Min*.

Kelly A. Powers, *Stephen J. Cullen*, and *Leah M. Hauser* filed a brief of *amici curiae* for the Reunite International Child Abduction Centre.

turned to that country. This case concerns the standard for determining a child's "habitual residence" and the standard for reviewing that determination on appeal. The petitioner, Michelle Monasky, is a U. S. citizen who brought her infant daughter, A. M. T., to the United States from Italy after her Italian husband, Domenico Taglieri, became abusive to Monasky. Taglieri successfully petitioned the District Court for A. M. T.'s return to Italy under the Convention, and the Court of Appeals affirmed the District Court's order.

Monasky assails the District Court's determination that Italy was A. M. T.'s habitual residence. First of the questions presented: Could Italy qualify as A. M. T.'s "habitual residence" in the absence of an actual agreement by her parents to raise her there? The second question: Should the Court of Appeals have reviewed the District Court's habitual-residence determination independently rather than deferentially? In accord with decisions of the courts of other countries party to the Convention, we hold that a child's habitual residence depends on the totality of the circumstances specific to the case. An actual agreement between the parents is not necessary to establish an infant's habitual residence. We further hold that a first-instance habitual-residence determination is subject to deferential appellate review for clear error.

Page Proof Pending Publication

I

A

The Hague Conference on Private International Law adopted the Hague Convention in 1980 "[t]o address the problem of international child abductions during domestic disputes." *Lozano* v. *Montoya Alvarez*, 572 U. S. 1, 4 (2014) (internal quotation marks omitted). One hundred one countries, including the United States and Italy, are Convention signatories. Hague Conference on Private Int'l Law, Convention of 25 Oct. 1980 on the Civil Aspects of Int'l Child Abduction, Status Table, https://www.hcch.net/en/

instruments/conventions/status-table/?cid=24. The International Child Abduction Remedies Act (ICARA), 102 Stat. 437, as amended, 22 U. S. C. § 9001 *et seq.*, implements our Nation's obligations under the Convention. It is the Convention's core premise that "the interests of children . . . in matters relating to their custody" are best served when custody decisions are made in the child's country of "habitual residence." Convention Preamble, Treaty Doc., at 7; see *Abbott* v. *Abbott*, 560 U. S. 1, 20 (2010).

To that end, the Convention ordinarily requires the prompt return of a child wrongfully removed or retained away from the country in which she habitually resides. Art. 12, Treaty Doc., at 9 (cross-referencing Art. 3, *id.*, at 7). The removal or retention is wrongful if done in violation of the custody laws of the child's habitual residence. Art. 3, *ibid.* The Convention recognizes certain exceptions to the return obligation. Prime among them, a child's return is not in order if the return would place her at a "grave risk" of harm or otherwise in "an intolerable situation." Art. 13(b), *id.*, at 10.

Page Proof Pending Publication

The Convention's return requirement is a "provisional" remedy that fixes the forum for custody proceedings. Silberman, Interpreting the Hague Abduction Convention: In Search of a Global Jurisprudence, 38 U. C. D. L. Rev. 1049, 1054 (2005). Upon the child's return, the custody adjudication will proceed in that forum. See *ibid.* To avoid delaying the custody proceeding, the Convention instructs contracting states to "use the most expeditious procedures available" to return the child to her habitual residence. Art. 2, Treaty Doc., at 7. See also Art. 11, *id.*, at 9 (prescribing six weeks as normal time for return-order decisions).

B

In 2011, Monasky and Taglieri were married in the United States. Two years later, they relocated to Italy, where they both found work. Neither then had definite plans to return

to the United States. During their first year in Italy, Monasky and Taglieri lived together in Milan. But the marriage soon deteriorated. Taglieri became physically abusive, Monasky asserts, and "forced himself upon [her] multiple times." 907 F. 3d 404, 406 (CA6 2018) (en banc).

About a year after their move to Italy, in May 2014, Monasky became pregnant. Taglieri thereafter took up new employment in the town of Lugo, while Monasky, who did not speak Italian, remained about three hours away in Milan. The long-distance separation and a difficult pregnancy further strained their marriage. Monasky looked into returning to the United States. She applied for jobs there, asked about U. S. divorce lawyers, and obtained cost information from moving companies. At the same time, though, she and Taglieri made preparations to care for their expected child in Italy. They inquired about childcare options there, made purchases needed for their baby to live in Italy, and found a larger apartment in a Milan suburb.

Page Proof Pending Publication

Their daughter, A. M. T., was born in February 2015. Shortly thereafter, Monasky told Taglieri that she wanted to divorce him, a matter they had previously broached, and that she anticipated returning to the United States. Later, however, she agreed to join Taglieri, together with A. M. T., in Lugo. The parties dispute whether they reconciled while together in that town.

On March 31, 2015, after yet another heated argument, Monasky fled with her daughter to the Italian police and sought shelter in a safe house. In a written statement to the police, Monasky alleged that Taglieri had abused her and that she feared for her life. Two weeks later, in April 2015, Monasky and two-month-old A. M. T. left Italy for Ohio, where they moved in with Monasky's parents.

Taglieri sought recourse in the courts. With Monasky absent from the proceedings, an Italian court granted Taglieri's request to terminate Monasky's parental rights, discrediting her statement to the Italian police. App. 183. In the

United States, on May 15, 2015, Taglieri petitioned the U. S. District Court for the Northern District of Ohio for the return of A. M. T. to Italy under the Hague Convention, pursuant to 22 U. S. C. § 9003(b), on the ground that Italy was her habitual residence.

The District Court granted Taglieri's petition after a four-day bench trial. Sixth Circuit precedent at the time, the District Court observed, instructed courts that a child habitually resides where the child has become "acclimatiz[ed]" to her surroundings. App. to Pet. for Cert. 85a (quoting *Robert* v. *Tesson*, 507 F. 3d 981, 993 (CA6 2007)). An infant, however, is "too young" to acclimate to her surroundings. App. to Pet. for Cert. 87a. The District Court therefore proceeded on the assumption that "the shared intent of the [parents] is relevant in determining the habitual residence of an infant," though "particular facts and circumstances . . . might necessitate the consideration [of] other factors." *Id.*, at 97a. The shared intention of A. M. T.'s parents, the District Court found, was for their daughter to live in Italy, where the parents had established a marital home "with no definitive plan to return to the United States." *Ibid.* Even if Monasky could change A. M. T.'s habitual residence unilaterally by making plans to raise A. M. T. away from Italy, the District Court added, the evidence on that score indicated that, until the day she fled her husband, Monasky had "no definitive plans" to raise A. M. T. in the United States. *Id.*, at 98a. In line with its findings, the District Court ordered A. M. T.'s prompt return to Italy.

Page Proof Pending Publication

The Sixth Circuit and this Court denied Monasky's requests for a stay of the return order pending appeal. 907 F. 3d, at 407. In December 2016, A. M. T., nearly two years old, was returned to Italy and placed in her father's care.[1]

[1] Taglieri represents that "[a]n order issued by the Italian court in December 2018 awarded legal custody of A. M. T., on an interim basis, to the Lugo municipality . . . with placement at [Taglieri's] residence; and provided that mother-daughter visits would continue under the plan pre-

In the United States, Monasky's appeal of the District Court's return order proceeded. See *Chafin* v. *Chafin*, 568 U. S. 165, 180 (2013) (the return of a child under the Hague Convention does not moot an appeal of the return order). A divided three-judge panel of the Sixth Circuit affirmed the District Court's order, and a divided en banc court adhered to that disposition.

The en banc majority noted first that, after the District Court's decision, a precedential Sixth Circuit opinion, *Ahmed* v. *Ahmed*, 867 F. 3d 682 (2017), established that, as the District Court had assumed, an infant's habitual residence depends on "shared parental intent." 907 F. 3d, at 408 (quoting *Ahmed*, 867 F. 3d, at 690). The en banc majority then reviewed the District Court's habitual-residence determination for clear error and found none. Sustaining the District Court's determination that A. M. T.'s habitual residence was Italy, the majority rejected Monasky's argument that the District Court erred because "she and Taglieri never had a 'meeting of the minds' about their child's future home." 907 F. 3d, at 410.

Page Proof Pending Publication

No member of the en banc court disagreed with the majority's rejection of Monasky's proposed actual-agreement requirement. Nor did any judge maintain that Italy was not A. M. T.'s habitual residence. Judge Boggs wrote a concurring opinion adhering to the reasoning of his three-judge panel majority opinion: "[A]bsent unusual circumstances, where a child has resided exclusively in a single country, especially with both parents, that country is the child's habitual residence." *Id.*, at 411. The dissenters urged two discrete objections. Some would have reviewed the District Court's habitual-residence determination *de novo*. See *id.*, at 419 (opinion of Moore, J.). All would have remanded for the District Court to reconsider A. M. T.'s habitual residence in light of the Sixth Circuit's *Ahmed* precedent. See 907

---

scribed in a court order issued earlier in 2018." Brief for Respondent 56, n. 13.

F. 3d, at 419–420; *id.*, at 421–422 (opinion of Gibbons, J.); *id.*, at 423 (opinion of Stranch, J.).

We granted certiorari to clarify the standard for habitual residence, an important question of federal and international law, in view of differences in emphasis among the Courts of Appeals. 587 U. S. 1051 (2019). Compare, *e. g.*, 907 F. 3d, at 407 (case below) (describing inquiry into the child's acclimatization as the "primary" approach), with, *e. g.*, *Mozes* v. *Mozes*, 239 F. 3d 1067, 1073–1081 (CA9 2001) (placing greater weight on the shared intentions of the parents), with, *e. g.*, *Redmond* v. *Redmond*, 724 F. 3d 729, 746 (CA7 2013) (rejecting "rigid rules, formulas, or presumptions"). Certiorari was further warranted to resolve a division in Courts of Appeals over the appropriate standard of appellate review. Compare, *e. g.*, 907 F. 3d, at 408–409 (case below) (clear error), with, *e. g.*, *Mozes*, 239 F. 3d, at 1073 (*de novo*).

II

Page Proof Pending Publication

The first question presented concerns the standard for habitual residence: Is an actual agreement between the parents on where to raise their child categorically necessary to establish an infant's habitual residence? We hold that the determination of habitual residence does not turn on the existence of an actual agreement.

A

We begin with "the text of the treaty and the context in which the written words are used." *Air France* v. *Saks*, 470 U. S. 392, 397 (1985). The Hague Convention does not define the term "habitual residence." A child "resides" where she lives. See Black's Law Dictionary 1176 (5th ed. 1979). Her residence in a particular country can be deemed "habitual," however, only when her residence there is more than transitory. "Habitual" implies "[c]ustomary, usual, of the nature of a habit." *Id.*, at 640. The Hague Convention's text alone does not definitively tell us what makes a child's residence sufficiently enduring to be deemed "habitual." It surely does

not say that habitual residence depends on an actual agreement between a child's parents. But the term "habitual" does suggest a fact-sensitive inquiry, not a categorical one.

The Convention's explanatory report confirms what the Convention's text suggests. The report informs that habitual residence is a concept "well-established . . . in the Hague Conference." 1980 Conférence de La Haye de droit international privé, Enlèvement d'enfants, E. Pérez-Vera, Explanatory Report in 3 Actes et documents de la Quatorzième session, p. 445, ¶66 (1982) (Pérez-Vera).[2] The report refers to a child's habitual residence in fact-focused terms: "the family and social environment in which [the child's] life has developed." *Id.*, at 428, ¶11. What makes a child's residence "habitual" is therefore "some degree of integration by the child in a social and family environment." *OL* v. *PQ*, 2017 E. C. R. No. C–111/17, ¶42 (Judgt. of June 8); accord *Office of the Children's Lawyer* v. *Balev*, [2018] 1 S. C. R. 398, 421, ¶43, 424 D. L. R. (4th) 391, 410, ¶43 (Can.); *A* v. *A*, [2014] A. C., ¶54 (2013) (U. K.). Accordingly, while Federal Courts of Appeals have diverged, if only in emphasis, in the standards they use to locate a child's habitual residence, see *supra*, at 76, they share a "common" understanding: The place where a child is at home, at the time of removal or retention, ranks as the child's habitual residence. *Karkkainen* v. *Kovalchuk*, 445 F. 3d 280, 291 (CA3 2006).

Page Proof Pending Publication

[2] According to an analysis provided by the Department of State to the Senate during the ratification process, the "explanatory report is recognized by the [Hague] Conference as the official history and commentary on the Convention and is a source of background on the meaning of the provisions of the Convention." Hague International Child Abduction Convention; Text and Legal Analysis, 51 Fed. Reg. 10503 (1986). The explanatory report notes, however, that "it has not been approved by the Conference, and it is possible that, despite the Rapporter's [*sic*] efforts to remain objective, certain passages reflect a viewpoint which is in part subjective." Pérez-Vera 427–428, ¶8. See *Abbott* v. *Abbott*, 560 U. S. 1, 19 (2010) ("We need not decide whether this Report should be given greater weight than a scholarly commentary.").

Because locating a child's home is a fact-driven inquiry, courts must be "sensitive to the unique circumstances of the case and informed by common sense." *Redmond*, 724 F. 3d, at 744. For older children capable of acclimating to their surroundings, courts have long recognized, facts indicating acclimatization will be highly relevant.[3] Because children, especially those too young or otherwise unable to acclimate, depend on their parents as caregivers, the intentions and circumstances of caregiving parents are relevant considerations. No single fact, however, is dispositive across all cases. Common sense suggests that some cases will be straightforward: Where a child has lived in one place with her family indefinitely, that place is likely to be her habitual residence. But suppose, for instance, that an infant lived in a country only because a caregiving parent had been coerced into remaining there. Those circumstances should figure in the calculus. See *Karkkainen*, 445 F. 3d, at 291 ("The inquiry into a child's habitual residence is a fact-intensive determination that cannot be reduced to a predetermined formula and necessarily varies with the circumstances of each case.").

Page Proof Pending Publication

The treaty's "negotiation and drafting history" corroborates that a child's habitual residence depends on the specific circumstances of the particular case. *Medellín* v. *Texas*, 552 U. S. 491, 507 (2008) (noting that such history may aid treaty interpretation). The Convention's explanatory report states that the Hague Conference regarded habitual residence as "a question of pure fact, differing in that respect

[3] Facts courts have considered include: "a change in geography combined with the passage of an appreciable period of time," "age of the child," "immigration status of child and parent," "academic activities," "social engagements," "participation in sports programs and excursions," "meaningful connections with the people and places in the child's new country," "language proficiency," and "location of personal belongings." Federal Judicial Center, J. Garbolino, The 1980 Hague Convention on the Civil Aspects of International Child Abduction: A Guide for Judges 67–68 (2d ed. 2015).

from domicile." Pérez-Vera 445, ¶66. The Conference deliberately chose "habitual residence" for its factual character, making it the foundation for the Convention's return remedy in lieu of formal legal concepts like domicile and nationality. See Anton, The Hague Convention on International Child Abduction, 30 Int'l & Comp. L. Q. 537, 544 (1981) (history of the Convention authored by the drafting commission's chairman). That choice is instructive. The signatory nations sought to afford courts charged with determining a child's habitual residence "maximum flexibility" to respond to the particular circumstances of each case. P. Beaumont & P. McEleavy, The Hague Convention on International Child Abduction 89–90 (1999) (Beaumont & McEleavy). The aim: to ensure that custody is adjudicated in what is presumptively the most appropriate forum—the country where the child is at home.

Our conclusion that a child's habitual residence depends on the particular circumstances of each case is bolstered by the views of our treaty partners. ICARA expressly recognizes "the need for uniform international interpretation of the Convention." 22 U. S. C. § 9001(b)(3)(B). See *Lozano*, 572 U. S., at 13; *Abbott*, 560 U. S., at 16. The understanding that the opinions of our sister signatories to a treaty are due "considerable weight," this Court has said, has "special force" in Hague Convention cases. *Ibid.* (quoting *El Al Israel Airlines, Ltd.* v. *Tsui Yuan Tseng*, 525 U. S. 155, 176 (1999), in turn quoting *Air France*, 470 U. S., at 404). The "clear trend" among our treaty partners is to treat the determination of habitual residence as a fact-driven inquiry into the particular circumstances of the case. *Balev*, [2018] 1 S. C. R., at 423, ¶50, 424 D. L. R. (4th), at 411, ¶50.

Lady Hale wrote for the Supreme Court of the United Kingdom: A child's habitual residence "depends on numerous factors . . . with the purposes and intentions of the parents being merely one of the relevant factors. . . . The essentially factual and individual nature of the inquiry should not be

Page Proof Pending Publication

glossed with legal concepts." *A*, [2014] A. C., at ¶54. The Court of Justice of the European Union, the Supreme Court of Canada, and the High Court of Australia agree. See *OL*, 2017 E. C. R. No. C–111/17, ¶42 (the habitual residence of a child "must be established . . . taking account of all the circumstances of fact specific to each individual case"); *Balev*, [2018] 1 S. C. R., at 421, 423–430, ¶¶43, 48–71, 424 D. L. R. (4th), at 410–417, ¶¶43, 48–71 (adopting an approach to habitual residence under which "[t]he judge considers all relevant links and circumstances"); *LK* v. *Director-General, Dept. of Community Servs.*, [2009] 237 C. L. R. 582, 596, ¶35 (Austl.) ("to seek to identify a set list of criteria that bear upon where a child is habitually resident . . . would deny the simple observation that the question of habitual residence will fall for decision in a very wide range of circumstances"). Intermediate appellate courts in Hong Kong and New Zealand have similarly stated what "habitual residence" imports. See *LCYP* v. *JEK*, [2015] 4 H. K. L. R. D. 798, 809–810, ¶7.7 (H. K.); *Punter* v. *Secretary for Justice*, [2007] 1 N. Z. L. R. 40, 71, ¶130 (N. Z.). Tellingly, Monasky has not identified a single treaty partner that has adopted her actual-agreement proposal. See Tr. of Oral Arg. 9.[4]

Cases Posted Before Publication

The bottom line: There are no categorical requirements for establishing a child's habitual residence—least of all an

[4] Monasky disputes that foreign courts apply a totality-of-the-circumstances standard to *infants*, as opposed to older children. In this regard, she points out, the Court of Justice of the European Union instructs that, "where 'the infant is in fact looked after by her mother,' 'it is necessary to assess the mother's integration in her social and family environment' in the relevant country." Reply Brief 5–6 (quoting *Mercredi* v. *Chaffe*, 2010 E. C. R. I–14309, I–14379, ¶55). True, a caregiving parent's ties to the country at issue are highly relevant. But the Court of Justice did not hold that the caregiver's ties are the end of the inquiry. Rather, the deciding court must "tak[e] account of *all* the circumstances of fact specific to each individual case." *Id.*, ¶56 (emphasis added) (also considering, among other factors, the infant's physical presence and duration of time in the country).

actual-agreement requirement for infants. Monasky's proposed actual-agreement requirement is not only unsupported by the Convention's text and inconsistent with the leeway and international harmony the Convention demands; her proposal would thwart the Convention's "objects and purposes." *Abbott*, 560 U. S., at 20. An actual-agreement requirement would enable a parent, by withholding agreement, unilaterally to block any finding of habitual residence for an infant. If adopted, the requirement would undermine the Convention's aim to stop unilateral decisions to remove children across international borders. Moreover, when parents' relations are acrimonious, as is often the case in controversies arising under the Convention, agreement can hardly be expected. In short, as the Court of Appeals observed below, "Monasky's approach would create a presumption of no habitual residence for infants, leaving the population most vulnerable to abduction the least protected." 907 F. 3d, at 410.

Page Proof Pending Publication

B

Monasky counters that an actual-agreement requirement is necessary to ensure "that an infant's mere physical presence in a country has a sufficiently settled quality to be deemed 'habitual.'" Brief for Petitioner 32. An infant's "mere physical presence," we agree, is not a dispositive indicator of an infant's habitual residence. But a wide range of facts other than an actual agreement, including facts indicating that the parents have made their home in a particular place, can enable a trier to determine whether an infant's residence in that place has the quality of being "habitual."

Monasky also argues that a bright-line rule like her proposed actual-agreement requirement would promote prompt returns of abducted children and deter would-be abductors from "tak[ing] their chances" in the first place. *Id.*, at 35, 38. Adjudicating a winner-takes-all evidentiary dispute over whether an agreement existed, however, is scarcely more expeditious than providing courts with leeway to make

"a quick impression gained on a panoramic view of the evidence." Beaumont & McEleavy 103 (internal quotation marks omitted). When all the circumstances are in play, would-be abductors should find it more, not less, difficult to manipulate the reality on the ground, thus impeding them from forging "artificial jurisdictional links . . . with a view to obtaining custody of a child." Pérez-Vera 428, ¶11.

Finally, Monasky and *amici curiae* raise a troublesome matter: An actual-agreement requirement, they say, is necessary to protect children born into domestic violence. Brief for Petitioner 42–44; Brief for Sanctuary for Families et al. as *Amici Curiae* 11–20. Domestic violence poses an "intractable" problem in Hague Convention cases involving caregiving parents fleeing with their children from abuse. Hale, Taking Flight—Domestic Violence and Child Abduction, 70 Current Legal Prob. 3, 11 (2017). We doubt, however, that imposing a categorical actual-agreement requirement is an appropriate solution, for it would leave many infants without a habitual residence, and therefore outside the Convention's domain. See *supra*, at 80–81. Settling the forum for adjudication of a dispute over a child's custody, of course, does not dispose of the merits of the controversy over custody. Domestic violence should be an issue fully explored in the custody adjudication upon the child's return.

Page Proof Pending Publication

The Hague Convention, we add, has a mechanism for guarding children from the harms of domestic violence: Article 13(b). See Hale, 70 Current Legal Prob., at 10–16 (on Hague Conference working group to develop a best-practices guide to the interpretation and application of Article 13(b) in cases involving domestic violence). Article 13(b), as noted *supra*, at 72, allows a court to refrain from ordering a child's return to her habitual residence if "there is a grave risk that [the child's] return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation." Art. 13(b), Treaty Doc., at 10. Monasky raised below an Article 13(b) defense to Taglieri's return petition.

In response, the District Court credited Monasky's "deeply troubl[ing]" allegations of her exposure to Taglieri's physical abuse. App. to Pet. for Cert. 105a. But the District Court found "no evidence" that Taglieri ever abused A. M. T. or otherwise disregarded her well-being. *Id.*, at 103a, 105a. That court also followed Circuit precedent disallowing consideration of psychological harm A. M. T. might experience due to separation from her mother. *Id.*, at 102a. Monasky does not challenge those dispositions in this Court.

III

Turning to the second question presented: What is the appropriate standard of appellate review of an initial adjudicator's habitual-residence determination? Neither the Convention nor ICARA prescribes modes of appellate review, other than the directive to act "expeditiously." Art. 11, Treaty Doc., at 9; see Federal Judicial Center, J. Garbolino, The 1980 Hague Convention on the Civil Aspects of International Child Abduction: A Guide for Judges 162 (2d ed. 2015) (the Convention's "emphasis on prompt disposition applies to appellate proceedings").[5]

Page Proof Pending Publication

Absent a treaty or statutory prescription, the appropriate level of deference to a trial court's habitual-residence determination depends on whether that determination resolves a question of law, a question of fact, or a mixed question of law and fact. Generally, questions of law are reviewed *de novo* and questions of fact, for clear error, while the appropriate standard of appellate review for a mixed question "depends . . . on whether answering it entails primarily legal or factual

---

[5] Monasky contends that only *de novo* review can satisfy "the need for uniform international interpretation of the Convention." 22 U. S. C. § 9001(b)(3)(B). See Brief for Petitioner 19–21. However, ICARA's recognition of the need for harmonious international interpretation is hardly akin to the "clear statutory prescription" on the standard of appellate review that Congress has provided "[f]or some few trial court determinations." *Pierce* v. *Underwood*, 487 U. S. 552, 558 (1988).

work." *U. S. Bank N. A.* v. *Village at Lakeridge, LLC*, 583 U. S. 387, 396 (2018).

A child's habitual residence presents what U. S. law types a "mixed question" of law and fact—albeit barely so. *Id.*, at 395. The inquiry begins with a legal question: What is the appropriate standard for habitual residence? Once the trial court correctly identifies the governing totality-of-the-circumstances standard, however, what remains for the court to do in applying that standard, as we explained *supra*, at 76–80, is to answer a factual question: Was the child at home in the particular country at issue? The habitual-residence determination thus presents a task for factfinding courts, not appellate courts, and should be judged on appeal by a clear-error review standard deferential to the factfinding court.

In selecting standards of appellate review, the Court has also asked whether there is "a long history of appellate practice" indicating the appropriate standard, for arriving at the standard from first principles can prove "uncommonly difficult." *Pierce* v. *Underwood*, 487 U. S. 552, 558 (1988). Although some Federal Courts of Appeals have reviewed habitual-residence determinations *de novo*, there has been no uniform, reasoned practice in this regard, nothing resembling "a historical tradition." *Ibid.* See also *supra*, at 76 (noting a Circuit split). Moreover, when a mixed question has a factual foundation as evident as the habitual-residence inquiry here does, there is scant cause to default to historical practice.

Page Proof Pending Publication

Clear-error review has a particular virtue in Hague Convention cases. As a deferential standard of review, clear-error review speeds up appeals and thus serves the Convention's premium on expedition. See Arts. 2, 11, Treaty Doc., at 7, 9. Notably, courts of our treaty partners review first-instance habitual-residence determinations deferentially. See, *e. g.*, *Balev*, [2018] 1 S. C. R., at 419, ¶38, 424 D. L. R. (4th), at 408, ¶38; *Punter*, [2007] 1 N. Z. L. R., at 88, ¶204; *AR* v. *RN*, [2015] UKSC 35, ¶18.

IV

Although agreeing with the manner in which the Court has resolved the two questions presented, the United States, as an *amicus curiae* supporting neither party, suggests remanding to the Court of Appeals rather than affirming that court's judgment. Brief for United States as *Amicus Curiae* 28. Ordinarily, we might take that course, giving the lower courts an opportunity to apply the governing totality-of-the-circumstances standard in the first instance.

Under the circumstances of this case, however, we decline to disturb the judgment below. True, the lower courts viewed A. M. T.'s situation through the lens of her parents' shared intentions. But, after a four-day bench trial, the District Court had before it all the facts relevant to the dispute. Asked at oral argument to identify any additional fact the District Court did not digest, counsel for the United States offered none. Tr. of Oral Arg. 38. Monasky and Taglieri agree that their dispute "requires no 'further factual development,' " and neither party asks for a remand. Reply Brief 22 (quoting Brief for Respondent 54).

Page Proof Pending Publication

Monasky does urge the Court to reverse if it rests A. M. T.'s habitual residence on all relevant circumstances. She points to her "absence of settled ties to Italy" and the "unsettled and unstable conditions in which A. M. T. resided in Italy." Reply Brief 19 (internal quotation marks and alteration omitted). The District Court considered the competing facts bearing on those assertions, however, including the fraught circumstances in which the parties' marriage unraveled. That court nevertheless found that Monasky had sufficient ties to Italy such that "[a]rguably, [she] was a habitual resident of Italy." App. to Pet. for Cert. 91a. And, despite the rocky state of the marriage, the District Court found beyond question that A. M. T. was born into "a marital home in Italy," one that her parents established "with no definitive plan to return to the United States." *Id.*, at 97a.

Nothing in the record suggests that the District Court would appraise the facts differently on remand.

A remand would consume time when swift resolution is the Convention's objective. The instant return-order proceedings began a few months after A. M. T.'s birth. She is now five years old. The more than four-and-a-half-year duration of this litigation dwarfs the six-week target time for resolving a return-order petition. See Art. 11, Treaty Doc., at 9. Taglieri represents that custody of A. M. T. has so far been resolved only "on an interim basis," Brief for Respondent 56, n. 13, and that custody proceedings, including the matter of Monasky's parental rights, remain pending in Italy. Tr. of Oral Arg. 60–61. Given the exhaustive record before the District Court, the absence of any reason to anticipate that the District Court's judgment would change on a remand that neither party seeks, and the protraction of proceedings thus far, final judgment on A. M. T.'s return is in order.

Page Proof Pending Publication

* * *

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

Affirmed.

JUSTICE THOMAS, concurring in part and concurring in the judgment.

The Court correctly concludes that an actual agreement between parents is not necessary to establish the habitual residence of an infant who is too young to acclimatize.* I also agree with the Court's conclusion that the habitual-

*The Court states that we "granted certiorari to clarify the standard for habitual residence," *ante*, at 76, and the opinion contains language that may be read to apply to older children, see, *e. g.*, *ante*, at 78. But the relevant question presented focuses exclusively on the habitual residence of "an infant [who] is too young to acclimate to her surroundings." Pet. for Cert. i. I would confine our analysis to that distinct question, which is the only one briefed by the parties.

residence inquiry is intensely fact driven, requiring courts to take account of the unique circumstances of each case. I write separately, however, because I would decide this case principally on the plain meaning of the treaty's text.

I

This case requires us to interpret the Hague Convention on the Civil Aspects of International Child Abduction, Oct. 25, 1980, T. I. A. S. No. 11670, S. Treaty Doc. No. 99–11, as implemented by the International Child Abduction Remedies Act (ICARA), as amended, 22 U. S. C. § 9001 *et seq.* Article 3 of the Convention provides that the "removal or the retention of a child is to be considered wrongful" when "it is in breach of rights of custody attributed to a person . . . under the law of the State in which the child was habitually resident immediately before the removal or retention" and "at the time of removal or retention those rights were actually exercised." S. Treaty Doc. No. 99–11, at 7. Under ICARA, a parent may petition a federal or state court to return an abducted child to the child's country of habitual residence. § 9003(b). ICARA does not define habitual residence; it merely states that the petitioning parent must "establish by a preponderance of the evidence . . . that the child has been wrongfully removed or retained within the meaning of the Convention." § 9003(e)(1)(A). The Convention also does not define the phrase.

Page Proof Pending Publication

"'The interpretation of a treaty, like the interpretation of a statute, begins with its text.'" *Abbott* v. *Abbott*, 560 U. S. 1, 10 (2010) (quoting *Medellín* v. *Texas*, 552 U. S. 491, 506 (2008)). The Court recognizes this fact, but it concludes that the text only "suggests" that habitual residence is a fact-driven inquiry, and ultimately relies on atextual sources to "confir[m] what the Convention's text suggests." *Ante*, at 77. In my view, the ordinary meaning of the relevant language at the time of the treaty's enactment provides strong evidence that the habitual-

residence inquiry is inherently fact driven. See *Schindler Elevator Corp.* v. *United States ex rel. Kirk*, 563 U. S. 401, 407 (2011).

In 1980, as today, "habitual" referred to something that was "[c]ustomary" or "usual." Black's Law Dictionary 640 (5th ed. 1979); see also 6 Oxford English Dictionary 996 (2d ed. 1989) ("existing as a settled practice or condition; constantly repeated or continued; customary"); Webster's Third New International Dictionary 1017 (1976) (similar). And "residence" referred to a "[p]ersonal presence at some place of abode," Black's Law Dictionary, at 1176, "one's usual dwelling-place," 13 Oxford English Dictionary, at 707, or "the act or fact of abiding or dwelling in a place for some time," Webster's Third New International Dictionary, at 1931; see also *ibid.* ("a temporary or permanent dwelling place, abode, or habitation").

These definitions demonstrate that the concept of habitual residence for a child too young to acclimatize cannot be reduced to a neat set of necessary and sufficient conditions. Answering the question of what is customary or usual, for instance, requires judges to consider a host of facts, such as the presence or absence of bank accounts and driver's licenses, the length and type of employment, and the strength and duration of other community ties. Determining whether there is a residence involves the consideration of factors such as the presence or absence of a permanent home, the duration in the country at issue, and, in some cases, an actual agreement between the parents to reside in a particular place. Accordingly, the ordinary meaning of the phrase "habitual residence" provides strong support for the conclusion that an objective agreement between the child's parents is not required. This plain meaning should serve as the primary guide for our interpretation. See *Water Splash, Inc.* v. *Menon*, 581 U. S. 271, 276 (2017); *Olympic Airways* v. *Husain*, 540 U. S. 644, 649 (2004).

Page Proof Pending Publication

II

This case exemplifies the wisdom of firmly anchoring our discussion in the text before turning to the decisions of sister signatories—especially when those decisions are not contemporaneous with the treaty's passage. Here, the Court finds it meaningful that foreign courts have interpreted the phrase "habitual residence" as a fact-driven inquiry. *Ante*, at 79–80. Though a "'clear trend'" has certainly emerged in foreign courts, *ante*, at 79, this consensus appears to have developed only within the past decade.

Lady Hale of the Supreme Court of the United Kingdom noted as much in the 2013 decision cited by the Court. As she explained, for many years "the English courts [had] been tempted to overlay the factual concept of habitual residence with legal constructs," creating legal rules that dictated a child's habitual residence. *A* v. *A*, [2014] A. C. ¶39 (2013) (U. K.); see also *id.*, ¶37. According to one commentator writing in 2001, though "academics and judges" had stressed "that the term should not be treated as a term of art and should not be complicated by technical legal requirements similar to those applicable to the concept of domicile," "in some cases these statements seem[ed] to have been pure lip-service, since many courts [were] unable to resist the temptation to 'legalise' the concept." Schuz, Habitual Residence of Children Under the Hague Child Abduction Convention—Theory and Practice, 13 Child & Family L. Q. 1, 4 (2001). Thus, until recently, "[t]he approach of many [foreign] courts [had] been to focus exclusively on the purpose of the parents in relocating," an inquiry that speaks to the legal concept of domicile. Schuz, Policy Considerations in Determining the Habitual Residence of a Child and the Relevance of Context, 11 J. Transnat'l L. & Pol'y 101, 103 (2001) (footnote omitted).

It seems, then, that it took approximately 30 years from the time of the Convention's enactment in 1980 for foreign jurisdictions to coalesce around an interpretation of habitual

Page Proof Pending Publication

residence. This relatively recent evolution brings into bold relief the risk of relying too heavily on the decisions of foreign courts in lieu of a fulsome textual analysis. Because the decisions are not contemporaneous with the treaty's passage, they do not necessarily provide the best evidence of the original understanding of the phrase. And reflexively looking to foreign courts raises the question whether this Court would have resolved this case differently had the issue been presented in 1990, 2000, or even 2010, before the clear trend emerged.

The Court attempts to sidestep this difficulty by pointing to a statement in ICARA's preamble that stresses "the need for uniform international interpretation of the Convention." 22 U. S. C. § 9001(b)(3)(B); see *ante*, at 79. It should go without saying that if our independent assessment of habitual residence led to a conclusion that diverged from the emerging consensus, invocation of this prefatory language to force agreement at the expense of plain meaning would be unfounded. By relying too heavily on the judicial decisions of the treaty's other signatories, rather than on a more thorough textual analysis, we risk being persuaded to reach the popular answer, but perhaps not the correct one. In short, "we should not substitute the judgment of other courts for our own." *Abbott*, 560 U. S., at 43 (Stevens, J., dissenting); see also *Olympic Airways*, 540 U. S., at 655, n. 9.

Please Proof Before Final Publication

To avoid these potential pitfalls, I would rely on the plain meaning of "habitual residence" to conclude that an actual agreement is not necessary. See *supra*, at 87–88. That conclusion is bolstered by the Convention's explanatory report. Interpretations from the courts of sister signatories, though recent, also support the conclusion because they align with the meaning of the text and our own independent judgment. Because the Court places insufficient weight on the treaty's text, I cannot join Part II of its opinion.

JUSTICE ALITO, concurring in part and concurring in the judgment.

I agree with the Court on almost all the issues in this case. Specifically, I agree (1) that analysis of the question of "habitual residence" should be based on a range of factors and should be attentive to the particular facts of each case, (2) that a child may have a habitual residence in a country without a parental agreement to that effect, (3) that our interpretation of habitual residence should take into account the interpretations of other signatory nations, (4) that a district court's decision on habitual residence is entitled to deference on appeal, and (5) that the judgment below should be affirmed. I also agree with JUSTICE THOMAS that we must independently interpret the meaning of "habitual residence."

So what does it mean? The term "habitual" is used to refer to a cluster of related concepts. It can be used to refer to things done by habit, as well as things that are "constantly repeated or continued," "usual," or "accustomed." 6 Oxford English Dictionary 996 (2d ed. 1989); see also Webster's Third New International Dictionary 1017 (1976). If taken in isolation, each of these understandings might lead to a different analysis in applying the concept of "habitual residence" under the Convention. See Hague Convention on the Civil Aspects of International Child Abduction, Oct. 25, 1980, T. I. A. S. No. 11670, S. Treaty Doc. No. 99–11. But I think the Court accurately captures what the term means under the Convention when it says that a child's habitual residence is the child's "home." *Ante*, at 77, 79, 84.

Page Proof Pending Publication

Of course the concept of "home" is also multifaceted. It can be used to signify the place where a person generally sleeps, eats, works, and engages in social and recreational activities, but it can also mean the place where a person feels most comfortable and the place to which the person has the strongest emotional ties. See 7 Oxford English Dictionary, at 322–323; Webster's Third New International Dictionary,

at 1082. As best I can determine, the concept of "habitual residence" under the Convention embraces all of these meanings to some degree. If forced to try to synthesize them, I would say it means the place where the child in fact has been living for an extended period—unless that place was never regarded as more than temporary or there is another place to which the child has a strong attachment. I think this is the core of what courts have made of the concept of "habitual residence," and it appears to represent the best distillation of the various shades of meaning of the term taken in context.

So interpreted, "habitual residence" is not a pure question of fact, at least as we understand that concept in our legal system. But it does involve a heavily factual inquiry. For these reasons, I would say that the standard of review on appeal is abuse of discretion, not clear error. As a practical matter, the difference may be no more than minimal. The important point is that great deference should be afforded to the District Court's determination.

Page Proof Pending Publication

Syllabus

HERNANDEZ ET AL. *v.* MESA

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

No. 17–1678. Argued November 12, 2019—Decided February 25, 2020

Respondent, United States Border Patrol Agent Jesus Mesa, Jr., shot and killed Sergio Adrián Hernández Güereca, a 15-year-old Mexican national, in a tragic and disputed cross-border incident. Mesa was standing on U. S. soil when he fired the bullets that struck and killed Hernández, who was on Mexican soil, after having just run back across the border following entry onto U. S. territory. Agent Mesa contends that Hernández was part of an illegal border crossing attempt, while petitioners, Hernández's parents, claim he was playing a game with his friends that involved running back and forth across the culvert separating El Paso, Texas, from Ciudad Juarez, Mexico. The shooting drew international attention, and the Department of Justice investigated, concluded that Agent Mesa had not violated Customs and Border Patrol policy or training, and declined to bring charges against him. The United States also denied Mexico's request for Agent Mesa to be extradited to face criminal charges in Mexico.

Page Proof Pending Publication

Petitioners sued for damages in U. S. District Court under *Bivens* v. *Six Unknown Fed. Narcotics Agents*, 403 U. S. 388, alleging that Mesa violated Hernández's Fourth and Fifth Amendment rights. The District Court dismissed their claims, and the United States Court of Appeals for the Fifth Circuit affirmed. After this Court vacated that decision and remanded for further consideration in light of *Ziglar* v. *Abbasi*, 582 U. S. 120, the Fifth Circuit again affirmed, refusing to recognize a *Bivens* claim for a cross-border shooting.

Held: *Bivens*' holding does not extend to claims based on a cross-border shooting. Pp. 99–114.

(a) In *Bivens*, the Court implied a Fourth Amendment claim for damages even though no federal statute authorized such a claim. The Court later extended *Bivens*' reach to cover claims under the Fifth and Eighth Amendments. See *Davis* v. *Passman*, 442 U. S. 228; *Carlson* v. *Green*, 446 U. S. 14. But *Bivens*' expansion has since become "a 'disfavored' judicial activity," *Abbasi*, *supra*, at 135, and the Court has generally expressed doubt about its authority to recognize causes of action not expressly created by Congress, see, *e. g.*, *Jesner* v. *Arab Bank, PLC*, 584 U. S. 241, 264–265. When considering whether to extend *Bivens*, the Court uses a two-step inquiry that first asks whether the request in-

volves a claim that arises in a "new context" or involves a "new category of defendants." *Correctional Services Corp.* v. *Malesko*, 534 U. S. 61, 68. If so, the Court then asks whether there are any "special factors [that] counse[l] hesitation" about granting the extension. *Abbasi*, *supra*, at 136. Pp. 99–102.

(b) Petitioners' *Bivens* claims arise in a new context. Their claims are based on the same constitutional provisions as claims in cases in which damages remedies were previously recognized, but the context—a cross-border shooting—is significantly "different . . . from previous *Bivens* cases." *Abbasi*, 582 U. S., at 139. It involves a "risk of disruptive intrusion by the Judiciary into the functioning of other branches." *Id.*, at 140. P. 103.

(c) Multiple, related factors counsel hesitation before extending *Bivens* remedies into this new context. Pp. 103–114.

(1) The expansion of a *Bivens* remedy that impinges on foreign relations—an arena "so exclusively entrusted to the political branches . . . as to be largely immune from judicial inquiry," *Haig* v. *Agee*, 453 U. S. 280, 292—risks interfering with the Executive Branch's "lead role in foreign policy," *Medellín* v. *Texas*, 552 U. S. 491, 524. A cross-border shooting affects the interests of two countries and, as happened here, may lead to disagreement. It is not for this Court to arbitrate between the United States and Mexico, which both have legitimate and important interests at stake and have sought to reconcile those interests through diplomacy. Pp. 103–106.

Please Do Not Remove Watermark

(2) Another factor is the risk of undermining border security. The U. S. Customs and Border Protection Agency is responsible for preventing the illegal entry of dangerous persons and goods into the United States, and the conduct of their agents positioned at the border has a clear and strong connection to national security. This Court has not extended *Bivens* where doing so would interfere with the system of military discipline created by statute and regulation, see, *e. g.*, *Chappell* v. *Wallace*, 462 U. S. 296, and a similar consideration is applicable to the framework established by the political branches for addressing cases in which it is alleged that lethal force at the border was unlawfully employed by a border agent. Pp. 107–109.

(3) Moreover, Congress has repeatedly declined to authorize the award of damages against federal officials for injury inflicted outside U. S. borders. For example, recovery under 42 U. S. C. § 1983 is available only to "citizen[s] of the United States or other person[s] within the jurisdiction thereof." The Federal Tort Claims Act bars "[a]ny claim arising in a foreign country." 28 U. S. C. § 2680(k). And the Torture Victim Protection Act of 1991, note following 28 U. S. C. § 1350, cannot be used by an alien to sue a United States officer. When Congress has

provided compensation for injuries suffered by aliens outside the United States, it has done so by empowering Executive Branch officials to make payments under circumstances found to be appropriate. See, *e. g.*, Foreign Claims Act, 10 U. S. C. §2734. Congress's decision not to allow suit in these contexts further indicates that the Judiciary should not create a cause of action that extends across U. S. borders either. Pp. 109–113.

(4) These factors can all be condensed to the concern for respecting the separation of powers. The most important question is whether Congress or the courts should create a damages remedy. Here the answer is Congress. Congress's failure to act does not compel the Court to step into its shoes. Pp. 113–114.

885 F. 3d 811, affirmed.

ALITO, J., delivered the opinion of the Court, in which ROBERTS, C. J., and THOMAS, GORSUCH, and KAVANAUGH, JJ., joined. THOMAS, J., filed a concurring opinion, in which GORSUCH, J., joined, *post*, p. 114. GINSBURG, J., filed a dissenting opinion, in which BREYER, SOTOMAYOR, and KAGAN, JJ., joined, *post*, p. 118.

Stephen I. Vladeck argued the cause for petitioners. With him on the briefs were *Leah M. Litman*, *Cristobal M. Galindo*, *Robert C. Hilliard*, *Marion M. Reilly*, *Steve D. Shadowen*, and *Matthew C. Weiner*.

Page Proof Pending Publication

Randolph J. Ortega argued the cause for respondent. With him on the brief were *Louis Elias Lopez, Jr.*, and *Gabriel Perez*.

Deputy Solicitor General Wall argued the cause for the United States as *amicus curiae* urging affirmance. With him on the brief were *Solicitor General Francisco*, *Assistant Attorney General Hunt*, *Deputy Assistant Attorney General Mooppan*, *Morgan L. Ratner*, *Mark B. Stern*, *Katherine Twomey Allen*, *Mary Hampton Mason*, and *Siegmund F. Fuchs*.*

---

*Briefs of *amici curiae* urging reversal were filed for the American Civil Liberties Union et al. by *Cody Wofsy*, *Cecillia Wang*, *Lee Gelernt*, *Omar C. Jadwat*, *David D. Cole*, *Andre I. Segura*, and *Maria Martinez Sanchez*; for Amnesty International USA et al. by *Hope Metcalf* and *John W. Whitehead*; for Brady by *Sean A. Lev*, *Joshua Hafenbrack*, *Frederick Gaston Hall*, and *Jonathan E. Lowy*; for the Constitutional Accountability Center by *Elizabeth B. Wydra*, *Brianne J. Gorod*, and *David H. Gans*; for

JUSTICE ALITO delivered the opinion of the Court.

We are asked in this case to extend *Bivens* v. *Six Unknown Fed. Narcotics Agents*, 403 U. S. 388 (1971), and create a damages remedy for a cross-border shooting. As we have made clear in many prior cases, however, the Constitution's separation of powers requires us to exercise caution before extending *Bivens* to a new "context," and a claim based on a cross-border shooting arises in a context that is markedly new. Unlike any previously recognized *Bivens* claim, a cross-border shooting claim has foreign relations and national security implications. In addition, Congress has been notably hesitant to create claims based on allegedly tortious conduct abroad. Because of the distinctive characteristics of cross-border shooting claims, we refuse to extend *Bivens* into this new field.

I

The facts of this tragic case are set forth in our earlier opinion in this matter, *Hernández* v. *Mesa*, 582 U. S. 548 (2017) (*per curiam*). Sergio Adrián Hernández Güereca, a 15-year-old Mexican national, was with a group of friends in

Page Proof Pending Publication

Former Officials of U. S. Customs and Border Protection Agency by *Kelsi Brown Corkran* and *Thomas M. Bondy*; for the Government of the United Mexican States by *Donald Francis Donovan* and *Carl J. Micarelli*; for Immigrant and Civil Rights Organizations by *Matthew E. Price*, *Trina Realmuto*, *Mary A. Kenney*, and *Matt Adams*; for the Institute for Justice by *Robert Frommer* and *Darpana Sheth*; for the Tahirih Justice Center et al. by *Sharon Katz* and *Julie Goldscheid*; for Douglas Laycock et al. by *Joshua Matz*; for Alan Mygatt-Tauber by *Mr. Mygatt-Tauber, pro se*; for Gregory C. Sisk by *Ari J. Savitzky* and *David Sapir Lesser*; and for Carlos M. Vazquez et al. by *Hyland Hunt* and *Ruthanne M. Deutsch.*

Briefs of *amici curiae* urging affirmance were filed for APA Watch by *Lawrence J. Joseph*; and for the Criminal Justice Legal Foundation by *Kent S. Scheidegger* and *Kymberlee C. Stapleton.*

Briefs of *amici curiae* were filed for the Border Network for Human Rights et al. by *Arleigh P. Helfer III* and *Stephen A. Fogdall*; for Border Scholars by *Joshua S. Lipshutz* and *Ethan D. Dettmer*; and for the Council on American-Islamic Relations et al. by *Lena F. Masri* and *Justin Sadowsky.*

a concrete culvert that separates El Paso, Texas, from Ciudad Juarez, Mexico. The border runs through the center of the culvert, which was designed to hold the waters of the Rio Grande River but is now largely dry. Border Patrol Agent Jesus Mesa, Jr., detained one of Hernández's friends who had run onto the United States' side of the culvert. After Hernández, who was also on the United States' side, ran back across the culvert onto Mexican soil, Agent Mesa fired two shots at Hernández; one struck and killed him on the other side of the border.

Petitioners and Agent Mesa disagree about what Hernández and his friends were doing at the time of shooting. According to petitioners, they were simply playing a game, running across the culvert, touching the fence on the U. S. side, and then running back across the border. According to Agent Mesa, Hernández and his friends were involved in an illegal border crossing attempt, and they pelted him with rocks.[1]

Page Proof Pending Publication

The shooting quickly became an international incident, with the United States and Mexico disagreeing about how the matter should be handled. On the United States' side, the Department of Justice conducted an investigation. When it finished, the Department, while expressing regret over Hernández's death, concluded that Agent Mesa had not violated Customs and Border Patrol policy or training, and it declined to bring charges or take other action against him. Mexico was not and is not satisfied with the U. S. investigation. It requested that Agent Mesa be extradited to face criminal charges in a Mexican court, a request that the United States has denied.

Petitioners, Hernández's parents, were also dissatisfied and therefore brought suit for damages in the United States

---

[1] See App. to Pet. for Cert. 198–199; Dept. of Justice, Federal Officials Close Investigation Into the Death of Sergio Hernandez-Guereca (Apr. 27, 2012), https://www.justice.gov/opa/pr/federal-officials-close-investigation-death-sergio-hernandez-guereca (hereinafter DOJ Press Release).

District Court for the Western District of Texas. Among other claims, they sought recovery of damages under *Bivens*, alleging that Mesa violated Hernández's Fourth and Fifth Amendment rights. The District Court granted Mesa's motion to dismiss, and the Court of Appeals for the Fifth Circuit sitting en banc has twice affirmed this dismissal.

On the first occasion, the court held that Hernández was not entitled to Fourth Amendment protection because he was "a Mexican citizen who had no 'significant voluntary connection' to the United States" and "was on Mexican soil at the time he was shot." *Hernandez* v. *United States*, 785 F. 3d 117, 119 (CA5 2015) (*per curiam*). It further concluded that Mesa was entitled to qualified immunity on petitioners' Fifth Amendment claim. *Id.*, at 120.

After granting review, we vacated the Fifth Circuit's decision and remanded the case, instructing the court "to consider how the reasoning and analysis" of *Ziglar* v. *Abbasi*, 582 U. S. 120 (2017), our most recent explication of *Bivens*, "[might] bear on this case." *Hernández*, 582 U. S., at 553. We found it "appropriate for the Court of Appeals, rather than this Court, to address the *Bivens* question in the first instance." *Ibid.* And with the *Bivens* issue unresolved, we thought it "imprudent" to resolve the "sensitive" question whether the Fourth Amendment applies to a cross-border shooting. 582 U. S., at 554. In addition, while rejecting the ground on which the Court of Appeals had held that Agent Mesa was entitled to qualified immunity, we declined to decide whether he was entitled to qualified immunity on a different ground or whether petitioners' claim was cognizable under the Fifth Amendment. *Id.*, at 554–555.

On remand, the en banc Fifth Circuit evaluated petitioners' case in light of *Abbasi* and refused to recognize a *Bivens* claim for a cross-border shooting. 885 F. 3d 811 (2018). The court reasoned that such an incident presents a "'new context'" and that multiple factors—including the incident's relationship to foreign affairs and national security, the ex-

Page Proof Pending Publication

traterritorial aspect of the case, and Congress's "repeated refusals" to create a damages remedy for injuries incurred on foreign soil—counseled against an extension of *Bivens*. 885 F. 3d, at 816–823.

We granted certiorari, 587 U. S. 1025 (2019), and now affirm.

II

In *Bivens* v. *Six Unknown Fed. Narcotics Agents*, 403 U. S. 388, the Court broke new ground by holding that a person claiming to be the victim of an unlawful arrest and search could bring a Fourth Amendment claim for damages against the responsible agents even though no federal statute authorized such a claim. The Court subsequently extended *Bivens* to cover two additional constitutional claims: in *Davis* v. *Passman*, 442 U. S. 228 (1979), a former congressional staffer's Fifth Amendment claim of dismissal based on sex, and in *Carlson* v. *Green*, 446 U. S. 14 (1980), a federal prisoner's Eighth Amendment claim for failure to provide adequate medical treatment. After those decisions, however, the Court changed course.

Page Proof Pending Publication

Bivens, *Davis*, and *Carlson* were the products of an era when the Court routinely inferred "causes of action" that were "not explicit" in the text of the provision that was allegedly violated. *Abbasi*, 582 U. S., at 132. As *Abbasi* recounted:

> "During this '*ancien regime*,' . . . the Court assumed it to be a proper judicial function to 'provide such remedies as are necessary to make effective' a statute's purpose . . . . Thus, as a routine matter with respect to statutes, the Court would imply causes of action not explicit in the statutory text itself." *Ibid.* (quoting *Alexander* v. *Sandoval*, 532 U. S. 275, 287 (2001); *J. I. Case Co.* v. *Borak*, 377 U. S. 426, 433 (1964)).

Bivens extended this practice to claims based on the Constitution itself. 582 U. S., at 131–132; *Bivens*, 403 U. S., at 402 (Harlan, J., concurring in judgment) (Court can infer availabil-

ity of damages when, "in its view, damages are necessary to effectuate" the "policy underpinning the substantive provisio[n]").

In later years, we came to appreciate more fully the tension between this practice and the Constitution's separation of legislative and judicial power. The Constitution grants legislative power to Congress; this Court and the lower federal courts, by contrast, have only "judicial Power." Art. III, § 1. But when a court recognizes an implied claim for damages on the ground that doing so furthers the "purpose" of the law, the court risks arrogating legislative power. No law "'pursues its purposes at all costs.'" *American Express Co.* v. *Italian Colors Restaurant*, 570 U. S. 228, 234 (2013) (quoting *Rodriguez* v. *United States*, 480 U. S. 522, 525–526 (1987) (*per curiam*)). Instead, lawmaking involves balancing interests and often demands compromise. See *Board of Governors, FRS* v. *Dimension Financial Corp.*, 474 U. S. 361, 373–374 (1986). Thus, a lawmaking body that enacts a provision that creates a right or prohibits specified conduct may not wish to pursue the provision's purpose to the extent of authorizing private suits for damages. For this reason, finding that a damages remedy is implied by a provision that makes no reference to that remedy may upset the careful balance of interests struck by the lawmakers. See *ibid.*

Page Proof Pending Publication

This problem does not exist when a common-law court, which exercises a degree of lawmaking authority, fleshes out the remedies available for a common-law tort. Analogizing *Bivens* to the work of a common-law court, petitioners and some of their *amici* make much of the fact that common-law claims against federal officers for intentional torts were once available. See, *e. g.*, Brief for Petitioners 10–20. But *Erie R. Co.* v. *Tompkins*, 304 U. S. 64, 78 (1938), held that "[t]here is no federal general common law," and therefore federal courts today cannot fashion new claims in the way that they could before 1938. See *Alexander*, 532 U. S., at 287 ("'Rais-

ing up causes of action where a statute has not created them may be a proper function for common-law courts, but not for federal tribunals' ").

With the demise of federal general common law, a federal court's authority to recognize a damages remedy must rest at bottom on a statute enacted by Congress, see *id.*, at 286 ("private rights of action to enforce federal law must be created by Congress"), and no statute expressly creates a *Bivens* remedy. Justice Harlan's *Bivens* concurrence argued that this power is inherent in the grant of federal question jurisdiction, see 403 U. S., at 396 (majority opinion); *id.*, at 405 (opinion of Harlan, J.), but our later cases have demanded a clearer manifestation of congressional intent, see *Abbasi*, 582 U. S., at 134–135.

In both statutory and constitutional cases, our watchword is caution. For example, in *Jesner* v. *Arab Bank, PLC*, 584 U. S. 241, 264–265 (2018) we expressed doubt about our authority to recognize any causes of action not expressly created by Congress. See also *Abbasi*, 582 U. S., at 133 ("If the statute does not itself so provide, a private cause of action will not be created through judicial mandate"). And we declined to recognize a claim against a foreign corporation under the Alien Tort Statute. *Jesner*, 584 U. S., at 274.

Page Proof Pending Publication

In constitutional cases, we have been at least equally reluctant to create new causes of action. We have recognized that Congress is best positioned to evaluate "whether, and the extent to which, monetary and other liabilities should be imposed upon individual officers and employees of the Federal Government" based on constitutional torts. *Abbasi*, 582 U. S., at 134. We have stated that expansion of *Bivens* is "a 'disfavored' judicial activity," 582 U. S., at 135 (quoting *Ashcroft* v. *Iqbal*, 556 U. S. 662, 675 (2009)), and have gone so far as to observe that if "the Court's three *Bivens* cases [had] been . . . decided today," it is doubtful that we would have reached the same result, 582 U. S., at 134. And for

almost 40 years, we have consistently rebuffed requests to add to the claims allowed under *Bivens*. See 582 U. S., at 146; *Minneci* v. *Pollard*, 565 U. S. 118 (2012); *Wilkie* v. *Robbins*, 551 U. S. 537 (2007); *Correctional Services Corp.* v. *Malesko*, 534 U. S. 61 (2001); *FDIC* v. *Meyer*, 510 U. S. 471 (1994); *Schweiker* v. *Chilicky*, 487 U. S. 412 (1988); *United States* v. *Stanley*, 483 U. S. 669 (1987); *Chappell* v. *Wallace*, 462 U. S. 296 (1983); *Bush* v. *Lucas*, 462 U. S. 367 (1983).

When asked to extend *Bivens*, we engage in a two-step inquiry. We first inquire whether the request involves a claim that arises in a "new context" or involves a "new category of defendants." *Malesko*, 534 U. S., at 68. And our understanding of a "new context" is broad. We regard a context as "new" if it is "different in a meaningful way from previous *Bivens* cases decided by this Court." *Abbasi*, 582 U. S., at 139.

Page Proof Pending Publication

When we find that a claim arises in a new context, we proceed to the second step and ask whether there are any "'"special factors [that] counse[l] hesitation"'" about granting the extension. *Id.*, at 136 (quoting *Carlson*, 446 U. S., at 18, in turn quoting *Bivens*, 403 U. S., at 396). If there are—that is, if we have reason to pause before applying *Bivens* in a new context or to a new class of defendants—we reject the request.

We have not attempted to "create an exhaustive list" of factors that may provide a reason not to extend *Bivens*, but we have explained that "central to [this] analysis" are "separation-of-powers principles." *Abbasi*, 582 U. S., at 135. We thus consider the risk of interfering with the authority of the other branches, and we ask whether "there are sound reasons to think Congress might doubt the efficacy or necessity of a damages remedy," *id.*, at 137, and "whether the Judiciary is well suited, absent congressional action or instruction, to consider and weigh the costs and benefits of allowing a damages action to proceed," *id.*, at 136.

III

A

The *Bivens* claims in this case assuredly arise in a new context. Petitioners contend that their Fourth and Fifth Amendment claims do not involve a new context because *Bivens* and *Davis* involved claims under those same two Amendments, but that argument rests on a basic misunderstanding of what our cases mean by a new context. A claim may arise in a new context even if it is based on the same constitutional provision as a claim in a case in which a damages remedy was previously recognized. Compare *Carlson*, 446 U. S., at 16–18 (allowing *Bivens* remedy for an Eighth Amendment claim for failure to provide adequate medical treatment), with *Malesko*, 534 U. S., at 71–74 (declining to create a *Bivens* remedy in similar circumstances because the suit was against a private prison operator, not federal officials). And once we look beyond the constitutional provisions invoked in *Bivens*, *Davis*, and the present case, it is glaringly obvious that petitioners' claims involve a new context, *i. e.*, one that is meaningfully different. *Bivens* concerned an allegedly unconstitutional arrest and search carried out in New York City, 403 U. S., at 389; *Davis* concerned alleged sex discrimination on Capitol Hill, 442 U. S., at 230. There is a world of difference between those claims and petitioners' cross-border shooting claims, where "the risk of disruptive intrusion by the Judiciary into the functioning of other branches" is significant. *Abbasi*, 582 U. S., at 140; see Parts III–B and III–C, *infra*.

Page Proof Pending Publication

Because petitioners assert claims that arise in a new context, we must proceed to the next step and ask whether there are factors that counsel hesitation. As we will explain, there are multiple, related factors that raise warning flags.

B

The first is the potential effect on foreign relations. "The political branches, not the Judiciary, have the responsibility

and institutional capacity to weigh foreign-policy concerns." *Jesner*, 584 U. S., at 265. Indeed, we have said that "matters relating 'to the conduct of foreign relations . . . are so exclusively entrusted to the political branches of government as to be largely immune from judicial inquiry or interference.'" *Haig* v. *Agee*, 453 U. S. 280, 292 (1981) (quoting *Harisiades* v. *Shaughnessy*, 342 U. S. 580, 589 (1952)). "Thus, unless Congress specifically has provided otherwise, courts traditionally have been reluctant to intrude upon the authority of the Executive in [these matters]." *Department of Navy* v. *Egan*, 484 U. S. 518, 530 (1988). We must therefore be especially wary before allowing a *Bivens* remedy that impinges on this arena.

A cross-border shooting is by definition an international incident; it involves an event that occurs simultaneously in two countries and affects both countries' interests. Such an incident may lead to a disagreement between those countries, as happened in this case.

Pages Proof Pending Publication

The United States, through the Executive Branch, which has "'the lead role in foreign policy,'" *Medellín* v. *Texas*, 552 U. S. 491, 524 (2008) (alteration omitted), has taken the position that this incident should be handled in a particular way—namely, that Agent Mesa should not face charges in the United States nor be extradited to stand trial in Mexico. As noted, the Executive decided not to take action against Agent Mesa because it found that he "did not act inconsistently with [Border Patrol] policy or training regarding use of force." DOJ Press Release. We presume that Border Patrol policy and training incorporate both the Executive's understanding of the Fourth Amendment's prohibition of unreasonable seizures and the Executive's assessment of circumstances at the border. Thus, the Executive judged Agent Mesa's conduct by what it regards as reasonable conduct by an agent under the circumstances that Mesa faced at the time of the shooting, and based on the application of

those standards, it declined to prosecute. The Executive does not want a Mexican criminal court to judge Agent Mesa's conduct by whatever standards would be applicable under Mexican law; nor does it want a jury in a *Bivens* action to apply its own understanding of what constituted reasonable conduct by a Border Patrol agent under the circumstances of this case. Such a jury determination, the Executive claims, would risk the "'"embarrassment of our government abroad" through "multifarious pronouncements by various departments on one question."'" Brief for United States as *Amicus Curiae* 18 (quoting *Sanchez-Espinoza* v. *Reagan*, 770 F. 2d 202, 209 (CADC 1985) (Scalia, J.)).

The Government of Mexico has taken a different view of what should be done. It has requested that Agent Mesa be extradited for criminal prosecution in a Mexican court under Mexican law, and it has supported petitioners' *Bivens* suit. In a brief filed in this Court, Mexico suggests that shootings by Border Patrol agents are a persistent problem and argues that the United States has an obligation under international law, specifically Article 6(1) of the International Covenant on Civil and Political Rights, Dec. 19, 1966, S. Treaty Doc. No. 95–20, 999 U. N. T. S. 174, to provide a remedy for the shooting in this case. Brief for Government of United Mexican States as *Amicus Curiae* 2, 20–22. Mexico states that it "has a responsibility to look after the well-being of its nationals" and that "it is a priority to Mexico to see that the United States provides adequate means to hold the agents accountable and to compensate the victims." *Id.*, at 3.

Page Proof Pending Publication

Both the United States and Mexico have legitimate and important interests that may be affected by the way in which this matter is handled. The United States has an interest in ensuring that agents assigned the difficult and important task of policing the border are held to standards and judged by procedures that satisfy United States law and do not un-

dermine the agents' effectiveness and morale. Mexico has an interest in exercising sovereignty over its territory and in protecting and obtaining justice for its nationals. It is not our task to arbitrate between them.

In the absence of judicial intervention, the United States and Mexico would attempt to reconcile their interests through diplomacy—and that has occurred. The broad issue of violence along the border, the occurrence of cross-border shootings, and this particular matter have been addressed through diplomatic channels. In 2014, Mexico and the United States established a joint Border Violence Prevention Council, and the two countries have addressed cross-border shootings through the United States-Mexico bilateral Human Rights Dialogue.[2] Following the Justice Department investigation in the present case, the United States reaffirmed its commitment to "work with the Mexican government within existing mechanisms and agreements to prevent future incidents." DOJ Press Release.

Page Proof Pending Publication

For these reasons, petitioners' assertion that their claims have "nothing to do with the substance or conduct of U. S. foreign . . . policy," Brief for Petitioners 29, is plainly wrong.[3]

---

[2] See Dept. of Homeland Security, Written Testimony for House Committee on Oversight and Govt. Reform Hearing (Sept. 9, 2015), https://www.dhs.gov/news/2015/09/09/written-testimony-dhs-southern-border-and-approaches-campaign-joint-task-force-west (discussing creation of Border Violence Prevention Council); Dept. of Homeland Security, Border Violence Prevention Council Fact Sheet, https://www.dhs.gov/sites/default/files/publications/bvpc-fact-sheet.pdf (outlining areas of collaboration); Dept. of State, Joint Statement on the U. S.-Mexico Bilateral High Level Dialogue on Human Rights (Oct. 27, 2016), https://2009-2017.state.gov/r/pa/prs/ps/2016/10/263759.htm (noting discussion of "the use of force at the border").

[3] It is no answer to argue, as Mexico does, that refusing to extend *Bivens* "is what [would] negatively affect international relations." Brief for Government of United Mexican States as *Amicus Curiae* 12. When a third party intervenes and takes sides in a dispute between two countries, one country is likely to be pleased and the other displeased. But no matter which side the third party supports, it will have injected itself into their relations.

C

Petitioners are similarly incorrect in deprecating the Fifth Circuit's conclusion that the issue here implicates an element of national security.

One of the ways in which the Executive protects this country is by attempting to control the movement of people and goods across the border, and that is a daunting task. The United States' border with Mexico extends for 1,900 miles, and every day thousands of persons and a large volume of goods enter this country at ports of entry on the southern border.[4] The lawful passage of people and goods in both directions across the border is beneficial to both countries.

Unfortunately, there is also a large volume of illegal cross-border traffic. During the last fiscal year, approximately 850,000 persons were apprehended attempting to enter the United States illegally from Mexico,[5] and large quantities of drugs were smuggled across the border.[6] In addition, powerful criminal organizations operating on both sides of the border present a serious law enforcement problem for both countries.[7]

Page Proof Pending Publication

[4] See Dept. of Transp., Bureau of Transp. Statistics, Border Crossing/Entry Data, https://explore.dot.gov/views/BorderCrossingData/Monthly (detailing the millions of individuals and vehicles that cross the U. S.-Mexico border each month); U. S. Int'l Trade Comm'n, The Year in Trade 2018, p. 190 (USITC Pub. No. 4986, 2019) (explaining that in 2018 the United States imported $346.5 billion of goods from Mexico).

[5] Dept. of Homeland Security, U. S. Customs and Border Protection, Southwest Border Migration FY 2019, https://cbp.gov/newsroom/stats/sw-border-migration/fy-2019.

[6] Dept. of Homeland Security, U. S. Customs and Border Protection, CBP Enforcement Statistics FY2019, https://cbp.gov/newsroom/stats/cbp-enforcement-statistics-fy2019 (explaining that in FY2019, Border Patrol officers seized 11,682 pounds of cocaine, 266,882 pounds of marijuana, and 14,434 pounds of methamphetamine).

[7] Cong. Research Serv., Mexico: Organized Crime and Drug Trafficking Organizations, Summary (2019) ("Mexican drug trafficking organizations . . . pose the greatest crime threat to the United States"); Dept. of Justice, Drug Enforcement Admin., 2018 National Drug Threat Assessment 97 (DEA–DCT–DIR–032–18) (explaining that "Mexican [transnational crimi-

On the United States' side, the responsibility for attempting to prevent the illegal entry of dangerous persons and goods rests primarily with the U. S. Customs and Border Protection Agency, and one of its main responsibilities is to "detect, respond to, and interdict terrorists, drug smugglers and traffickers, human smugglers and traffickers, and other persons who may undermine the security of the United States." 6 U. S. C. §211(c)(5). While Border Patrol agents often work miles from the border, some, like Agent Mesa, are stationed right at the border and have the responsibility of attempting to prevent illegal entry. For these reasons, the conduct of agents positioned at the border has a clear and strong connection to national security, as the Fifth Circuit understood. 885 F. 3d, at 819.

Petitioners protest that "'shooting people who are just walking down a street in Mexico'" does not involve national security, Brief for Petitioners 28, but that misses the point. The question is not whether national security requires such conduct—of course, it does not—but whether the Judiciary should alter the framework established by the political branches for addressing cases in which it is alleged that lethal force was unlawfully employed by an agent at the border. Cf. *Abbasi*, 582 U. S., at 142 (explaining that "[n]ational-security policy is the prerogative of the Congress and President").

Page Proof Pending Publication

We have declined to extend *Bivens* where doing so would interfere with the system of military discipline created by statute and regulation, see *Chappell*, 462 U. S. 296; *Stanley*, 483 U. S. 669, and a similar consideration is applicable here. Since regulating the conduct of agents at the border unquestionably has national security implications, the risk of undermining border security provides reason to hesitate before extending *Bivens* into this field. See *Abbasi*, 582 U. S., at 142 ("Judicial inquiry into the national-security realm

---

nal organizations] maintain the greatest drug trafficking influence in the United States").

raises 'concerns for the separation of powers'" (quoting *Christopher* v. *Harbury*, 536 U. S. 403, 417 (2002))).

D

Our reluctance to take that step is reinforced by our survey of what Congress has done in statutes addressing related matters. We frequently "loo[k] to analogous statutes for guidance on the appropriate boundaries of judge-made causes of action." *Jesner*, 584 U. S., at 265 (opinion of Kennedy, J.). When foreign relations are implicated, it "is even more important . . . 'to look for legislative guidance before exercising innovative authority over substantive law.'" *Ibid.* (quoting *Sosa* v. *Alvarez-Machain*, 542 U. S. 692, 726 (2004)). Accordingly, it is "telling," *Abbasi*, 582 U. S., at 144, that Congress has repeatedly declined to authorize the award of damages for injury inflicted outside our borders.

A leading example is Rev. Stat. § 1979, 42 U. S. C. § 1983, which permits the recovery of damages for constitutional violations by officers acting under color of *state* law. We have described *Bivens* as a "more limited" "federal analog" to § 1983. *Hartman* v. *Moore*, 547 U. S. 250, 254, n. 2 (2006). It is therefore instructive that Congress chose to make § 1983 available only to "citizen[s] of the United States or other person[s] within the jurisdiction thereof." It would be "anomalous to impute . . . a judicially implied cause of action beyond the bounds [Congress has] delineated for [a] comparable express caus[e] of action." *Blue Chip Stamps* v. *Manor Drug Stores*, 421 U. S. 723, 736 (1975). Thus, the limited scope of § 1983 weighs against recognition of the *Bivens* claim at issue here.

Section 1983's express limitation to the claims brought by citizens and persons subject to United States jurisdiction is especially significant, but even if this explicit limitation were lacking, we would presume that § 1983 did not apply abroad. See *RJR Nabisco, Inc.* v. *European Community*, 579 U. S. 325, 335 (2016) ("Absent clearly expressed congressional intent to the contrary, federal laws will be construed to have

Page Proof Pending Publication

only domestic application"). We presume that statutes do not apply extraterritorially to "ensure that the Judiciary does not erroneously adopt an interpretation of U. S. law that carries foreign policy consequences not clearly intended by the political branches." *Kiobel* v. *Royal Dutch Petroleum Co.*, 569 U. S. 108, 116 (2013); see also *EEOC* v. *Arabian American Oil Co.*, 499 U. S. 244, 248 (1991).

If this danger provides a reason for caution when Congress has enacted a statute but has not provided expressly whether it applies abroad, we have even greater reason for hesitation in deciding whether to extend a judge-made cause of action beyond our borders. "[T]he danger of unwarranted judicial interference in the conduct of foreign policy is magnified" where "the question is not what Congress has done but instead what courts may do." *Kiobel*, 569 U. S., at 116. Where Congress has not spoken at all, the likelihood of impinging on its foreign affairs authority is especially acute.

Page Proof Pending Publication

Congress's treatment of ordinary tort claims against federal officers is also revealing. As petitioners and their *amici* stress, the traditional way in which civil litigation addressed abusive conduct by federal officers was by subjecting them to liability for common-law torts. See Brief for Petitioners 10–17. For many years, such claims could be raised in state or federal court,[8] and this Court occasionally considered tort suits against federal officers for extraterritorial injuries. See, *e. g.*, *Mitchell* v. *Harmony*, 13 How. 115 (1852) (affirming award in trespass suit brought by U. S. citizen against U. S. Army officer who seized personal property in Mexico during the Mexican-American war). After *Erie*, federal common-law claims were out, but we recognized the continuing viability of state-law tort suits against federal officials as recently as *Westfall* v. *Erwin*, 484 U. S. 292 (1988).

---

[8] State-law claims could be asserted in federal court if the parties' citizenship was diverse, and federal common-law claims could be raised until *Erie R. Co.* v. *Tompkins*, 304 U. S. 64 (1938).

In response to that decision, Congress passed the so-called Westfall Act, formally the Federal Employees Liability Reform and Tort Compensation Act of 1988, 28 U. S. C. § 2679. That Act makes the Federal Tort Claims Act (FTCA) "the exclusive remedy for most claims against Government employees arising out of their official conduct." *Hui* v. *Castaneda*, 559 U. S. 799, 806 (2010).[9] Thus, a person injured by a federal employee may seek recovery directly from the United States under the FTCA, but the FTCA bars "[a]ny claim arising in a foreign country." § 2680(k).[10] The upshot is that claims that would otherwise permit the recovery of damages are barred if the injury occurred abroad.

Yet another example is provided by the Torture Victim Protection Act of 1991, note following 28 U. S. C. § 1350, which created a cause of action that may be brought by an alien in a U. S. court under the Alien Tort Statute, § 1350. Under the Torture Victim Protection Act, a damages action may be brought by or on behalf of a victim of torture or an extrajudicial killing carried out by a person who acted under

Page Proof Pending Publication

---

[9] The Act also permits claims "brought for a violation of the Constitution." 28 U. S. C. § 2679(b)(2)(A). By enacting this provision, Congress made clear that it was not attempting to abrogate *Bivens*, but the provision certainly does not suggest, as one of petitioners' *amici* contends, that Congress "intended for a robust enforcement of *Bivens* remedies." Brief for Institute for Justice as *Amicus Curiae* 21. Instead, the provision simply left *Bivens* where it found it. It is not a license to create a new *Bivens* remedy in a context we have never before addressed, see *Correctional Services Corp.* v. *Malesko*, 534 U. S. 61, 68 (2001).

[10] Petitioners contend that Congress excluded claims arising abroad in order to avoid subjecting the United States to liability under foreign law, something that cannot occur under *Bivens*. Reply Brief 11. But neither the legislative history recounted in *Sosa* v. *Alvarez-Machain*, 542 U. S. 692, 707 (2004), nor anything else offered by petitioners shows that this was the only reason for this limitation. And the fact remains that the FTCA does not permit claims for torts committed abroad, a limitation that is consistent with Congress's general practice of avoiding extraterritorial legislation. See, *e. g.*, *Kiobel* v. *Royal Dutch Petroleum Co.*, 569 U. S. 108, 115–116 (2013).

the authority of a foreign state. Consequently, this provision, which is often employed to seek redress for acts committed abroad,[11] cannot be used to sue a United States officer. See *Meshal* v. *Higgenbotham*, 804 F. 3d 417, 430 (CADC 2015) (Kavanaugh, J., concurring).

These statutes form a pattern that is important for present purposes. When Congress has enacted statutes creating a damages remedy for persons injured by United States Government officers, it has taken care to preclude claims for injuries that occurred abroad.

Instead, when Congress has provided compensation for injuries suffered by aliens outside the United States, it has done so by empowering Executive Branch officials to make payments under circumstances found to be appropriate. Thus, the Foreign Claims Act, 10 U. S. C. § 2734, first enacted during World War II, ch. 645, 55 Stat. 880, allows the Secretary of Defense to appoint claims commissions to settle and pay claims for personal injury and property damage resulting from the noncombat activities of the Armed Forces outside this country. § 2734(a). Similarly, § 2734a allows the Secretary of Defense and the Secretary of Homeland Security to make payments pursuant to "an international agreement which provides for the settlement or adjudication and cost sharing of claims against the United States" that arise out of "acts or omissions" of the Armed Forces. § 2734a(a); see also 22 U. S. C. § 2669(b) (State Department may settle and pay certain claims for death, injury, or property loss or damage "for the purpose of promoting and maintaining friendly relations with foreign countries"); § 2669–1 (Secretary of State has authority to pay tort claims arising in foreign countries in connection with State Department opera-

Page Proof Pending Publication

[11] See, *e. g.*, *Samantar* v. *Yousuf*, 560 U. S. 305, 308 (2010) (bringing claim under the Torture Victim Protection Act against the former First Vice President and Minister of Defense of Somalia for alleged torture and extrajudicial killing in Somalia).

tions); 21 U. S. C. § 904 (Attorney General has authority to pay tort claims arising in connection with the operations of the Drug Enforcement Administration abroad).

This pattern of congressional action—refraining from authorizing damages actions for injury inflicted abroad by Government officers, while providing alternative avenues for compensation in some situations—gives us further reason to hesitate about extending *Bivens* in this case.

E

In sum, this case features multiple factors that counsel hesitation about extending *Bivens*, but they can all be condensed to one concern—respect for the separation of powers. See *Abbasi*, 582 U. S., at 135–136. "Foreign policy and national security decisions are 'delicate, complex, and involve large elements of prophecy' for which 'the Judiciary has neither aptitude, facilities[,] nor responsibility.'" *Jesner*, 584 U. S., at 284 (GORSUCH, J., concurring in part and concurring in judgment) (quoting *Chicago & Southern Air Lines, Inc.* v. *Waterman S. S. Corp.*, 333 U. S. 103, 111 (1948)). To avoid upsetting the delicate web of international relations, we typically presume that even congressionally crafted causes of action do not apply outside our borders. These concerns are only heightened when judges are asked to fashion constitutional remedies. Congress, which has authority in the field of foreign affairs, has chosen not to create liability in similar statutes, leaving the resolution of extraterritorial claims brought by foreign nationals to executive officials and the diplomatic process.

Page Proof Pending Publication

Congress's decision not to provide a judicial remedy does not compel us to step into its shoes. "The absence of statutory relief for a constitutional violation . . . does not by any means necessarily imply that courts should award money damages against the officers responsible for the violation." *Schweiker*, 487 U. S., at 421–422; see also *Stanley*, 483 U. S.,

at 683 ("[I]t is irrelevant to a 'special factors' analysis whether the laws currently on the books afford [plaintiff] an 'adequate' federal remedy for his injuries").[12]

When evaluating whether to extend *Bivens*, the most important question "is 'who should decide' whether to provide for a damages remedy, Congress or the courts?" *Abbasi*, 582 U. S., at 135 (quoting *Bush*, 462 U. S., at 380). The correct "answer most often will be Congress." 582 U. S., at 135. That is undoubtedly the answer here.

* * *

The judgment of the United States Court of Appeals for the Fifth Circuit is affirmed.

It is so ordered.

JUSTICE THOMAS, with whom JUSTICE GORSUCH joins, concurring.

Page Proof Pending Publication

The Court correctly applies our precedents to conclude that the implied cause of action created in *Bivens* v. *Six Unknown Fed. Narcotics Agents*, 403 U. S. 388 (1971), should not be extended to cross-border shootings. I therefore join its opinion.

I write separately because, in my view, the time has come to consider discarding the *Bivens* doctrine altogether. The foundation for *Bivens*—the practice of creating implied causes of action in the statutory context—has already been abandoned. And the Court has consistently refused to extend the *Bivens* doctrine for nearly 40 years, even going so far as to suggest that *Bivens* and its progeny were wrongly decided. *Stare decisis* provides no "veneer of respectability to our continued application of [these] demonstrably incorrect precedents." *Gamble* v. *United States*, 587 U. S.

[12] Indeed, in *Abbasi* we explained that existence of alternative remedies was merely a further reason not to create *Bivens* liability. See 582 U. S., at 145 ("[W]hen alternative methods of relief are available, a *Bivens* remedy usually is not").

678, 711 (2019) (THOMAS, J., concurring). To ensure that we are not "perpetuat[ing] a usurpation of the legislative power," *id.*, at 718, we should reevaluate our continued recognition of even a limited form of the *Bivens* doctrine.

"'*Bivens* is a relic of the heady days in which this Court assumed common-law powers to create causes of action.'" *Wilkie* v. *Robbins*, 551 U. S. 537, 568 (2007) (THOMAS, J., concurring) (quoting *Correctional Services Corp.* v. *Malesko*, 534 U. S. 61, 75 (2001) (Scalia, J., concurring)). In the decade preceding *Bivens*, the Court believed that it had a duty "to be alert to provide such remedies as are necessary to make effective" Congress' purposes in enacting a statute. *J. I. Case Co.* v. *Borak*, 377 U. S. 426, 433 (1964). Accordingly, the Court freely created implied private causes of action for damages under federal statutes. See, *e. g.*, *Sullivan* v. *Little Hunting Park, Inc.*, 396 U. S. 229, 239 (1969); *Allen* v. *State Bd. of Elections*, 393 U. S. 544, 557 (1969).

Page Proof Pending Publication

This misguided approach to implied causes of action in the statutory context formed the backdrop of the Court's decision in *Bivens*. There, the Court held that federal officers who conducted a warrantless search and arrest in violation of the Fourth Amendment could be sued for damages. *Bivens*, 403 U. S., at 397. The Court acknowledged that Congress had not provided a statutory cause of action for damages against federal officers and that "the Fourth Amendment does not in so many words provide for its enforcement by an award of money damages." *Id.*, at 396–397. But it concluded, consistent with the then-prevailing understanding of implied causes of action in the statutory context, that federal courts could infer such a "remedial mechanism." *Id.*, at 397 (citing *Borak*, 377 U. S., at 433).

This holding "broke new ground." *Ante*, at 99. From the ratification of the Bill of Rights until 1971, the Court did not create "implied private action[s] for damages against federal officers alleged to have violated a citizen's constitutional rights." *Malesko*, 534 U. S., at 66. Suits to recover such

damages were generally brought under state tort law. See *Wheeldin* v. *Wheeler*, 373 U. S. 647, 652 (1963). *Bivens* thus opened the door to a new avenue for recovering damages from federal officers. In the wake of that decision, the Court recognized an implied cause of action for damages against a Member of Congress accused of sex discrimination in violation of the Fifth Amendment's Due Process Clause, *Davis* v. *Passman*, 442 U. S. 228 (1979), and against prison officials accused of denying medical care in violation of the Eighth Amendment's Cruel and Unusual Punishments Clause, *Carlson* v. *Green*, 446 U. S. 14 (1980). Given this Court's trend of creating implied causes of action, "there was a possibility that the Court would keep expanding *Bivens* until it became the substantial equivalent of 42 U. S. C. § 1983." *Ziglar* v. *Abbasi*, 582 U. S. 120, 132 (2017) (internal quotation marks omitted).

The Court, however, eventually corrected course. In the statutory context, the Court "retreated from [its] previous willingness to imply a cause of action where Congress has not provided one." *Malesko*, 534 U. S., at 67, n. 3. After a series of decisions limiting courts' discretion to create statutory causes of action, we renounced the Court's freewheeling approach in *Alexander* v. *Sandoval*, 532 U. S. 275 (2001), explicitly repudiating the precedent used to support *Bivens*, 532 U. S., at 287 (abrogating *Borak*, 377 U. S. 426). We explained that, "[l]ike substantive federal law itself, private rights of action to enforce federal law must be created by Congress." 532 U. S., at 286. "The judicial task is to interpret the statute Congress has passed to determine whether it displays an intent to create not just a private right but also a private remedy." *Ibid.* Without such intent, "a cause of action does not exist and courts may not create one, no matter how desirable that might be as a policy matter, or how compatible with the statute." *Id.*, at 286–287.

The Court's method of implying causes of action for damages in the statutory context provided the foundation for the

Rose Prof Pending Publication

approach taken in *Bivens*. Therefore, as the Court backed away from creating statutory causes of action, it also effectively cabined the *Bivens* doctrine to the facts of *Bivens*, *Davis*, and *Carlson*. For nearly 40 years, the Court has "'consistently refused to extend *Bivens* liability to any new context or new category of defendants.'" *Abbasi*, 582 U. S., at 135 (quoting *Malesko*, 534 U. S., at 68); see also *ante*, at 102.*

In doing so, our decisions have undermined the validity of the *Bivens* doctrine. As the Court recognizes, "[w]e have stated that expansion of *Bivens* is a disfavored judicial activity." *Ante*, at 101 (internal quotation marks omitted). And we have now repeatedly acknowledged the shaky foundation on which *Bivens* rests, stating that "in light of the changes to the Court's general approach to recognizing implied damages remedies, it is possible that the analysis in the Court's three *Bivens* cases might have been different if they were decided today." *Abbasi*, 582 U. S., at 134; see also *ante*, at 101 (noting that it is "doubtful that we would have reached the same result" if *Bivens* were decided today). Thus, it appears that we have already repudiated the foundation of the *Bivens* doctrine; nothing is left to do but overrule it.

Page Proof Pending Publication

Our continued adherence to even a limited form of the *Bivens* doctrine appears to "perpetuat[e] a usurpation of the legislative power." *Gamble*, 587 U. S., at 718 (THOMAS, J., concurring). Federal courts lack the authority to engage in the distinctly legislative task of creating causes of action for damages to enforce federal positive law. We have clearly recognized as much in the statutory context. See *supra*, at 116. I see no reason for us to take a different approach if the right asserted to recover damages derives from the Consti-

---

*See, *e. g.*, *ante*, at 114; *Ziglar* v. *Abbasi*, 582 U. S. 120 (2017); *Minneci* v. *Pollard*, 565 U. S. 118 (2012); *Wilkie* v. *Robbins*, 551 U. S. 537 (2007); *Correctional Services Corp.* v. *Malesko*, 534 U. S. 61 (2001); *FDIC* v. *Meyer*, 510 U. S. 471 (1994); *Schweiker* v. *Chilicky*, 487 U. S. 412 (1988); *United States* v. *Stanley*, 483 U. S. 669 (1987); *Bush* v. *Lucas*, 462 U. S. 367 (1983); *Chappell* v. *Wallace*, 462 U. S. 296 (1983).

tution, rather than from a federal statute. Either way, we are exercising legislative power vested in Congress. Cf. *Carlson*, 446 U. S., at 51 (Rehnquist, J., dissenting) ("The policy questions at issue in the creation of any tort remedies, constitutional or otherwise, involve judgments as to diverse factors that are more appropriately made by the legislature than by this Court in an attempt to fashion a constitutional common law").

This usurpation of legislative power is all the more troubling because Congress has demonstrated that it knows how to create a cause of action to recover damages for constitutional violations when it wishes to do so. In 42 U. S. C. § 1983, Congress provided a cause of action that allows persons to recover damages for certain deprivations of constitutional rights by *state officers*. Congress has chosen not to provide such a cause of action against *federal officers*. In fact, it has pre-empted the state tort suits that traditionally served as the mechanism by which damages were recovered from federal officers. 28 U. S. C. § 2679(b); *Minneci* v. *Pollard*, 565 U. S. 118, 126 (2012). "[I]t is not for us to fill any *hiatus* Congress has left in this area." *Wheeldin*, 373 U. S., at 652.

Page Proof Pending Publication

* * *

The analysis underlying *Bivens* cannot be defended. We have cabined the doctrine's scope, undermined its foundation, and limited its precedential value. It is time to correct this Court's error and abandon the doctrine altogether.

JUSTICE GINSBURG, with whom JUSTICE BREYER, JUSTICE SOTOMAYOR, and JUSTICE KAGAN join, dissenting.

In *Bivens* v. *Six Unknown Fed. Narcotics Agents*, 403 U. S. 388 (1971), this Court held that injured plaintiffs could pursue claims for damages against U. S. officers for conduct disregarding constitutional constraints. The instant suit, invoking *Bivens*, arose in tragic circumstances. In 2010, the complaint alleges, a Mexican teenager was playing with

friends in a culvert along the United States-Mexico border. A U. S. Border Patrol agent, in violation of instructions controlling his office and situated on the U. S. side of the border, shot and killed the youth on the Mexican side. The boy's parents sued the officer for damages in federal court, alleging that a rogue federal law enforcement officer's unreasonable use of excessive force violated the Fourth and Fifth Amendments. At the time of the incident, it is uncontested, the officer did not know whether the boy he shot was a U. S. national or a citizen of another land. See *Hernández* v. *Mesa*, 582 U. S. 548, 554 (2017) (*per curiam*).

When the case first reached this Court, the Court remanded it, instructing the Court of Appeals to resolve a threshold question: Is a *Bivens* remedy available to noncitizens (here, the victim's parents) when the U. S. officer acted stateside, but the impact of his alleged wrongdoing was suffered abroad? To that question, the sole issue now before this Court, I would answer "yes." Rogue U. S. officer conduct falls within a familiar, not a "new," *Bivens* setting. Even if the setting could be characterized as "new," plaintiffs lack recourse to alternative remedies, and no "special factors" counsel against a *Bivens* remedy. Neither U. S. foreign policy nor national security is in fact endangered by the litigation. Moreover, concerns attending the application of our law to conduct occurring abroad are not involved, for plaintiffs seek the application of U. S. law to conduct occurring inside our borders. I would therefore hold that the plaintiffs' complaint crosses the *Bivens* threshold.

Page Proof Pending Publication

I

Because this case was resolved on a motion to dismiss, I accept the complaint's allegations, next set out, as true. In 2010, Sergio Adrián Hernández Güereca, a 15-year-old citizen of Mexico, was playing with his friends in the dry culvert that divides El Paso, Texas, from Ciudad Juarez, Mexico. The international boundary line runs down the center of the

culvert, but the only visible border-related features are fences and border-crossing posts that sit atop each side. See *Hernández*, 582 U. S., at 557 (BREYER, J., dissenting). The game Hernández and his friends were playing involved running up the embankment on the United States side, touching the barbed-wire fence, and running back down to the Mexican side. While the game was ongoing, Border Patrol Agent Jesus Mesa, Jr., appeared on his bicycle and detained one of Hernández's friends as he was running down the embankment on the U. S. side. Hernández, who was unarmed, retreated into Mexican territory. Mesa pointed his weapon across the border, "seemingly taking careful aim," and fired at least two shots. App. to Pet. for Cert. 199. At least one of the shots struck Hernández in the face, killing him.

Hernández's parents brought suit under *Bivens*, asserting, *inter alia*, that Mesa had violated their son's Fourth and Fifth Amendment rights. The United States District Court for the Western District of Texas granted Mesa's motion to dismiss. A panel of the United States Court of Appeals for the Fifth Circuit affirmed the dismissal of the parents' Fourth Amendment claim but held that their Fifth Amendment claim could proceed.

Page Proof Pending Publication

The Court of Appeals reheard the case en banc and affirmed the District Court's dismissal of the parents' claims. The full court agreed with the panel that Hernández lacked Fourth Amendment rights. *Hernandez* v. *United States*, 785 F. 3d 117, 119 (2015) (*per curiam*) (citing *United States* v. *Verdugo-Urquidez*, 494 U. S. 259 (1990)).[1] It declined,

[1] *United States* v. *Verdugo-Urquidez*, 494 U. S. 259 (1990), is not dispositive of the Fourth Amendment claim in this case. There, the Court held that the Fourth Amendment did not apply to federal agents' warrantless search of a Mexican drug trafficker's home in Mexico. *Id.*, at 262, 274–275. *Verdugo-Urquidez*'s practical concerns, among them, that a warrant issued by a U. S. judge "would be a dead letter outside the United States," *id.*, at 274, do not bear on the complaint filed by Hernández's parents. In contrast to *Verdugo-Urquidez*, it would not be "impracticable" or "anomalous" to subject Mesa's U. S.-based conduct to Fourth Amendment scru-

however, to resolve whether Mesa's conduct violated the Fifth Amendment, concluding that, in any event, Mesa was entitled to qualified immunity. 785 F. 3d, at 120–121.

This Court vacated the Court of Appeals' judgment and remanded with several instructions. First, the Court directed the Court of Appeals to address the "antecedent" question whether the suit could be premised on *Bivens* in light of the Court's recent decision in *Ziglar* v. *Abbasi*, 582 U. S. 120, 126 (2017). *Hernández*, 582 U. S., at 553. The Court also identified error in the Court of Appeals' qualified-immunity analysis. *Id.*, at 553–554. That analysis had centered on Hernández's status as an alien with no significant connections to the United States, but it is "undisputed . . . that Hernández's nationality and the extent of his ties to the United States were unknown to Mesa at the time of the shooting." *Id.*, at 554. The Court declined to address whether Hernández had stated a valid Fourth Amendment claim. *Ibid.* But see *id.*, at 556–562 (BREYER, J., dissenting).

Page Proof Pending Publication

On remand, the Court of Appeals, again sitting en banc, affirmed the District Court's dismissal of the suit. The action presented a "new context" for *Bivens*, the court concluded, and special factors counseled its hesitation. 885 F. 3d 811, 816–823 (CA5 2018). Dissenting, Judge Prado (joined by Judge Graves) urged that the majority had been "led astray from the familiar circumstances of this case by empty labels of national security, foreign affairs, and extraterritoriality." *Id.*, at 825.

II

The plaintiff in *Bivens* alleged that, during an unjustified search of his home, rogue federal law enforcement officers unlawfully seized him, employing "unreasonable force . . . in making the arrest." 403 U. S., at 389. This Court afforded

---

tiny. *Boumediene* v. *Bush*, 553 U. S. 723, 759–760 (2008) (quoting *Verdugo-Urquidez*, 494 U. S., at 278 (Kennedy, J., concurring)).

him a federal damages remedy against the federal agents who had disregarded the Fourth Amendment's prohibitions against unreasonable searches and seizures. *Id.*, at 390–397. The Court did so directly under the Constitution, for Congress had provided no statutory claim for relief to redress the wrongful conduct. See *ibid.* "Historically," the Court observed, "damages have been regarded as the ordinary remedy for an invasion of personal interests in liberty." *Id.*, at 395. Given the circumstances presented in *Bivens*, the Court found "no special factors counselling hesitation [despite] the absence of affirmative action by Congress." *Id.*, at 396. Justice Harlan concurred in the judgment, emphasizing that damages were "the only possible remedy for someone in [the plaintiff's] alleged position." *Id.*, at 409–410 (injunctions could not "obviate the harm" done, the United States was "immune to suit," and the exclusionary rule was "irrelevant" for those "innocen[t] of the crime charged").

Page Proof Pending Publication

The Court has extended *Bivens* twice. See *Davis* v. *Passman*, 442 U. S. 228 (1979) (sex-discrimination claim against a congressman under the Fifth Amendment's Due Process Clause); *Carlson* v. *Green*, 446 U. S. 14 (1980) (inadequate medical treatment claim against federal prison officials under the Eighth Amendment). Though the Court has more recently declined to extend *Bivens* to new contexts, see *Abbasi*, 582 U. S., at 135–136, *Bivens* remains the law of the land in settings in which the decision has been held to apply, see *Abbasi*, 582 U. S., at 134.

In *Abbasi*, former immigration detainees alleged mistreatment and discrimination following the September 11, 2001 terrorist attacks. *Id.*, at 128–130. Invoking *Bivens*, the plaintiffs sued the former Attorney General, Federal Bureau of Investigation Director, and Immigration and Naturalization Service Commissioner, as well as detention-facility wardens, under the Fourth and Fifth Amendments. 582 U. S., at 129–130. Though recognizing that one of the plaintiffs' *Bivens*

claims might be viable, 582 U. S., at 146–149,[2] the Court held that the other claims could not proceed under *Bivens*. A lawsuit challenging "a high-level executive policy" framed in response to "a major terrorist attack," the Court observed, bore "little resemblance to" previous *Bivens* settings. 582 U. S., at 140. As considerations counseling hesitation to extend *Bivens* to the setting in *Abbasi*, the Court stressed the impropriety of using *Bivens* to challenge governmental policies, the risk of judicial disruption of national-security decision-making, and the availability of alternative remedies. 582 U. S., at 140–146.

Concerning future invocations of *Bivens*, *Abbasi* provided several guides. On whether a case presents a new *Bivens* context, the Court stated: "If the case is different in a meaningful way from previous *Bivens* cases decided by this Court, then the context is new." 582 U. S., at 139. And on whether to extend *Bivens* to a new context, *Abbasi* identified as the critical inquiry: Is "the Judiciary . . . well suited, absent congressional action or instruction, to consider and weigh the costs and benefits of allowing a damages action to proceed"? 582 U. S., at 136.

Page Proof Pending Publication

While reining in this Court's *Bivens* jurisprudence, the Court cautioned in *Abbasi* that its "opinion is not intended to cast doubt on the continued force, or even the necessity, of *Bivens* in the search-and-seizure context in which it arose." 582 U. S., at 134. "The settled law of *Bivens* in this common and recurrent sphere of law enforcement, and the undoubted reliance upon it as a fixed principle in the law, are powerful reasons to retain it in that sphere." *Ibid.* The Court also reiterated that suits against "the *individual* official for his or her own acts" deter behavior incompatible with

---

[2] The detainees had alleged, *inter alia*, that one of the wardens violated the Fifth Amendment by allowing prison guards to abuse them. *Ziglar* v. *Abbasi*, 582 U. S. 120, 146 (2017). The Court remanded this claim for the Court of Appeals to conduct a special-factors analysis in the first instance. *Id.*, at 149.

constitutional norms, a consideration key to the *Bivens* decision. 582 U. S., at 140 (emphasis added). "[I]ndividual instances of . . . law enforcement overreach," the Court recognized, are by "their very nature . . . difficult to address *except* by way of damages actions after the fact." *Id.*, at 144 (emphasis added).

III

Plaintiffs' *Bivens* action arises in a setting kin to *Bivens* itself: Mesa, plaintiffs allege, acted in disregard of instructions governing his conduct and of Hernández's constitutional rights. *Abbasi* acknowledged the "fixed principle" that plaintiffs may bring *Bivens* suits against federal law enforcement officers for "seizure[s]" that violate the Fourth Amendment. 582 U. S., at 134; *supra*, at 123.[3] Using lethal force against a person who "poses no immediate threat to the officer and no threat to others" surely qualifies as an unreasonable seizure. *Tennessee* v. *Garner*, 471 U. S. 1, 11 (1985). The complaint states that Mesa engaged in that very conduct; it alleged, specifically, that Hernández was unarmed and posed no threat to Mesa or others. For these reasons, as Mesa acknowledged at oral argument, Hernández's parents could have maintained a *Bivens* action had the bullet hit Hernández while he was running up or down the United States side of the embankment. See Tr. of Oral Arg. 50.

Page Proof Pending Publication

[3] Unlike *Abbasi*, this case does not meaningfully differ from *Bivens* v. *Six Unknown Fed. Narcotics Agents*, 403 U. S. 388 (1971), with respect to the "rank of the officers involved; the constitutional right at issue; the generality or specificity of the official action; the extent of judicial guidance as to how an officer should respond to the problem or emergency to be confronted; [or] the statutory or other legal mandate under which the officer was operating." *Abbasi*, 582 U. S., at 140. As differences material to a new-context determination, *Abbasi* also lists: "the risk of disruptive intrusion by the Judiciary into the functioning of other branches . . . or the presence of potential special factors that previous *Bivens* cases did not consider." *Ibid.* These considerations overlap with the special-factors inquiry to which I turn in Part IV.

The only salient difference here: the fortuity that the bullet happened to strike Hernández on the Mexican side of the embankment. But Hernández's location at the precise moment the bullet landed should not matter one whit. After all, "[t]he purpose of *Bivens* is to deter *the officer*." *Abbasi*, 582 U. S., at 140 (internal quotation marks omitted); *supra*, at 123–124. And primary conduct constrained by the Fourth Amendment is an *officer's* unjustified resort to excessive force. See *Garner*, 471 U. S., at 20–22. Mesa's allegedly unwarranted deployment of deadly force occurred on United States soil. It scarcely makes sense for a remedy trained on deterring rogue officer conduct to turn upon a happenstance subsequent to the conduct—a bullet landing in one half of a culvert, not the other.

Nor would it make sense to deem some culvert locations "new settings" for *Bivens* purposes, but others (those inside the United States), familiar territory. As recounted in JUSTICE BREYER's dissent earlier in this litigation, the culvert "does not itself contain any physical features of a border"; it consists of wide swaths of "concrete-lined empty space" with fencing on each side. *Hernández*, 582 U. S., at 557. See also *id.*, at 560 (noting "the near irrelevance of [the] midculvert line . . . for most border-related purposes"). It is not asserted that Mesa "knew on which side of the boundary line [his] bullet would land." *Id.*, at 557.

Page Proof Pending Publication

Finally, although the bullet happened to land on the Mexican side of the culvert, the United States, as in *Bivens*, unquestionably has jurisdiction to prescribe law governing a Border Patrol agent's conduct. That prescriptive jurisdiction reaches "conduct that . . . takes place within [United States] territory." Restatement (Third) of Foreign Relations Law of the United States § 402 (1986). The place of a rogue officer's conduct "has peculiar significance" to choice of the applicable law where, as here, "the primary purpose of the tort rule involved is to deter or punish misconduct."

Restatement (Second) of Conflict of Laws § 145, Comment *e*, p. 420 (1969).[4]

IV

Even accepting, *arguendo*, that the setting in this case could be characterized as "new," there is still no good reason why Hernández's parents should face a closed courtroom door. As in *Bivens*, plaintiffs lack recourse to alternative remedies. And not one of the "special factors" the Court identifies weigh any differently based on where a bullet happens to land.

A

It was "of central importance" to the Court's disposition in *Abbasi* that the case was "[un]like *Bivens* . . . in which 'it [was] damages or nothing.'" 582 U. S., at 144 (quoting *Bivens*, 403 U. S., at 410 (Harlan, J., concurring in judgment)). Here, as Judge Prado, dissenting below, observed, "[i]t is uncontested that plaintiffs find no alternative relief in Mexican law, state law, the Federal Tort Claims Act ('FTCA'), the Alien Tort Statute ('ATS'), or federal criminal law." 885 F. 3d, at 827. While the absence of alternative remedies, standing alone, does not warrant a *Bivens* action, cf. 582 U. S., at 137, it remains a significant consideration under *Abbasi*'s guidelines.

Page Proof Pending Publication

B

The special factors featured by the Court relate, in the main, to foreign policy and national security. But, as suggested earlier, see *supra*, at 124, no policies or policymakers

[4] The Court of Appeals typed the setting of this case "new" because it was unsure whether the asserted constitutional rights extended "to foreign citizens on foreign soil." 885 F. 3d 811, 817 (CA5 2018). But that question is appropriately addressed in deciding this case on the merits. The Court of Appeals' uncertainty does not mean a claim arises in a "new" context for *Bivens* purposes, for "[t]here will always be at least some uncertainty as to whether[, once factual allegations are tested at trial,] a plaintiff is ultimately going to prevail on his constitutional claims." Brief for Petitioners 24.

are challenged in this case. Plaintiffs target the rogue actions of a rank-and-file law enforcement officer acting in violation of rules controlling his office. See 8 CFR § 287.8(a)(2)(ii) (2019) (limiting use of deadly force). The situation here presented resembles cases *Abbasi* distinguished—cases involving "individual instances of . . . law enforcement overreach." 582 U. S., at 144.

The Court nevertheless asserts that the instant suit has a "potential effect on foreign relations" because it invites courts "to arbitrate between" the United States and Mexico. *Ante,* at 103, 106. Plaintiffs, however, have brought a civil damages action, no different from one a federal court would entertain had the fatal shot hit Hernández before he reached the Mexican side of the border. True, cross-border shootings spark bilateral discussion, but so too does a range of smuggling and other border-related issues that courts routinely address "concurrently with whatever diplomacy may also be addressing them." *Rodriguez* v. *Swartz,* 899 F. 3d 719, 747 (CA9 2018). The Government has identified no deleterious effect on diplomatic negotiations in any case after the Ninth Circuit held that the mother of a boy killed in a cross-border shooting could institute a *Bivens* action. See 899 F. 3d, at 734.

Justia Free for Personal Use Only

Moreover, the Court, in this case, cannot escape a "potential effect on foreign relations," *ante,* at 103, by declining to recognize a *Bivens* action. As the Mexican Government alerted the Court: "[R]efus[al] to consider [Hernández's] parents' claim on the merits . . . is what has the potential to negatively affect international relations." Brief for Government of United Mexican States as *Amicus Curiae* 12.

Notably, recognizing a *Bivens* suit here honors our Nation's international commitments. Article 9(5) of the International Covenant on Civil and Political Rights (ICCPR), Dec. 19, 1966, S. Treaty Doc. No. 95–20, 999 U. N. T. S. 176, provides that "[a]nyone who has been the victim of unlawful arrest or detention shall have an enforceable right to com-

pensation." The United States ratified the ICCPR with the "understandin[g]" that Article 9(5) "require[s] the provision of effective and enforceable mechanisms by which a victim of an unlawful arrest or detention or a miscarriage of justice may seek and, where justified, obtain compensation from either the responsible individual or the appropriate governmental entity." U. S. Reservations, Declarations, and Understandings, ICCPR, 138 Cong. Rec. 8071 (1992). See also 1676 U. N. T. S. 544 (entered into force Sept. 8, 1992). One fitting mechanism to obtain compensation is a *Bivens* action. See Senate Committee on Foreign Relations, ICCPR, S. Exec. Rep. No. 102–23, p. 15 (1992).

The Court also asserts, as cause for hesitation, "the risk of undermining border security." *Ante*, at 108. But the Court speaks with generality of the national-security involvement of Border Patrol officers. It does not home in on how a *Bivens* suit for an unjustified killing would in fact undermine security at the border. *Abbasi* cautioned against invocations of national security of this very order: "[N]ational-security concerns must not become a talisman used to ward off inconvenient claims—a 'label' used to 'cover a multitude of sins.'" 582 U. S., at 143 (quoting *Mitchell* v. *Forsyth*, 472 U. S. 511, 523 (1985)). Instructions regulating Border Patrol agents tell them to guard against deploying unjustified deadly force. See 8 CFR § 287.8(a)(2)(ii). Given that instruction, I do not grasp how allowing a *Bivens* action here would intrude upon the political branches' national-security prerogatives.

Page Proof Pending Publication

Congress, although well aware of the Court's opinion in *Bivens*, see, *e. g.*, S. Exec. Rep. No. 102–23, at 15, has not endeavored to dislodge the decision. The Court cites several statutes in support of the argument that affording a *Bivens* action to Hernández's parents would be inconsistent with measures Congress has taken. None of the cited statutes should stand in plaintiffs' way.

Section 1983 actions, the Court points out, are available only to "person[s] within the jurisdiction" of the United

States. 42 U. S. C. § 1983.[5] That statute has, as its provenance, Reconstruction-era policies aiming to secure to former slaves federal rights and to ward off state and local incursion on those rights. See *Mitchum* v. *Foster*, 407 U. S. 225, 238–239, and n. 30 (1972). "It is inconceivable that . . . Congress [then] thought about (and deliberately excluded liability for) cross-border incidents involving federal officials." *Rodriguez*, 899 F. 3d, at 742.

The FTCA is also inapposite. Its exclusion of "claim[s] arising in a foreign country," 28 U. S. C. § 2680(k), reflects "Congress's 'unwilling[ness] to subject the United States to liabilities depending upon the laws of a foreign power.'" *Sosa* v. *Alvarez-Machain*, 542 U. S. 692, 707 (2004) (quoting *United States* v. *Spelar*, 338 U. S. 217, 221 (1949)). Here, however, the suit arises under U. S. law. Even as the Westfall Act amended the FTCA to make it the "exclusive" remedy for scope-of-employment claims against Government officers, § 2679(b)(1), Congress carved out an exception for *Bivens* suits, § 2679(b)(2)(A) (excepting civil claims "brought for a violation of the Constitution of the United States"). The Torture Victim Protection Act of 1991 applies exclusively to wrongdoers acting under color of *foreign* law. 28 U. S. C. § 1350 Note. The conduct of federal and state officers is outside that Act's purview.[6]

Page Proof Pending Publication

Nor are concerns sometimes attending application of our law abroad implicated in this case. True, the Court has ap-

---

[5] Title 42 U. S. C. § 1983 reads: "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

[6] The Torture Victim Protection Act sought to codify a Second Circuit opinion recognizing "a right of action against foreign torturers" under the Alien Tort Claims Act. H. R. Rep. No. 102–367, pp. 3–4 (1991) (discussing *Filartiga* v. *Pena-Irala*, 630 F. 2d 876 (CA2 1980)). "Domestic officials were not at issue." *Rodriguez* v. *Swartz*, 899 F. 3d 719, 743 (CA9 2018).

plied a "presumption against extraterritorial application" to statutes that do not make plain their governance beyond U. S. borders. *Kiobel* v. *Royal Dutch Petroleum Co.*, 569 U. S. 108, 115 (2013). But plaintiffs in this case allege a tort stemming from stateside conduct. Cf. *id.*, at 124–125 (if conduct at issue "touch[es] and concern[s] the territory of the United States . . . with sufficient force," the presumption against extraterritoriality is displaced). This case scarcely resembles those in which applying "U. S. law . . . to conduct in foreign countries" might spark "international discord." *RJR Nabisco, Inc.* v. *European Community*, 579 U. S. 325, 335 (2016). Quite the opposite. Withholding a *Bivens* suit here threatens to exacerbate bilateral relations, see *supra*, at 127, and in no way fosters our international commitments, see *supra*, at 127–128.

V

Page Proof Pending Publication

Regrettably, the death of Hernández is not an isolated incident. Cf. *Rodriguez*, 899 F. 3d, at 727 (complaint alleged that border agent fired 14 to 30 bullets across the border, killing a 16-year-old boy); Brief for Immigrant and Civil Rights Organizations as *Amici Curiae* 26–28 (describing various incidents of allegedly unconstitutional conduct by border and immigration officers); Brief for Border Network for Human Rights et al. as *Amici Curiae* 8–15 (listing individuals killed by border agents). One report reviewed over 800 complaints of alleged physical, verbal, or sexual abuse lodged against Border Patrol agents between 2009 and 2012; in 97% of the complaints resulting in formal decisions, no action was taken. D. Martínez, G. Cantor, & W. Ewing, No Action Taken: Lack of CBP Accountability in Responding to Complaints of Abuse, American Immigration Council 1–8 (2014), americanimmigrationcouncil.org/sites/default/files/research/No%20Action%20Taken_Final.pdf. According to *amici* former Customs and Border Protection officials, "the United States has not extradited a Border Patrol agent to stand trial

in Mexico, and to [*amici*'*s*] knowledge has itself prosecuted only one agent in a cross-border shooting." Brief for Former Officials of U. S. Customs and Border Protection Agency as *Amici Curiae* 4. These *amici* warn that, "[w]ithout the possibility of civil liability, the unlikely prospect of discipline or criminal prosecution will not provide a meaningful deterrent to abuse at the border." *Ibid.* In short, it is all too apparent that to redress injuries like the one suffered here, it is *Bivens* or nothing.

* * *

I resist the conclusion that "nothing" is the answer required in this case. I would reverse the Fifth Circuit's judgment and hold that plaintiffs can sue Mesa in federal court for violating their son's Fourth and Fifth Amendment rights.

Page Proof Pending Publication

Syllabus

RODRIGUEZ, AS CHAPTER 7 TRUSTEE FOR THE BANKRUPTCY ESTATE OF UNITED WESTERN BANCORP, INC. *v.* FEDERAL DEPOSIT INSURANCE CORPORATION, AS RECEIVER FOR UNITED WESTERN BANK

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

No. 18–1269. Argued December 3, 2019—Decided February 25, 2020

The Internal Revenue Service (IRS) allows an affiliated group of corporations to file a consolidated federal return. See 26 U. S. C. § 1501. The IRS issues any refund as a single payment to the group's designated agent. The tax regulations say very little about how the group members should then distribute that refund among themselves. If a dispute arises and the members have no tax allocation agreement in place, federal courts normally turn to state law to resolve the distribution question. Some courts, however, have crafted their own federal common law rule, known as the *Bob Richards* rule. See *In re Bob Richards Chrysler-Plymouth Corp.*, 473 F. 2d 262. The rule initially provided that, in the absence of an agreement, a refund belongs to the group member responsible for the losses that led to it. But it has since evolved, in some jurisdictions, into a general rule that is always followed unless an agreement unambiguously specifies a different result. Soon after United Western Bank suffered huge losses, its parent, United Western Bancorp, Inc., was forced into bankruptcy. When the IRS issued the group a $4 million tax refund, the bank's receiver, respondent Federal Deposit Insurance Corporation (FDIC), and the parent corporation's bankruptcy trustee, petitioner Simon Rodriguez, each sought to claim it. The dispute wound its way through a bankruptcy court and a federal district court before the Tenth Circuit examined the parties' tax allocation agreement, applied the more expansive version of *Bob Richards*, and ruled for the FDIC.

Held: The *Bob Richards* rule is not a legitimate exercise of federal common lawmaking. Federal judges may appropriately craft the rule of decision in only limited areas, *Sosa* v. *Alvarez-Machain*, 542 U. S. 692, 729, and claiming a new area is subject to strict conditions. One of the most basic is that federal common lawmaking must be "'necessary to protect uniquely federal interests.'" *Texas Industries, Inc.* v. *Radcliff Materials, Inc.*, 451 U. S. 630, 640. The *Bob Richards* rule has not sat-

Page Proof Pending Publication

isfied this condition. The federal courts applying and extending *Bob Richards* have not pointed to any significant federal interest sufficient to support the *Bob Richards* rule. Nor have the parties in this case. State law is well equipped to handle disputes involving corporate property rights, even in cases, like this one, that involve federal bankruptcy and a tax dispute. Whether this case might yield the same or a different result without *Bob Richards* is a matter the court of appeals may take up on remand. Pp. 136–138.

914 F. 3d 1262, vacated and remanded.

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

Mitchell P. Reich argued the cause for petitioner. With him on the briefs were *Neal Kumar Katyal*, *Colleen E. Roh Sinzdak*, *Thomas P. Schmidt*, and *Mark E. Haynes*.

Michael R. Huston argued the cause for respondent. With him on the brief were *Solicitor General Francisco*, *Assistant Attorney General Hunt*, *Deputy Solicitor General Stewart*, *Colleen J. Boles*, and *J. Scott Watson*.

Page Proof Pending Publication

JUSTICE GORSUCH delivered the opinion of the Court.

This case grows from a fight over a tax refund. But the question we face isn't who gets the money, only how to decide the dispute. Should federal courts rely on state law, together with any applicable federal rules, or should they devise their own federal common law test? To ask the question is nearly to answer it. The cases in which federal courts may engage in common lawmaking are few and far between. This is one of the cases that lie between.

The trouble here started when the United Western Bank hit hard times, entered receivership, and the Federal Deposit Insurance Corporation took the reins. Not long after that, the bank's parent, United Western Bancorp, Inc., faced its own problems and was forced into bankruptcy, led now by a trustee, Simon Rodriguez. When the Internal Revenue Service issued a $4 million tax refund, each of these newly assigned caretakers understandably sought to claim the money. Unable to resolve their differences, they took the

matter to court. The case wound its way through a bankruptcy court and a federal district court before eventually landing in the Tenth Circuit. At the end of it all, the court of appeals ruled for the FDIC, as receiver for the subsidiary bank, rather than for Mr. Rodriguez, as trustee for the corporate parent.

How could two separate corporate entities both claim entitlement to a single tax refund? For many years, the IRS has allowed an affiliated group of corporations to file a consolidated federal return. See 26 U. S. C. § 1501. This serves as a convenience for the government and taxpayers alike. Unsurprisingly, though, a corporate group seeking to file a single return must comply with a host of regulations. See 26 U. S. C. § 1502; 26 CFR § 1.1502–0 *et seq.* (2019). These regulations are pretty punctilious about ensuring the government gets all the taxes due from corporate group members. See, *e. g.*, § 1.1502–6. But when it comes to the distribution of refunds, the regulations say considerably less. They describe how the IRS will pay the group's designated agent a single refund. See § 1.1502–77(d)(5). And they warn that the IRS's payment discharges the government's refund liability to all group members. *Ibid.* But how should the members distribute the money among themselves once the government sends it to their designated agent? On that, federal law says little.

Page Proof Pending Publication

To fill the gap, many corporate groups have developed "tax allocation agreements." These agreements usually specify what share of a group's tax liability each member will pay, along with the share of any tax refund each member will receive. But what if there is no tax allocation agreement? Or what if the group members dispute the meaning of the terms found in their agreement? Normally, courts would turn to state law to resolve questions like these. State law is replete with rules readymade for such tasks—rules for interpreting contracts, creating equitable trusts, avoiding unjust enrichment, and much more.

Some federal courts, however, have charted a different course. They have crafted their own federal common law rule—one known to those who practice in the area as the *Bob Richards* rule, so named for the Ninth Circuit case from which it grew: *In re Bob Richards Chrysler-Plymouth Corp.*, 473 F. 2d 262 (1973). As initially conceived, the *Bob Richards* rule provided that, in the absence of a tax allocation agreement, a refund belongs to the group member responsible for the losses that led to it. See *id.*, at 265. With the passage of time, though, *Bob Richards* evolved. Now, in some jurisdictions, *Bob Richards* doesn't just supply a stopgap rule for situations when group members lack an allocation agreement. It represents a general rule always to be followed unless the parties' tax allocation agreement *unambiguously* specifies a different result.

At the urging of the FDIC and consistent with circuit precedent, the Tenth Circuit employed this more expansive version of *Bob Richards* in the case now before us. Because the parties did have a tax allocation agreement, the court of appeals explained, the question it faced was whether the agreement unambiguously deviated from *Bob Richards*'s default rule. *In re United Western Bancorp, Inc.*, 914 F. 3d 1262, 1269–1270 (2019). After laying out this "analytical framework" for decision, *id.*, at 1269 (emphasis deleted), the court proceeded to hold that the FDIC, as receiver for the bank, owned the tax refund.

Page Proof Pending Publication

Not all circuits, however, follow *Bob Richards*. The Sixth Circuit, for example, has observed that "federal common law constitutes an unusual exercise of lawmaking which should be indulged . . . only when there is a significant conflict between some federal policy or interest and the use of state law." *FDIC* v. *AmFin Financial Corp.*, 757 F. 3d 530, 535 (2014) (internal quotation marks omitted). In the Sixth Circuit's view, courts employing *Bob Richards* have simply "bypassed th[is] threshold question." 757 F. 3d, at 536. And any fair examination of it, the Sixth Circuit has submitted,

reveals no conflict that might justify resort to federal common law. *Ibid.* We took this case to decide *Bob Richards*'s fate. 588 U. S. 919 (2019).

Judicial lawmaking in the form of federal common law plays a necessarily modest role under a Constitution that vests the federal government's "legislative Powers" in Congress and reserves most other regulatory authority to the States. See Art. I, § 1; Amdt. 10. As this Court has put it, there is "no federal general common law." *Erie R. Co.* v. *Tompkins*, 304 U. S. 64, 78 (1938). Instead, only limited areas exist in which federal judges may appropriately craft the rule of decision. *Sosa* v. *Alvarez-Machain*, 542 U. S. 692, 729 (2004). These areas have included admiralty disputes and certain controversies between States. See, *e. g.*, *Norfolk Southern R. Co.* v. *James N. Kirby, Pty Ltd.*, 543 U. S. 14, 23 (2004); *Hinderlider* v. *La Plata River & Cherry Creek Ditch Co.*, 304 U. S. 92, 110 (1938). In contexts like these, federal common law often plays an important role. But before federal judges may claim a new area for common lawmaking, strict conditions must be satisfied. The Sixth Circuit correctly identified one of the most basic: In the absence of congressional authorization, common lawmaking must be "'necessary to protect uniquely federal interests.'" *Texas Industries, Inc.* v. *Radcliff Materials, Inc.*, 451 U. S. 630, 640 (1981) (quoting *Banco Nacional de Cuba* v. *Sabbatino*, 376 U. S. 398, 426 (1964)).

Slip Opinion Pending Publication

Nothing like that exists here. The federal government may have an interest in regulating how it *receives* taxes from corporate groups. See, *e. g.*, 26 CFR §§ 1.1502–6, –12, –13. The government also may have an interest in regulating the *delivery* of any tax refund due a corporate group. For example and as we've seen, the government may wish to ensure that others in the group have no recourse against federal coffers once it pays the group's designated agent. See § 1.1502–77(d)(5). But what unique interest could the federal government have in determining how a consolidated cor-

porate tax refund, once paid to a designated agent, is *distributed* among group members?

The Sixth Circuit correctly observed that *Bob Richards* offered no answer—it just bypassed the question. Nor have the courts applying and extending *Bob Richards* provided satisfactory answers of their own. Even the FDIC, which advocated for the *Bob Richards* rule in the Tenth Circuit, failed to point that court to any unique federal interest the rule might protect. In this Court, the FDIC, now represented by the Solicitor General, has gone a step further, expressly conceding that federal courts "should not apply a federal common law rule to . . . put a thumb on . . . the scale" when deciding which corporate group member owns some or all of a consolidated refund. Tr. of Oral Arg. 40; see also *id.*, at 32–36.

Understandably too. Corporations are generally "creatures of state law," *Cort* v. *Ash*, 422 U. S. 66, 84 (1975), and state law is well equipped to handle disputes involving corporate property rights. That cases like the one now before us happen to involve corporate property rights in the context of a federal bankruptcy and a tax dispute doesn't change much. As this Court has long recognized, "Congress has generally left the determination of property rights in the assets of a bankrupt's estate to state law." *Butner* v. *United States*, 440 U. S. 48, 54 (1979). So too with the Internal Revenue Code—it generally "'creates no property rights.'" *United States* v. *National Bank of Commerce*, 472 U. S. 713, 722 (1985) (quoting *United States* v. *Bess*, 357 U. S. 51, 55 (1958)). If special exceptions to these usual rules sometimes might be warranted, no one has explained why the distribution of a consolidated corporate tax refund should be among them.

Even if the Tenth Circuit's reliance on *Bob Richards*'s analytical framework was mistaken, the FDIC suggests we might affirm the court's judgment in this case anyway. The FDIC points out that the court of appeals proceeded to con-

Page Proof Pending Publication

sult applicable state law—and the FDIC assures us its result follows naturally from state law. The FDIC also suggests that the IRS regulations concerning the appointment and duties of a corporate group's agent found in 26 CFR §§ 1.1502–77(a) and (d) tend to support the court of appeals's judgment. Unsurprisingly, Mr. Rodriguez disagrees with these assessments and contends that, absent *Bob Richards*, the Tenth Circuit would have reached a different outcome.

Who is right about all this we do not decide. Some, maybe many, cases will come out the same way under state law or *Bob Richards*. But we did not take this case to decide how this case should be resolved under state law or to determine how IRS regulations might interact with state law. We took this case only to underscore the care federal courts should exercise before taking up an invitation to try their hand at common lawmaking. *Bob Richards* made the mistake of moving too quickly past important threshold questions at the heart of our separation of powers. It supplies no rule of decision, only a cautionary tale. Whether this case might yield the same or a different result without *Bob Richards* is a matter the court of appeals may consider on remand. See, *e. g.*, *Conkright* v. *Frommert*, 559 U. S. 506, 521–522 (2010); *Travelers Casualty & Surety Co. of America* v. *Pacific Gas & Elec. Co.*, 549 U. S. 443, 455–456 (2007); *Gonzales* v. *Duenas-Alvarez*, 549 U. S. 183, 194 (2007).

Page Proof Pending Publication

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.

Syllabus

McKINNEY *v.* ARIZONA

CERTIORARI TO THE SUPREME COURT OF ARIZONA

No. 18–1109. Argued December 11, 2019—Decided February 25, 2020

An Arizona jury convicted petitioner James McKinney of two counts of first-degree murder. The trial judge found aggravating circumstances for both murders, weighed the aggravating and mitigating circumstances, and sentenced McKinney to death. Nearly 20 years later, the Ninth Circuit held on habeas review that the Arizona courts violated *Eddings* v. *Oklahoma*, 455 U. S. 104, by failing to properly consider as relevant mitigating evidence McKinney's posttraumatic stress disorder. McKinney's case then returned to the Arizona Supreme Court. McKinney argued that he was entitled to a jury resentencing, but the Arizona Supreme Court itself reweighed the aggravating and mitigating circumstances, as permitted by *Clemons* v. *Mississippi*, 494 U. S. 738, and upheld both death sentences.

Held: A *Clemons* reweighing is a permissible remedy for an *Eddings* error, and when an *Eddings* error is found on collateral review, a state appellate court may conduct a *Clemons* reweighing on collateral review. McKinney's argument that a jury must resentence him does not square with *Clemons*, where the Court held that a reweighing of the aggravating and mitigating evidence may be conducted by an appellate court. 494 U. S., at 741. Because *Clemons* involved an improperly considered aggravating circumstance, McKinney maintains that it is inapposite here, where the case involves an improperly ignored mitigating circumstance. *Clemons*, however, did not depend on any unique effect of aggravators as distinct from mitigators. For purposes of appellate reweighing, there is no meaningful difference between subtracting an aggravator from one side of the scale and adding a mitigator to the other side. McKinney also argues that *Clemons* is no longer good law in the wake of *Ring* v. *Arizona*, 536 U. S. 584, and *Hurst* v. *Florida*, 577 U. S. 92, where the Court held that a jury must find the aggravating circumstance that makes the defendant death eligible. But that does not mean that a jury is constitutionally required to weigh the aggravating and mitigating circumstances or to make the ultimate sentencing decision within the relevant sentencing range. See *Apprendi* v. *New Jersey*, 530 U. S. 466, 481. McKinney notes that the Arizona trial court, not the jury, made the initial aggravating circumstance finding that made him eligible for the death penalty. But McKinney's case became final on direct review long before *Ring* and *Hurst*, which do not apply

Page Proof Pending Publication

Syllabus

retroactively on collateral review, see *Schriro* v. *Summerlin*, 542 U. S. 348, 358, and the Arizona Supreme Court's 2018 decision reweighing the aggravators and mitigators did not constitute a reopening of direct review. Pp. 142–147.

245 Ariz. 225, 426 P. 3d 1204, affirmed.

KAVANAUGH, J., delivered the opinion of the Court, in which ROBERTS, C. J., and THOMAS, ALITO, and GORSUCH, JJ., joined. GINSBURG, J., filed a dissenting opinion, in which BREYER, SOTOMAYOR, and KAGAN, JJ., joined, *post*, p. 147.

Neal Kumar Katyal argued the cause for petitioner. With him on the briefs were *Katherine B. Wellington*, *Sharmila Roy*, *Amy L. Marshak*, *Joshua A. Geltzer*, and *Mary B. McCord*.

Oramel H. Skinner, Solicitor General of Arizona, argued the cause for respondent. With him on the brief were *Mark Brnovich*, Attorney General of Arizona, *Kate B. Sawyer*, Assistant Solicitor General, and *Katherine H. Jessen*, Assistant Attorney General, *Joseph A. Kanefield*, Chief Deputy and Chief of Staff, *Brunn W. Roysden III*, *Lacey Stover Gard*, *Ginger Jarvis*, and *Laura Chiasson*.*

Page Proof Pending Publication

*Briefs of *amici curiae* urging reversal were filed for Advocates for Human Rights et al. by *Amy Bergquist*; for the American Civil Liberties Union et al. by *Lisa S. Blatt*, *Amy Mason Saharia*, *Tanya M. Abrams*, *David D. Cole*, and *Brian W. Stull*; for the Arizona Capital Representation Project by *Natman Schaye*; for the Capital Punishment Center of the University of Texas School of Law by *Jordan M. Steiker*, *Jim Marcus*, and *Raoul D. Schonemann*; for the Lawyers' Committee for Civil Rights Under Law by *John Fleming*, *Alex P. Fuchs*, *Kristen Clarke*, and *Jon M. Greenbaum*; for the National Association of Criminal Defense Lawyers by *John Mills*; and for the Roderick & Solange MacArthur Justice Center by *Amir H. Ali*.

Briefs of *amici curiae* urging affirmance were filed for the State of Utah et al. by *Sean D. Reyes*, Attorney General of Utah, *Tyler R. Green*, Solicitor General, *Thomas B. Brunker*, Deputy Solicitor General, and *Tera J. Peterson*, Assistant Solicitor General, and by the Attorneys General of their respective States as follows: *Steve Marshall* of Alabama, *Leslie Rutledge* of Arkansas, *Ashley Moody* of Florida, *Christopher M. Carr* of Geor-

JUSTICE KAVANAUGH delivered the opinion of the Court.

Over a 4-week span in early 1991, James McKinney and his half brother, Charles Hedlund, burglarized five residences in the Phoenix, Arizona, area. During one of the burglaries, McKinney and Hedlund beat and repeatedly stabbed Christine Mertens. McKinney then shot Mertens in the back of the head, fatally wounding her. In another burglary, McKinney and Hedlund killed Jim McClain by shooting him in the back of the head with a sawed-off rifle.

In 1992, an Arizona jury convicted McKinney of two counts of first-degree murder. Under this Court's precedents, a defendant convicted of murder is eligible for a death sentence if at least one aggravating circumstance is found. See *Tuilaepa* v. *California*, 512 U. S. 967 (1994); *Zant* v. *Stephens*, 462 U. S. 862 (1983); *Gregg* v. *Georgia*, 428 U. S. 153 (1976). McKinney's trial judge found aggravating circumstances for both murders. For the Mertens murder, the judge found that McKinney committed the murder for pecuniary gain and that McKinney killed Mertens in an especially heinous, cruel, or depraved manner. For the McClain murder, the judge found that McKinney committed the murder for pecuniary gain and that McKinney had been convicted of another offense with a potential sentence of life imprisonment or death (the Mertens murder).

Equal Protection Foundation

The trial judge then weighed the aggravating and mitigating circumstances and sentenced McKinney to death for both murders. In 1996, the Arizona Supreme Court affirmed McKinney's death sentences.

---

gia, *Lawrence G. Wasden* of Idaho, *Curtis T. Hill, Jr.*, of Indiana, *Derek Schmidt* of Kansas, *Jeff Landry* of Louisiana, *Douglas J. Peterson* of Nebraska, *Dave Yost* of Ohio, *Mike Hunter* of Oklahoma, *Alan Wilson* of South Carolina, *Jason R. Ravnsborg* of South Dakota, and *Herbert H. Slatery III* of Tennessee; for Arizona Prosecuting Attorneys' Advisory Council by *Sheila Sullivan Polk*; for Arizona Voice for Crime Victims Inc. by *Colleen Clase*; and for the Criminal Justice Legal Foundation by *Kent S. Scheidegger* and *Kymberlee C. Stapleton.*

Nearly 20 years later, on federal habeas corpus review, an en banc panel of the U. S. Court of Appeals for the Ninth Circuit decided by a 6 to 5 vote that, in sentencing McKinney, the Arizona courts had failed to properly consider McKinney's posttraumatic stress disorder (PTSD) and had thereby run afoul of this Court's decision in *Eddings* v. *Oklahoma*, 455 U. S. 104 (1982). In *Eddings*, this Court held that a capital sentencer may not refuse as a matter of law to consider relevant mitigating evidence. *Id.*, at 113–114.

McKinney's case then returned to the Arizona Supreme Court. In that court, McKinney argued that he was entitled to resentencing by a jury. By contrast, the State asked that the Arizona Supreme Court itself conduct a reweighing of the aggravating and mitigating circumstances, as permitted by *Clemons* v. *Mississippi*, 494 U. S. 738 (1990). The Arizona Supreme Court agreed with the State. The court itself reviewed the evidence in the record and reweighed the relevant aggravating and mitigating circumstances, including McKinney's PTSD. The court upheld both death sentences. 245 Ariz. 225, 426 P. 3d 1204 (2018).

Page Proof Pending Publication

McKinney petitioned for certiorari in this Court. Because of the importance of the case to capital sentencing in Arizona, we granted certiorari. 587 U. S. 1050 (2019).

The issue in this case is narrow. McKinney contends that after the Ninth Circuit identified an *Eddings* error, the Arizona Supreme Court could not itself reweigh the aggravating and mitigating circumstances. Rather, according to McKinney, a jury must resentence him.

McKinney's argument does not square with this Court's decision in *Clemons*. In *Clemons*, a Mississippi jury sentenced the defendant to death based in part on two aggravating circumstances. After the Mississippi Supreme Court determined that one of the aggravators was unconstitutionally vague, the defendant argued that he was entitled to resentencing before a jury so that the jury could properly weigh the permissible aggravating and mitigating evidence.

This Court disagreed. The Court concluded that the Mississippi Supreme Court could itself reweigh the permissible aggravating and mitigating evidence. 494 U. S., at 745–750. This Court stated that "the Federal Constitution does not prevent a state appellate court from upholding a death sentence that is based in part on an invalid or improperly defined aggravating circumstance either by reweighing of the aggravating and mitigating evidence or by harmless-error review." *Id.*, at 741. The Court explained that a *Clemons* reweighing is not a resentencing but instead is akin to harmless-error review in that both may be conducted by an appellate court.

McKinney contends that *Clemons* does not apply here. He raises two basic arguments.

First, McKinney maintains that *Clemons* involved an improperly considered aggravating circumstance, whereas his case involves what the Ninth Circuit said was an improperly ignored mitigating circumstance. But the Court's analysis in *Clemons* hinged on its assessment of appellate courts' ability to weigh aggravating and mitigating evidence, not on any unique effect of aggravators as distinct from mitigators. After noting that the "primary concern in the Eighth Amendment context has been that the sentencing decision be based on the facts and circumstances of the defendant, his background, and his crime," the Court explained that nothing "inherent in the process of appellate reweighing is inconsistent" with that objective. *Id.*, at 748. Indeed, the Court explicitly rejected the argument that "appellate courts are unable to fully consider and give effect to the mitigating evidence presented by defendants at the sentencing phase in a capital case." *Ibid.* And the Court concluded that a state appellate court may uphold the death sentence after a "reweighing of the aggravating and mitigating evidence." *Id.*, at 741.

In deciding whether a particular defendant warrants a death sentence in light of the mix of aggravating and mitigat-

Page Proof Pending Publication

ing circumstances, there is no meaningful difference for purposes of appellate reweighing between subtracting an aggravator from one side of the scale and adding a mitigator to the other side. Both involve weighing, and the Court's decision in *Clemons* ruled that appellate tribunals may perform a "reweighing of the aggravating and mitigating evidence." *Ibid.* In short, a *Clemons* reweighing is a permissible remedy for an *Eddings* error.

Second, the Court decided *Clemons* back in 1990, and McKinney argues that *Clemons* is no longer good law in the wake of this Court's decisions in *Ring* v. *Arizona*, 536 U. S. 584 (2002), and *Hurst* v. *Florida*, 577 U. S. 92 (2016). According to McKinney, appellate courts may no longer reweigh aggravating and mitigating circumstances in determining whether to uphold a death sentence. McKinney is incorrect.

In *Ring*, this Court held that capital defendants "are entitled to a jury determination of any fact on which the legislature conditions an increase in their maximum punishment"—in particular, the finding of an aggravating circumstance. 536 U. S., at 589. In *Hurst*, the Court applied *Ring* and decided that Florida's capital sentencing scheme impermissibly allowed "a sentencing judge to find an aggravating circumstance, independent of a jury's factfinding, that is necessary for imposition of the death penalty." 577 U. S., at 102.

Under *Ring* and *Hurst*, a jury must find the aggravating circumstance that makes the defendant death eligible. But importantly, in a capital sentencing proceeding just as in an ordinary sentencing proceeding, a jury (as opposed to a judge) is not constitutionally required to weigh the aggravating and mitigating circumstances or to make the ultimate sentencing decision within the relevant sentencing range. In *Apprendi* v. *New Jersey*, 530 U. S. 466 (2000), this Court carefully avoided any suggestion that "it is impermissible for judges to exercise discretion—taking into consideration vari-

Last Proof Pending Publication

ous factors relating both to offense and offender—in imposing a judgment *within the range* prescribed by statute." *Id.*, at 481. And in the death penalty context, as Justice Scalia, joined by JUSTICE THOMAS, explained in his concurrence in *Ring*, the decision in *Ring* "has nothing to do with jury sentencing. What today's decision says is that the jury must find the existence of the *fact* that an aggravating factor existed." 536 U. S., at 612; see also *Kansas* v. *Carr*, 577 U. S. 108, 118–120 (2016). Therefore, as Justice Scalia explained, the "States that leave the ultimate life-or-death decision to the judge may continue to do so." *Ring*, 536 U. S., at 612.

In short, *Ring* and *Hurst* did not require jury weighing of aggravating and mitigating circumstances, and *Ring* and *Hurst* did not overrule *Clemons* so as to prohibit appellate reweighing of aggravating and mitigating circumstances.

In addition to those two arguments about *Clemons*, McKinney advances an additional argument based on *Ring* and *Hurst*. This argument focuses not on the weighing of aggravators and mitigators, but rather on the Arizona trial court's initial 1993 finding of the aggravating circumstances that made McKinney eligible for the death penalty. McKinney points out that a *jury* did not find the aggravating circumstances, as is now required by *Ring* and *Hurst*.

Page Proof Pending Publication

The hurdle is that McKinney's case became final on direct review in 1996, long before *Ring* and *Hurst*. *Ring* and *Hurst* do not apply retroactively on collateral review. See *Schriro* v. *Summerlin*, 542 U. S. 348, 358 (2004). Because this case comes to us on state collateral review, *Ring* and *Hurst* do not apply.

McKinney says, however, that this case has a twist. He asserts that the Arizona Supreme Court's 2018 decision reweighing the aggravators and mitigators constituted a reopening of *direct* review. Because this case (as McKinney sees it) is again on direct review, McKinney argues that

he should receive the benefit of *Ring* and *Hurst*—namely, a jury resentencing with a jury determination of aggravating circumstances.

But the premise of that argument is wrong because the Arizona Supreme Court's reweighing of the aggravating and mitigating circumstances occurred on collateral review, not direct review. In conducting the reweighing, the Arizona Supreme Court explained that it was conducting an independent review in a collateral proceeding. The court cited its prior decision in *State* v. *Styers*, 227 Ariz. 186, 254 P. 3d 1132 (2011), which concluded that Arizona could conduct such an independent review in a collateral proceeding. See also Ariz. Rev. Stat. Ann. § 13–755 (2010); *State* v. *Hedlund*, 245 Ariz. 467, 470–471, 431 P. 3d 181, 184–185 (2018). Under these circumstances, we may not second-guess the Arizona Supreme Court's characterization of state law. See *Mullaney* v. *Wilbur*, 421 U. S. 684, 691 (1975); see also *Jimenez* v. *Quarterman*, 555 U. S. 113, 120, n. 4 (2009); *Styers* v. *Ryan*, 811 F. 3d 292, 297, n. 5 (CA9 2015). As a matter of *state* law, the reweighing proceeding in McKinney's case occurred on collateral review.

Image Proof Pending Publication

McKinney responds that the state label of collateral review cannot control the finality question; that a *Clemons* reweighing is a sentencing proceeding; and that a *Clemons* reweighing therefore may occur only on direct review (or on reopening of direct review). But *Clemons* itself, over a vigorous dissent, stated that an appellate reweighing is not a sentencing proceeding that must be conducted by a jury. See 494 U. S., at 741, 744–755. The appellate reweighing is akin to harmless-error review. Courts routinely conduct harmless-error review in collateral proceedings. Cf., *e. g.*, *Brecht* v. *Abrahamson*, 507 U. S. 619, 638 (1993). There is no good reason—and McKinney supplies none—why state courts may not likewise conduct a *Clemons* reweighing on collateral review. As relevant here, when an *Eddings* error is found on collateral review, a state court may conduct a

Clemons reweighing on collateral review.* Here, therefore, the Arizona Supreme Court permissibly conducted a *Clemons* reweighing on collateral review.

* * *

This Court's precedents establish that state appellate courts may conduct a *Clemons* reweighing of aggravating and mitigating circumstances, and may do so in collateral proceedings as appropriate and provided under state law. We affirm the judgment of the Arizona Supreme Court.

It is so ordered.

JUSTICE GINSBURG, with whom JUSTICE BREYER, JUSTICE SOTOMAYOR, and JUSTICE KAGAN join, dissenting.

Petitioner James Erin McKinney, convicted in Arizona of two counts of first-degree murder, was sentenced to death in 1993. At that time, Arizona assigned capital sentencing to trial judges. To impose a death sentence, the judge had to find at least one aggravating circumstance and "no mitigating circumstances sufficiently substantial to call for leniency." Ariz. Rev. Stat. Ann. § 13–703(E) (1993). In 2002, in *Ring* v. *Arizona*, 536 U. S. 584 (2002), this Court held Arizona's capital sentencing regime unconstitutional. The "aggravating factors" that render a defendant eligible for capital punishment in Arizona, the Court reasoned, "operate as 'the functional equivalent of an element of a greater offense.'" *Id.*, at 609 (quoting *Apprendi* v. *New Jersey*, 530 U. S. 466, 494, n. 19 (2000)). "[T]he Sixth Amendment [therefore] requires that [such aggravating factors] be found by a jury."

Page Proof Pending Publication

*Moreover, the District Court's conditional writ in this case merely required Arizona to correct a purported *Eddings* error. As we have explained, an *Eddings* error may be remedied on appeal or on collateral review. Our holding here does not suggest that a State, by use of a collateral label, may conduct a new trial proceeding in violation of current constitutional standards.

536 U. S., at 609; see *Hurst* v. *Florida*, 577 U. S. 92, 94 (2016) ("The Sixth Amendment requires a jury, not a judge, to find each fact necessary to impose a sentence of death."). Here in dispute, does *Ring* apply to McKinney's case?[1] If it does, then McKinney's death sentences—imposed based on aggravating factors found by a judge, not a jury—are unlawful.

The Constitution, this Court has determined, requires the application of new rules of constitutional law to cases on direct review. *Griffith* v. *Kentucky*, 479 U. S. 314, 322–323 (1987). Such rules, however, do not apply retroactively to cases on collateral review unless they fall within one of two exceptions. *Teague* v. *Lane*, 489 U. S. 288, 310 (1989) (plurality opinion).[2] This Court has already held that *Ring* does not fall within those exceptions. See *Schriro* v. *Summerlin*, 542 U. S. 348, 358 (2004). Thus, the pivotal question: Is McKinney's case currently on direct review, in which case *Ring* applies, or on collateral review, in which case *Ring* does not apply?[3] I would rank the Arizona Supreme Court's proceeding now before this Court for review as direct in character. I would therefore hold McKinney's death sentences unconstitutional under *Ring*, and reverse the judgment of the Arizona Supreme Court.

Page Proof Pending Publication

---

[1] McKinney's primary argument rests on *Ring*. See Brief for Petitioner 19–33. Curiously, the Court devotes most of its opinion, *ante*, at 142–144, to McKinney's alternative argument: that *Eddings* error cannot be corrected by an appellate court. Brief for Petitioner 33–47 (discussing *Eddings* v. *Oklahoma*, 455 U. S. 104 (1982)). Because I conclude that *Ring* is dispositive here, I do not reach McKinney's fallback argument.

[2] "[S]ubstantive" rules—"rules according constitutional protection to an actor's primary conduct" or "placing a certain class of individuals beyond the State's power to punish" in a particular manner—apply on collateral review. *Penry* v. *Lynaugh*, 492 U. S. 302, 329–330 (1989). The same is true of "watershed rules of criminal procedure." *Teague*, 489 U. S., at 311.

[3] Direct review immediately challenges a conviction; collateral review, occurring after a completed appeal, "is secondary and limited." *Brecht* v. *Abrahamson*, 507 U. S. 619, 633 (1993) (internal quotation marks omitted).

I

Upon the imposition of a death sentence in Arizona, a defendant's appeal bypasses the intermediate appellate court and moves directly from the trial court to the Arizona Supreme Court. See Ariz. Rev. Stat. Ann. § 13–4031 (2010).[4] The statute governing such an appeal, § 13–755, instructs: "The supreme court shall review all death sentences. On review, the supreme court shall independently review the trial court's findings of aggravation and mitigation and the propriety of the death sentence." § 13–755(A).[5] Independent review under § 13–755 entails "review[ing] the entire record" without deference to the factfinder, to determine, *de novo*, "whether a capital sentence is not only legally correct, but also appropriate." *State* v. *Roseberry*, 237 Ariz. 507, 509–510, 353 P. 3d 847, 849–850 (2015). In 1996, the Arizona Supreme Court reviewed McKinney's sentences under the foregoing scheme and affirmed the trial court's dispositions.

Page Proof Pending Publication

McKinney then sought a writ of habeas corpus in federal court. In 2015, the en banc United States Court of Appeals for the Ninth Circuit concluded that the Arizona Supreme Court, when it independently reviewed McKinney's sentences in 1996, committed constitutional error. Specifically, the state court, in violation of *Eddings* v. *Oklahoma*, 455 U. S. 104, 113–114 (1982),[6] refused to consider as mitigating

[4] "Arizona's capital sentencing statutes were reorganized and renumbered in 2008." *State* v. *Chappell*, 225 Ariz. 229, 234, n. 3, 236 P. 3d 1176, 1181, n. 3 (2010). This opinion cites a statute's current version when materially identical to the text in effect at the relevant time.

[5] Section 13–755 remains in effect for crimes committed before August 1, 2002. *State* v. *Morris*, 215 Ariz. 324, 340, 160 P. 3d 203, 219 (2007).

[6] In *Eddings*, the sentencing judge and appellate court found mitigating evidence about the defendant's "family history" irrelevant as a matter of law. 455 U. S., at 113. This Court held: "Just as the State may not by statute preclude the sentencer from considering any mitigating factor, neither may the sentencer refuse to consider, *as a matter of law*, any relevant mitigating evidence." *Id.*, at 113–114.

evidence the posttraumatic stress disorder (PTSD) McKinney suffered as a result of his horrific childhood. See *McKinney* v. *Ryan*, 813 F. 3d 798, 804. Reversing the District Court's judgment denying the writ of habeas corpus, the Court of Appeals remanded the case "with instructions to grant the writ with respect to McKinney's sentence unless the state, within a reasonable period, either corrects the constitutional error in his death sentence or vacates the sentence and imposes a lesser sentence consistent with law." *Id.*, at 827. This Court denied the State's petition for certiorari. *Ryan* v. *McKinney*, 580 U. S. 908 (2016).

The State thereupon asked the Arizona Supreme Court to "conduct a new independent review of McKinney's death sentenc[e]" "to cure any error in [the prior] independent review." App. 389. Granting the State's motion in 2018, Arizona's highest court again did as the independent-review statute instructs. See *supra*, at 149. Specifically, the court first determined that "no reasonable doubt" existed "as to the aggravating circumstances found by the trial court." 245 Ariz. 225, 227, 426 P. 3d 1204, 1206 (2018). It then noted that "McKinney [had] proved several mitigating circumstances," including "PTSD . . . caused by the abuse and trauma he experienced as a child." *Ibid.* "Given the aggravating circumstances," however, the court "conclude[d] that McKinney's mitigating evidence [wa]s not sufficiently substantial to warrant leniency." *Ibid.* It therefore "affirm[ed] McKinney's death sentences" for a second time. *Id.*, at 229, 426 P. 3d, at 1208.

Page Proof Pending Publication

II

A

Beyond doubt, the Arizona Supreme Court engaged in direct review in 1996. A defendant's first opportunity to appeal his conviction and sentence is the archetype of direct

review. See *Brecht* v. *Abrahamson*, 507 U. S. 619, 633 (1993) ("Direct review is the principal avenue for challenging a conviction.").

The Arizona Supreme Court's 2018 proceeding was essentially a replay of the initial direct review proceeding. The State's request for "a *new* independent review," App. 389 (emphasis added), asked the Arizona Supreme Court to resume and redo direct review, this time in accord with *Eddings*. See Webster's Third New International Dictionary 1522 (2002) ("new": "beginning or appearing as the recurrence, resumption, or repetition of a previous act or thing"). The Arizona Supreme Court proceeded accordingly. That court retained for its "new independent review" the docket number earlier assigned to its initial review, App. 1, 6–11, and docket entries show that the original 1996 appeal was "Reinstated," *id.*, at 1. In its 2018 review, the Arizona Supreme Court "examine[d] 'the trial court's findings of aggravation and mitigation and the propriety of the death sentence'" afresh, treating that court's 1996 decision as though it never issued. 245 Ariz., at 227, 426 P. 3d, at 1206 (quoting § 13–755). See also *supra*, at 150.

Page Proof Pending Publication

Renewal of direct review cannot sensibly be characterized as anything other than direct review. The Arizona Supreme Court's 2018 proceeding retread ground traversed in 1996; the two proceedings differed only in that the court's 2018 review was free of *Eddings* error. If, as the State does not contest, the court's 1996 review ranked as review direct in character, so, too, did its 2018 do-over.[7]

---

[7] Further, the reason new rules do not apply on collateral review—namely, that "considerations of finality" weigh heavily when "trials and appeals conformed to then-existing constitutional standards," *Teague* v. *Lane*, 489 U. S. 288, 309–310 (1989) (plurality opinion)—has little purchase here, where the replay of direct review was occasioned by constitutional error in the first appeal. See *McKinney* v. *Ryan*, 813 F. 3d 798, 804, 822–823 (CA9 2015).

B

The State urges that the Arizona Supreme Court's decision in *State* v. *Styers*, 227 Ariz. 186, 254 P. 3d 1132 (2011), compels a different classification of that court's 2018 proceeding. In *Styers*, as here, the Arizona Supreme Court conducted a new independent review to correct *Eddings* error in its previous decision affirming the defendant's death sentence. 227 Ariz., at 187, 254 P. 3d, at 1133. The Arizona Supreme Court regarded its second look in *Styers* as a collateral review for retroactivity purposes, *id.*, at 187–188, and n. 1, 254 P. 3d, at 1133–1134, and n. 1, and followed suit in its 2018 renewed examination in this case, 245 Ariz., at 226–227, 426 P. 3d, at 1205–1206. This Court, the State maintains, is bound by that state-law classification. Brief for Respondent 22–25. The State's argument should be unavailing. Whether the Constitution requires the application of law now in force is a question of federal constitutional law, not an issue subject to state governance. See *Griffith*, 479 U. S., at 322–323.

Page Proof Pending Publication

C

The Court does not today hold that the classification a state supreme court assigns to a proceeding is inevitably dispositive of a retroactivity question of the kind this case presents. See *ante*, at 147, n. Instead, the Court looks first to the State's classification of a proceeding, and then asks whether the character of the proceeding warrants the classification. See *ante*, at 146 (review was "akin to harmless-error review," which may be conducted on collateral review).

Accepting "collateral" as a fit description of the 2018 Arizona Supreme Court review proceeding, the Court relies on *Clemons* v. *Mississippi*, a decision holding that appellate courts can reweigh aggravating and mitigating factors as a form of "harmless-error analysis" when the factfinder "relied in part on an invalid aggravating circumstance." 494 U. S.

738, 744, 752 (1990). Here, however, *the Ninth Circuit* engaged in harmless-error review when that court evaluated McKinney's federal habeas petition—and found the Arizona Supreme Court's 1996 *Eddings* error harmful. *McKinney*, 813 F. 3d, at 822–824. The State accordingly asked the Arizona Supreme Court "to *cure* [that] error" by conducting a new independent review proceeding. App. 389 (emphasis added). In determining *de novo* in 2018 whether McKinney's death sentences were "not only legally correct, but also appropriate," *Roseberry*, 237 Ariz., at 509, 353 P. 3d, at 849, the Arizona Supreme Court was not conducting garden-variety harmless-error review of a lower court decision; it was rerunning direct review to correct its own prior harmful error.

* * *

Dissenting in *Styers*, then-Justice Hurwitz explained:

> "[I]ndependent review is the paradigm of direct review—we determine, de novo, whether the trial court, on the facts before it, properly sentenced the defendant to death. Thus, what the State sought in this case—and what the Court has granted—is a new direct review of the death sentence, designed to obviate a constitutional error occurring in the original appeal." 227 Ariz., at 191, 254 P. 3d, at 1137 (internal quotation marks omitted).

Page Proof Pending Publication

Exactly right. Because *Ring* controls post-2002 direct review proceedings, I would apply that precedent here and reverse the judgment of the Arizona Supreme Court.

REPORTER'S NOTE

The next page is purposely numbered 901. The numbers between 153 and 901 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.

Page Proof Pending Publication

ORDERS FOR OCTOBER 7, 2019, THROUGH
FEBRUARY 24, 2020

OCTOBER 7, 2019

Affirmed for Absence of Quorum

No. 18–9383. ARUNACHALAM *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA ET AL. C. A. 9th Cir. Because the Court lacks a quorum, 28 U. S. C. § 1, and since the qualified Justices are of the opinion that the case cannot be heard and determined at the next Term of the Court, the judgment is affirmed under 28 U. S. C. § 2109, which provides that under these circumstances "the court shall enter its order affirming the judgment of the court from which the case was brought for review with the same effect as upon affirmance by an equally divided court." JUSTICE THOMAS, JUSTICE GINSBURG, JUSTICE BREYER, JUSTICE ALITO, JUSTICE SOTOMAYOR, and JUSTICE KAGAN took no part in the consideration or decision of this petition.

Public Domain Penguin Random

Vacated and Remanded on Appeal

No. 19–70. HOUSEHOLDER ET AL. *v.* OHIO A. PHILIP RANDOLPH INSTITUTE ET AL.; and

No. 19–110. CHABOT ET AL. *v.* OHIO A. PHILIP RANDOLPH INSTITUTE ET AL. Appeals from D. C. S. D. Ohio. Motion of Stephen M. Shapiro for leave to file brief as *amicus curiae* granted. Judgment vacated, and cases remanded for further consideration in light of *Rucho* v. *Common Cause*, 588 U. S. 684 (2019). Reported below: 373 F. Supp. 3d 978.

Certiorari Granted—Vacated and Remanded

No. 18–1258. ENCLARITY INC. ET AL. *v.* FULTON. C. A. 6th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *PDR Network, LLC* v. *Carlton & Harris Chiropractic, Inc.*, 588 U. S. 1 (2019). Reported below: 907 F. 3d 948.

No. 18–7572. WEBSTER *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 the decision of the Supreme Court of Wisconsin in *United States* v. *Franklin*, 2019 WI 64, 387 Wis. 2d 259, 928 N. W. 2d 545 (2019). Reported below: 730 Fed. Appx. 396.

No. 18–8737. BACHILLER *v.* UNITED STATES. C. A. 11th Cir.;
No. 18–9210. SOLOMON *v.* UNITED STATES. C. A. 11th Cir. Reported below: 911 F. 3d 1356;
No. 18–9211. ESCOURSE-WESTBROOK *v.* UNITED STATES. C. A. 11th Cir.;
No. 18–9234. MENDOZA *v.* UNITED STATES. C. A. 2d Cir. Reported below: 754 Fed. Appx. 25;
No. 18–9244. HERRERA *v.* UNITED STATES. C. A. 11th Cir. Reported below: 752 Fed. Appx. 944;
No. 18–9266. RODRIGUEZ *v.* UNITED STATES; RIVERA-LOPEZ *v.* UNITED STATES; and TORRES *v.* UNITED STATES. C. A. 3d Cir.;
No. 18–9302. XING LIN *v.* UNITED STATES. C. A. 2d Cir. Reported below: 752 Fed. Appx. 106; and
No. 18–9323. DUHART *v.* UNITED STATES. C. A. 11th Cir. Reported below: 752 Fed. Appx. 954. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *United States* v. *Davis*, 588 U. S. 445 (2019).

Pages Proof Pending Publication

No. 18–8911. HUMBERT *v.* UNITED STATES. C. A. 11th Cir.;
No. 18–9425. CONTRERAS *v.* UNITED STATES. C. A. 5th Cir. Reported below: 754 Fed. Appx. 286;
No. 18–9444. GREER *v.* UNITED STATES. C. A. 11th Cir. Reported below: 753 Fed. Appx. 886;
No. 18–9589. GILBERT *v.* UNITED STATES. C. A. 5th Cir. Reported below: 756 Fed. Appx. 491;
No. 18–9707. COOK *v.* UNITED STATES. C. A. 7th Cir. Reported below: 914 F. 3d 545;
No. 18–9726. HALE *v.* UNITED STATES. C. A. 5th Cir. Reported below: 758 Fed. Appx. 344;
No. 19–5196. ROBINSON *v.* UNITED STATES. C. A. 4th Cir. Reported below: 714 Fed. Appx. 275;
No. 19–5260. JACKSON *v.* UNITED STATES. C. A. 11th Cir. Reported below: 750 Fed. Appx. 811;

No. 19–5270. McCormick *v.* United States. C. A. 4th Cir. Reported below: 765 Fed. Appx. 4; and

No. 19–5330. Parks *v.* United States. C. A. 4th Cir. Reported below: 767 Fed. Appx. 509. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Rehaif* v. *United States*, 588 U. S. 225 (2019).

No. 18–9185. Martin *v.* United States. C. A. 11th 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 *United States* v. *Davis*, 588 U. S. 445 (2019). Justice Kagan took no part in the consideration or decision of this motion and this petition.

Certiorari Dismissed

No. 18–9023. Brooks *v.* Gabriel 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. Justice Gorsuch took no part in the consideration or decision of this motion and this petition. Reported below: 738 Fed. Appx. 927.

Page Proof Pending Publication

No. 18–9098. Munt *v.* Miles, Warden. 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.

No. 18–9119. Gardner *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. 18–9186. Williams *v.* California. Ct. App. Cal., 2d App. Dist., Div. 1. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 18–9232. Ibeabuchi *v.* Banicki 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. Reported below: 741 Fed. Appx. 509.

No. 18–9287. Scheib *v.* Rozberil. Super. Ct. Pa. 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*). JUSTICE ALITO took no part in the consideration or decision of this motion and this petition. Reported below: 183 A. 3d 1056.

No. 18–9412. RASHID *v.* UNITED STATES. 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. 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*). JUSTICE ALITO took no part in the consideration or decision of this motion and this petition.

Page Proof Pending Publication

No. 18–9435. SEIBERT *v.* CALDWELL, WARDEN. Sup. Ct. Ga. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 18–9482. RUBIO *v.* RABURN 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. 18–9520. BARTLETT *v.* PINEDA, JUDGE, 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. 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. 18–9528. PARKS *v.* STOLC, 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. 18–9535. OCASIO *v.* PEREZ 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*). Reported below: 735 Fed. Appx. 418.

No. 18–9569. MUNT *v.* ROY ET AL. 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. 18–9585. WILLIAMS *v.* UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS. 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. 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*).

Page Proof Pending Publication

No. 18–9689. KING *v.* NEALL, SECRETARY, MARYLAND DEPARTMENT OF HEALTH, 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: 749 Fed. Appx. 182.

No. 18–9706. PETERS *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.

No. 18–9730. LEPRE *v.* PENNSYLVANIA 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. 18–9751. NESBITT *v.* FRAKES, DIRECTOR, NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES. 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. 18–9777. HARRIS *v.* MCCUMSEY 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. Reported below: 754 Fed. Appx. 634.

No. 18–9835. PEREZ *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. 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: 266 So. 3d 851.

Page Proof Pending Publication

No. 18–9846. METCALF *v.* KALLIS, WARDEN. 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: 754 Fed. Appx. 220.

No. 19–5044. MOON *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. 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. 19–5165. YANEY *v.* SUPERIOR COURT OF CALIFORNIA, SAN BERNARDINO COUNTY. 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. 19–5205. SMITH *v.* MATTHEWS ET AL. 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. Reported below: 768 Fed. Appx. 591.

No. 19–5213. ARMSTRONG *v.* UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA. 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. 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*). JUSTICE ALITO took no part in the consideration or decision of this motion and this petition.

No. 19–5228. CATERBONE *v.* LANCASTER CITY BUREAU OF POLICE 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. Reported below: 753 Fed. Appx. 91.

No. 19–5235. ARLOTTA *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. Reported below: 779 Fed. Appx. 729.

No. 19–5240. BUTLER *v.* UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN. 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. 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. 19–5249. KERSEY *v.* HERB CHAMBERS 1186, INC., ET AL. C. A. 1st Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 19–5284. MORETTI *v.* BERGEN COUNTY PROSECUTOR'S OFFICE. Super. Ct. N. J., App. Div. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. JUSTICE ALITO took no part in the consideration or decision of this motion and this petition.

No. 19–5299. RIVERA ROSADO *v.* LUCID ENERGY, INC. 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. 19–5304. PUZEY *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. Reported below: 764 Fed. Appx. 330 and 331.

Page Proof Pending Publication

No. 19–5342. TUCKER *v.* CORIZON CORRECTIONAL HEALTH CARE 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. 19–5372. DAY-PETRANO *v.* HALL ET AL. Dist. Ct. App. Fla., 1st Dist. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 267 So. 3d 355.

No. 19–5395. CLEVELAND *v.* ADGER. 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: 746 Fed. Appx. 235.

No. 19–5496. MORETTI *v.* MORDAGA. 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. JUSTICE ALITO took no part in the consideration or decision of this motion and this petition. Reported below: 747 Fed. Appx. 898.

No. 19–5519. WEEKS *v.* LEWIS, WARDEN. 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.

No. 19–5659. VIOLA *v.* TATE, 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: 753 Fed. Appx. 122.

Miscellaneous Orders

No. 18A718. STOUTAMIRE *v.* LA ROSE, WARDEN. Application for certificate of appealability, addressed to JUSTICE BREYER and referred to the Court, denied.

No. 19A56 (19–5005). SANKARA *v.* BARR, ATTORNEY GENERAL. Application for stay of removal, addressed to THE CHIEF JUSTICE and referred to the Court, denied.

No. 19A102. XIAO-YING YU *v.* NEALL, SECRETARY, MARYLAND DEPARTMENT OF HEALTH, ET AL. C. A. 4th Cir. Application for stay, addressed to JUSTICE ALITO and referred to the Court, denied.

Page Proof Pending Publication

No. 19A132 (19–22). NEWSOME *v.* RSL FUNDING, LLC, ET AL. Sup. Ct. Tex. Application for stay, addressed to JUSTICE SOTOMAYOR and referred to the Court, denied.

No. 19A141 (19–5209). WIMBUSH *v.* MICKENS, WARDEN. Application for bail, addressed to JUSTICE SOTOMAYOR and referred to the Court, denied.

No. 19A143 (19–165). MORGAN *v.* MORGAN. Super. Ct. Pa. Application for stay, addressed to JUSTICE BREYER and referred to the Court, denied.

No. D–3052. IN RE DISBARMENT OF FRANKS. Disbarment entered. [For earlier order herein, see 588 U. S. 938.]

No. 19M2. K. S. *v.* CONTRA COSTA COUNTY CHILDREN AND FAMILY SERVICES BUREAU; and K. S. *v.* CALIFORNIA;

No. 19M19. SMILEY *v.* UNITED STATES;

No. 19M31. HERRIN *v.* UNITED STATES;

No. 19M50. COOK ET AL. *v.* UNITED STATES; and

No. 19M51. K. N. ET UX. *v.* MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES. Motions for leave to file

petitions for writs of certiorari with supplemental appendixes under seal granted.

No. 19M3. MONSEGUE *v.* UNITED STATES;
No. 19M4. CRICK *v.* KEY, SUPERINTENDENT, AIRWAY HEIGHTS CORRECTIONS CENTER;
No. 19M5. CONYERS *v.* WILKIE, SECRETARY OF VETERANS AFFAIRS;
No. 19M16. DOUSE *v.* UNITED STATES ET AL.; and DOUSE *v.* BAIN;
No. 19M21. DOMINGO *v.* DEPARTMENT OF THE ARMY ET AL.;
No. 19M30. WATSON *v.* SAUL, COMMISSIONER OF SOCIAL SECURITY;
No. 19M38. JACKSON *v.* FLORIDA ET AL.;
No. 19M39. SMITH *v.* WILKIE, SECRETARY OF VETERANS AFFAIRS; and
No. 19M44. GRANT *v.* UNITED STATES. Motions for leave to proceed as veterans denied.

No. 19M6. RICHARDS *v.* VANNOY, WARDEN;
No. 19M7. ARMOUR *v.* UNITED STATES;
No. 19M8. WELLS *v.* PRESSLEY, WARDEN, ET AL.;
Page Proof Pending Publication
No. 19M10. ADAMS *v.* ILLINOIS;
No. 19M11. BEEKS *v.* HMC ASSETS, LLC;
No. 19M12. COUTURE *v.* BERKEBILE, WARDEN, ET AL.;
No. 19M13. DIXIT *v.* SINGH ET AL.;
No. 19M14. RAWNSLEY *v.* UNITED STATES;
No. 19M15. DECOITO *v.* UNITED STATES;
No. 19M17. RAUSO *v.* UNITED STATES;
No. 19M18. TIBURCIO *v.* UNITED STATES ET AL.;
No. 19M22. MERGENTHALER *v.* OSEKAVAGE ET AL.;
No. 19M23. ROLLINS *v.* INSTITUTIONS FOR LIFE;
No. 19M24. JOHNSON *v.* GILMORE, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GREENE, ET AL.;
No. 19M26. AUSTIN *v.* CITY OF OAKLAND ET AL.;
No. 19M27. CHERRY *v.* SIMONS;
No. 19M29. HERNDON *v.* COMMISSIONER OF INTERNAL REVENUE;
No. 19M32. MCLAURINE *v.* BERN ET AL.;
No. 19M33. DAVIS *v.* VANNOY, WARDEN;
No. 19M34. PORTER *v.* BALTIMORE WASHINGTON MEDICAL CENTER, INC.;

No. 19M35. Sheftall *v.* Joyner, Warden;
No. 19M36. Elizabetas G. *v.* Illinois;
No. 19M42. Benavente *v.* United States;
No. 19M43. Miller *v.* Graham, Superintendent, Auburn Correctional Facility;
No. 19M46. Sinceno *v.* Vannoy, Warden;
No. 19M48. Yilmaz *v.* Clarke, Director, Virginia Department of Corrections, et al.; and
No. 19M49. Stone *v.* Magistrate Court of Troup County, Georgia, et al. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 19M9. Robertson *v.* Davis, Director, Texas Department of Criminal Justice, Correctional Institutions Division; and
No. 19M28. Arris International, Ltd. *v.* Iancu, Director, United States Patent and Trademark Office, et al. Motions for leave to file petitions for writs of certiorari under seal with redacted copies for the public record granted.

Page Proof Pending Publication

No. 19M20. Ottah *v.* Fiat Chrysler et al.;
No. 19M25. Battles *v.* Rotz et al.;
No. 19M37. Osbourne *v.* New Jersey Department of Labor and Workforce Development;
No. 19M41. Smeaton *v.* Nelson et al.;
No. 19M45. Barnes *v.* Commission for Lawyer Discipline of the State Bar of Texas; and
No. 19M47. Lomax *v.* Massachusetts et al. Motions to direct the Clerk to file petitions for writs of certiorari out of time under this Court's Rule 14.5 denied.

No. 19M40. Caputo *v.* United States. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record denied.

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 $22,924.06, for the period July 1, 2018, through June 30, 2019, to be paid equally by the parties. [For earlier order herein, see, *e. g.*, 587 U. S. 1038.]

No. 18–280. New York State Rifle & Pistol Assn., Inc., et al. *v.* City of New York, New York, et al. C. A. 2d Cir.

[Certiorari granted, 586 U. S. 1126.] Respondents' suggestion of mootness denied. Question of mootness will be subject to further consideration at oral argument, and the parties should be prepared to discuss it.

No. 18–556. KANSAS *v.* GLOVER. Sup. Ct. Kan. [Certiorari granted, 587 U. S. 918.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 18–1023. MAINE COMMUNITY HEALTH OPTIONS *v.* UNITED STATES;

No. 18–1028. MODA HEALTH PLAN, INC. *v.* UNITED STATES; BLUE CROSS BLUE SHIELD OF NORTH CAROLINA *v.* UNITED STATES; and

No. 18–1038. LAND OF LINCOLN MUTUAL HEALTH INSURANCE CO. *v.* UNITED STATES. C. A. Fed. Cir. [Certiorari granted, 588 U. S. 905.] Motion of petitioners to dispense with printing joint appendix granted.

No. 18–1139. BNSF RAILWAY CO. *v.* EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. C. A. 9th Cir. Motion of Russell Holt for leave to intervene as a respondent and to file brief in opposition granted.

Page Proof Pending Publication

No. 18–6662. SHULAR *v.* UNITED STATES. C. A. 11th Cir. [Certiorari granted, 588 U. S. 920.] Motion of petitioner to dispense with printing joint appendix granted.

No. 18–7739. HOLGUIN-HERNANDEZ *v.* UNITED STATES. C. A. 5th Cir. [Certiorari granted, 587 U. S. 1039.] Motion of petitioner for appointment of counsel granted, and Philip J. Lynch, Esq., of San Antonio, Tex., is appointed to serve as counsel for petitioner in this case.

No. 18–8804. RAYMOND *v.* ROY ET AL. Ct. App. Tex., 4th Dist. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [587 U. S. 1050] denied.

No. 18–8872. IN RE SURLES. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [587 U. S. 984] denied.

No. 18–8907. IN RE WILLIAMS. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [587 U. S. 984] denied.

No. 18–9035. IN RE AVERY. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [587 U. S. 1013] denied.

No. 18–9201. AMERSON ET AL. *v.* UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF COLORADO. C. A. 10th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until October 28, 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. JUSTICE GORSUCH took no part in the consideration or decision of this motion.

No. 18–9337. BARNES *v.* WORKERS' COMPENSATION APPEALS BOARD ET AL. C. A. 9th Cir.;

No. 18–9395. BROWN *v.* SAUL, COMMISSIONER OF SOCIAL SECURITY. C. A. 6th Cir.;

No. 18–9429. WASHINGTON *v.* SAUL, COMMISSIONER OF SOCIAL SECURITY. C. A. 4th Cir.;

No. 18–9532. BRAY *v.* UNITED STATES. C. A. 10th Cir.;

No. 18–9582. IN RE ZIMMERMANN;

No. 18–9663. IN RE KILROY;

Page Proof Pending Publication

No. 18–9669. CHODOSH ET AL. *v.* PALM BEACH PARK ASSN. Ct. App. Cal., 4th App. Dist., Div. 3;

No. 18–9679. HARVEY ET UX. *v.* UNITED STATES. C. A. 9th Cir.;

No. 18–9750. CURRY *v.* LOPEZ, ASSOCIATE JUDGE, CIRCUIT COURT OF ILLINOIS, COOK COUNTY, ET AL. C. A. 7th Cir.;

No. 19–5052. GREINER *v.* MACOMB COUNTY, MICHIGAN, ET AL. Ct. App. Mich.;

No. 19–5206. SAWICKY *v.* AMC NETWORKS INC. C. A. 9th Cir.;

No. 19–5329. WILLIAMS *v.* SAMUELS. Sup. Ct. Fla.; and

No. 19–5512. GREEN *v.* BECKWITH, WARDEN. C. A. 4th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until October 28, 2019, 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. 19–5282. BAXTER *v.* UNITED STATES. C. A. D. C. Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until October 28, 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. JUSTICE KAVANAUGH took no part in the consideration or decision of this motion.

No. 18–9542. IN RE HINKSON;
No. 18–9561. IN RE STEWART;
No. 18–9575. IN RE LOVE;
No. 18–9656. IN RE KOSSIE;
No. 18–9659. IN RE BRYAN;
No. 18–9671. IN RE ASHLEY;
No. 19–14. IN RE WILLIAMS;
No. 19–5200. IN RE ROMAN;
No. 19–5218. IN RE WILLIAMS;
No. 19–5225. IN RE BRUNSON;
No. 19–5587. IN RE SPENCE;
No. 19–5677. IN RE MAY;
No. 19–5704. IN RE LARRY;
No. 19–5724. IN RE SALERNO; and
No. 19–5756. IN RE BRYANT. Petitions for writs of habeas corpus denied.

Page Proof Pending Publication

No. 19–5433. IN RE BLEAU; and
No. 19–5559. IN RE KING. Petitions for writs of habeas corpus denied. JUSTICE ALITO took no part in the consideration or decision of these petitions.

No. 18–9626. IN RE TWEED. 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. 18–1472. IN RE HADSELL;
No. 18–1497. IN RE MCNEIL;
No. 18–9334. IN RE GRIGALANZ;
No. 18–9384. IN RE PEARSON;
No. 18–9421. IN RE VETETO;
No. 18–9826. IN RE KEYES;
No. 19–130. IN RE GEORGE;
No. 19–5064. IN RE REINA S. C.;

No. 19–5073. IN RE RIVERA CRUZ;
No. 19–5094. IN RE SNELLER;
No. 19–5257. IN RE JOHNSON;
No. 19–5295. IN RE CHARLES;
No. 19–5364. IN RE COURTRIGHT;
No. 19–5371. IN RE CAPRI;
No. 19–5380. IN RE COX;
No. 19–5390. IN RE NARVAEZ; and
No. 19–5687. IN RE MORALES. Petitions for writs of mandamus denied.

No. 18–9107. IN RE BRACKEN;
No. 18–9452. IN RE MCBRIDE; and
No. 19–5203. IN RE RUIZ-RIVERA. Motions of petitioners for leave to proceed *in forma pauperis* denied, and petitions for writs of mandamus dismissed. See this Court's Rule 39.8.

No. 18–9296. IN RE DANNEWITZ;
No. 19–206. IN RE FORD; and
No. 19–5382. IN RE ROBERTS. Petitions for writs of mandamus and/or prohibition denied.

Page Proof Pending Publication

No. 18–9332. IN RE AHMED. 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.

No. 19–5288. IN RE BRASCOM. 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. 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. 18–9479. IN RE STUCKS;
No. 19–5058. IN RE TCHIBASSA; and
No. 19–5504. IN RE DIAZ-HINIRIO. Petitions for writs of prohibition denied.

Certiorari Denied

No. 18–735. MARICOPA COUNTY, ARIZONA *v.* ORTEGA MELENDRES ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 897 F. 3d 1217.

No. 18–893. West Virginia House of Delegates *v.* West Virginia ex rel. Workman et al.; and

No. 18–1189. Carmichael, President of the West Virginia Senate, et al. *v.* West Virginia ex rel. Workman. Sup. Ct. App. W. Va. Certiorari denied. Reported below: 241 W. Va. 105, 819 S. E. 2d 251.

No. 18–1043. Zilm *v.* Oklahoma. Ct. Crim. App. Okla. Certiorari denied.

No. 18–1067. Ambac Assurance Corp. *v.* U. S. Bank N. A. Ct. App. Minn. Certiorari denied.

No. 18–1069. Diebold Foundation, Inc., Transferee *v.* Commissioner of Internal Revenue. C. A. 2d Cir. Certiorari denied. Reported below: 753 Fed. Appx. 57.

No. 18–1085. Martinez-de Ryan *v.* Barr, Attorney General. C. A. 9th Cir. Certiorari denied. Reported below: 909 F. 3d 247.

No. 18–1111. Kaufman *v.* Walker et al. Ct. App. Wis. Certiorari denied. Reported below: 2018 WI App 37, 382 Wis. 2d 774, 915 N. W. 2d 193.

Page Proof Pending Publication

No. 18–1154. Integrity Staffing Solutions, Inc., et al. *v.* Busk et al. C. A. 6th Cir. Certiorari denied. Reported below: 905 F. 3d 387.

No. 18–1170. Xitronix Corp. *v.* KLA-Tencor Corp., dba KLA-Tencor, Inc. C. A. 5th Cir. Certiorari denied. Reported below: 916 F. 3d 429.

No. 18–1182. Ogle *v.* Texas. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 18–1210. Chronister, Sheriff, Hillsborough County, Florida *v.* Freyre et al. C. A. 11th Cir. Certiorari denied. Reported below: 910 F. 3d 1371.

No. 18–1219. Illinois *v.* Bonilla. Sup. Ct. Ill. Certiorari denied. Reported below: 2018 IL 122484, 120 N. E. 3d 930.

No. 18–1230. Zamudio *v.* United States. C. A. 7th Cir. Certiorari denied. Reported below: 909 F. 3d 172.

No. 18–1240. Kerpen et al. *v.* Metropolitan Washington Airports Authority et al. C. A. 4th Cir. Certiorari denied. Reported below: 907 F. 3d 152.

No. 18–1245. Oglala Sioux Tribe et al. *v.* Fleming et al. C. A. 8th Cir. Certiorari denied. Reported below: 904 F. 3d 603.

No. 18–1267. Leeman *v.* Arizona. Ct. App. Ariz. Certiorari denied.

No. 18–1280. Acorda Therapeutics, Inc. *v.* Roxane Laboratories, Inc., et al. C. A. Fed. Cir. Certiorari denied. Reported below: 903 F. 3d 1310.

No. 18–1283. Montano *v.* Texas. C. A. 5th Cir. Certiorari denied. Reported below: 759 Fed. Appx. 315.

No. 18–1285. Hyatt et al. *v.* Iancu, Director, United States Patent and Trademark Office. C. A. Fed. Cir. Certiorari denied. Reported below: 904 F. 3d 1361.

No. 18–1298. Woodward *v.* Alabama. Ct. Crim. App. Ala. Certiorari denied. Reported below: 276 So. 3d 713.

No. 18–1299. Gillispie *v.* Regionalcare Hospital Partners, Inc., et al. C. A. 3d Cir. Certiorari denied. Reported below: 892 F. 3d 585.

Page Proof Pending Publication

No. 18–1308. KPMG, LLP *v.* Singing River Health System, aka Singing River Hospital System (Reported below: 283 So. 3d 662); and KPMG, LLP *v.* Jackson County, Mississippi (278 So. 3d 1124). Sup. Ct. Miss. Certiorari denied.

No. 18–1341. Robertson *v.* United States District Court for the Eastern District of Pennsylvania et al. C. A. 3d Cir. Certiorari denied.

No. 18–1344. Thomas *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 908 F. 3d 68.

No. 18–1350. Maria S., as Next Friend for E. H. F. et al., Minors, et al. *v.* Garza. C. A. 5th Cir. Certiorari denied. Reported below: 912 F. 3d 778.

No. 18–1353. McCabe et al. *v.* Lifetime Entertainment Services, LLC. C. A. 2d Cir. Certiorari denied. Reported below: 761 Fed. Appx. 38.

No. 18–1354. C. P. et al. *v.* C. A. Ct. App. Cal., 3d App. Dist. Certiorari denied. Reported below: 29 Cal. App. 5th 27, 240 Cal. Rptr. 3d 38.

No. 18–1355. KRAMER *v.* VITTI ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 757 Fed. Appx. 1.

No. 18–1357. CUMMINGS ET AL. *v.* BUSSEY ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 913 F. 3d 1227.

No. 18–1362. HALL *v.* MERRILL, ALABAMA SECRETARY OF STATE. C. A. 11th Cir. Certiorari denied. Reported below: 902 F. 3d 1294.

No. 18–1366. ESTATE OF ROMAN *v.* CITY OF NEWARK, NEW JERSEY, ET AL.; and

No. 18–1372. CITY OF NEWARK, NEW JERSEY *v.* ESTATE OF ROMAN. C. A. 3d Cir. Certiorari denied. Reported below: 914 F. 3d 789.

No. 18–1367. NORFOLK SOUTHERN RAILWAY CO. *v.* SUMNER. Sup. Ct. Va. Certiorari denied. Reported below: 297 Va. 35, 822 S. E. 2d 809.

No. 18–1369. ANDERSON *v.* WASHINGTON. Ct. App. Wash. Certiorari denied. Reported below: 4 Wash. App. 2d 1059.

Page Proof Pending Publication

No. 18–1373. RECHTZIGEL *v.* CITY OF APPLE VALLEY, MINNESOTA. Ct. App. Minn. Certiorari denied.

No. 18–1374. JAYE *v.* OAK KNOLL VILLAGE CONDOMINIUM OWNERS ASSN., INC., ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 751 Fed. Appx. 293.

No. 18–1375. GREENE *v.* INDEPENDENT PILOTS ASSN. ET AL. C. A. 6th Cir. Certiorari denied.

No. 18–1376. GABRIEL IRAZU *v.* MARGARITA O. App. Ct. Conn. Certiorari denied. Reported below: 187 Conn. App. 902, 200 A. 3d 226.

No. 18–1380. GANNON *v.* RIVERWATCH CONDOMINIUM OWNERS' ASSN. ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 757 Fed. Appx. 178.

No. 18–1382. AMERICAN EAGLE EXPRESS, INC., DBA AEX GROUP *v.* BEDOYA ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 914 F. 3d 812.

No. 18–1384. BRADLEY *v.* ALCO OIL & GAS CO., LLC, ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 743 Fed. Appx. 33.

No. 18–1387. LLOYD *v.* DOHERTY, JUDGE, COURT OF COMMON PLEAS, PORTAGE COUNTY, OHIO, ET AL. C. A. 6th Cir. Certiorari denied.

No. 18–1388. LLOYD *v.* CITY OF STREETSBORO, OHIO, ET AL. C. A. 6th Cir. Certiorari denied.

No. 18–1389. FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO *v.* ANDALUSIAN GLOBAL DESIGNATED ACTIVITY CO. ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 914 F. 3d 694.

No. 18–1393. WALTERS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 910 F. 3d 11.

No. 18–1394. WATERFRONT MARINE CONSTRUCTION, INC., ET AL. *v.* HEARD CONSTRUCTION, INC. Sup. Ct. Va. Certiorari denied.

No. 18–1395. FRATERNAL ORDER OF POLICE CHICAGO LODGE NO. 7 *v.* ILLINOIS. C. A. 7th Cir. Certiorari denied. Reported below: 912 F. 3d 979.

Page Proof Pending Publication

No. 18–1399. DAMON *v.* CINCINNATI BAR ASSN. Sup. Ct. Ohio. Certiorari denied. Reported below: 154 Ohio St. 3d 1503, 2019-Ohio-357, 116 N. E. 3d 156.

No. 18–1404. WALLACE *v.* WALLACE ET AL. Ct. App. Ga. Certiorari denied. Reported below: 345 Ga. App. 764, 813 S. E. 2d 428.

No. 18–1406. BETHELL *v.* STEPHENS ET AL. Ct. App. Ariz. Certiorari denied.

No. 18–1407. BARROW *v.* WILLIS ET AL. C. A. 1st Cir. Certiorari denied.

No. 18–1409. EMAMI *v.* BRIDENSTINE, ADMINISTRATOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 742 Fed. Appx. 751.

No. 18–1410. JACKSON *v.* LAWSON. C. A. 6th Cir. Certiorari denied. Reported below: 760 Fed. Appx. 394.

No. 18–1411. ISAACS *v.* TRUSTEES OF DARTMOUTH COLLEGE ET AL. C. A. 1st Cir. Certiorari denied.

No. 18–1412. PORTER *v.* TEXAS. C. A. 5th Cir. Certiorari denied. Reported below: 729 Fed. Appx. 358.

No. 18–1413. WOODRUFF *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 18–1414. WILDHABER *v.* EFV ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 745 Fed. Appx. 141.

No. 18–1415. ASARCO LLC *v.* UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION, AFL–CIO, CLC. C. A. 9th Cir. Certiorari denied. Reported below: 910 F. 3d 485.

No. 18–1416. BEREKI *v.* HUMPHREYS ET UX. Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 18–1417. YANKTON COUNTY, SOUTH DAKOTA *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 753 Fed. Appx. 905.

Page Proof Pending Publication

No. 18–1418. SENJU PHARMACEUTICAL CO., LTD., ET AL. *v.* AKORN, INC. C. A. Fed. Cir. Certiorari denied. Reported below: 733 Fed. Appx. 1024.

No. 18–1422. MICHAEL B. *v.* TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES. Ct. App. Tenn. Certiorari denied.

No. 18–1426. COLEMAN *v.* SCHNEIDER ELECTRIC USA, INC. C. A. 4th Cir. Certiorari denied. Reported below: 755 Fed. Appx. 247.

No. 18–1427. LAVENTURE ET AL. *v.* UNITED NATIONS ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 746 Fed. Appx. 80.

No. 18–1428. GATEHOUSE MEDIA NEW YORK HOLDINGS, INC., ET AL. *v.* NEW YORK ET AL. Ct. App. N. Y. Certiorari denied. Reported below: 32 N. Y. 3d 1203, 122 N. E. 3d 1104.

No. 18–1429. STAHL YORK AVE. CO., LLC *v.* CITY OF NEW YORK, NEW YORK, ET AL. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 162 App. Div. 3d 103, 77 N. Y. S. 3d 57.

No. 18–1435. MINARD *v.* CRUISE-GULYAS. C. A. 6th Cir. Certiorari denied. Reported below: 918 F. 3d 494.

No. 18–1437. WINSTON & STRAWN LLP *v.* RAMOS ET AL. Ct. App. Cal., 1st App. Dist., Div. 1. Certiorari denied. Reported below: 28 Cal. App. 5th 1042, 239 Cal. Rptr. 3d 679.

No. 18–1439. PATEL *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 8. Certiorari denied.

No. 18–1440. HOGEN ET AL. *v.* HOGEN, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF HOGEN, DECEASED, ET AL. Sup. Ct. N. D. Certiorari denied. Reported below: 2019 ND 17, 921 N. W. 2d 672.

No. 18–1441. PRESBYTERIAN CHURCH (U. S. A.) *v.* EDWARDS, JUDGE, JEFFERSON CIRCUIT COURT, ET AL. Sup. Ct. Ky. Certiorari denied. Reported below: 566 S. W. 3d 175.

No. 18–1442. REEMA CONSULTING SERVICES, INC. *v.* PARKER. C. A. 4th Cir. Certiorari denied. Reported below: 915 F. 3d 297.

No. 18–1443. YOUNG *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 916 F. 3d 368.

Page Proof Pending Publication

No. 18–1444. SOTO NIEVES ET AL. *v.* DEPARTMENT OF THE FAMILY OF PUERTO RICO ET AL. Sup. Ct. P. R. Certiorari denied.

No. 18–1445. SEEBERGER *v.* DAVENPORT CIVIL RIGHTS COMMISSION ET AL. Sup. Ct. Iowa. Certiorari denied. Reported below: 923 N. W. 2d 564.

No. 18–1448. GLASSWALL SOLUTIONS LTD. ET AL. *v.* CLEAR SWIFT LTD. C. A. Fed. Cir. Certiorari denied. Reported below: 754 Fed. Appx. 996.

No. 18–1449. HARVEY *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 260 So. 3d 906.

No. 18–1450. SEQUEIRA *v.* GATE SAFE, INC., ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 759 Fed. Appx. 792.

No. 18–1452. PEREZ *v.* PHYSICIAN ASSISTANT BOARD ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 960.

No. 18–1456. MAULDIN, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF GIBSON, DECEASED *v.* ALLSTATE INSURANCE CO. ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 757 Fed. Appx. 304.

No. 18–1457. MAY *v.* UNITED STATES ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 744 Fed. Appx. 994.

No. 18–1458. VERNIER *v.* GALLEGOS. Ct. App. N. M. Certiorari denied. Reported below: 2019–NMCA–020, 458 P. 3d 533.

No. 18–1459. FLORES ANYOSA *v.* BARR, ATTORNEY GENERAL. C. A. 2d Cir. Certiorari denied. Reported below: 758 Fed. Appx. 88.

No. 18–1461. DELEBREAU *v.* DANFORTH ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 743 Fed. Appx. 43.

No. 18–1462. ROZANOVA ET AL. *v.* URIBE. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 18–1465. COUNTY OF SAN DIEGO, CALIFORNIA *v.* MANN ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 907 F. 3d 1154.

Page Proof Pending Publication

No. 18–1466. COUNTY OF SONOMA, CALIFORNIA, ET AL. *v.* MATEOS SANDOVAL ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 912 F. 3d 509.

No. 18–1470. FEEHAN *v.* MARCONE ET AL. Sup. Ct. Conn. Certiorari denied. Reported below: 331 Conn. 436, 204 A. 3d 666.

No. 18–1471. HALL *v.* SECURITIES AND EXCHANGE COMMISSION. C. A. 11th Cir. Certiorari denied. Reported below: 759 Fed. Appx. 877.

No. 18–1473. RIVAS *v.* NEW YORK STATE LOTTERY. C. A. 2d Cir. Certiorari denied. Reported below: 745 Fed. Appx. 192.

No. 18–1474. SUNOCO, INC. *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 908 F. 3d 710.

No. 18–1476. CARNEY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 761 Fed. Appx. 150.

No. 18–1479. STINSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 729 Fed. Appx. 891.

No. 18–1480. CAISSIE *v.* MISSISSIPPI. Ct. App. Miss. Certiorari denied. Reported below: 254 So. 3d 849.

No. 18–1481. STROHMEYER *v.* SURFACE TRANSPORTATION BOARD ET AL. C. A. 3d Cir. Certiorari denied.

No. 18–1482. CUNNINGHAM *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 761 Fed. Appx. 203.

No. 18–1484. ZIMMER BIOMET HOLDINGS, INC., ET AL. *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied.

No. 18–1485. KANSLER ET AL. *v.* MISSISSIPPI DEPARTMENT OF REVENUE. Sup. Ct. Miss. Certiorari denied. Reported below: 263 So. 3d 641.

No. 18–1486. MARSHALL *v.* INDIANA. Sup. Ct. Ind. Certiorari denied. Reported below: 117 N. E. 3d 1254.

No. 18–1487. MERCER COUNTY BOARD OF EDUCATION ET AL. *v.* DEAL ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 911 F. 3d 183.

Page Proof Pending Publication

No. 18–1488. CAMMALLERI *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 270 So. 3d 369.

No. 18–1489. CAFFEY ET AL. *v.* BOWERS, CHAPTER 7 TRUSTEE. C. A. 6th Cir. Certiorari denied. Reported below: 916 F. 3d 566.

No. 18–1491. NGUYEN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 750 Fed. Appx. 613.

No. 18–1492. MILLER *v.* INSLEE, GOVERNOR OF WASHINGTON, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 916 F. 3d 783.

No. 18–1493. MONTROIS, CLASS OF MORE THAN 700,000 SIMILARLY SITUATED INDIVIDUALS AND BUSINESSES, ET AL. *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 916 F. 3d 1056.

No. 18–1494. BEEMAN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 754 Fed. Appx. 231.

No. 18–1495. STIRLING, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL. *v.* WILLIAMS. C. A. 4th Cir. Certiorari denied. Reported below: 914 F. 3d 302.

No. 18–1499. KAUSHAL *v.* INDIANA. Ct. App. Ind. Certiorari denied. Reported below: 112 N. E. 3d 1138.

No. 18–1502. BURMASTER *v.* ELI LILLY & Co. C. A. 6th Cir. Certiorari denied.

No. 18–1504. GILES *v.* GODINEZ ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 914 F. 3d 1040.

No. 18–1505. C. S. *v.* L. S. Super. Ct. N. J., App. Div. Certiorari denied.

No. 18–1507. ZAMBRANO *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 18–1508. WISCONSIN ALUMNI RESEARCH FOUNDATION *v.* APPLE INC. C. A. Fed. Cir. Certiorari denied. Reported below: 905 F. 3d 1341.

No. 18–1510. RODRIGUEZ-GARCIA *v.* PICHARDO DE VELOZ ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 756 Fed. Appx. 869.

No. 18–1511. AHUJA *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 736 Fed. Appx. 20.

Page Proof Pending Publication

No. 18–1512. MCCLAIN ET AL. *v.* CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION ET AL. Sup. Ct. Cal. Certiorari denied. Reported below: 6 Cal. 5th 951, 435 P. 3d 424.

No. 18–1513. MICHIGAN *v.* FREDERICK ET AL. Ct. App. Mich. Certiorari denied.

No. 18–1517. HOSSEINI *v.* MCALEENAN, ACTING SECRETARY OF HOMELAND SECURITY, ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 911 F. 3d 366.

No. 18–1518. SAVE TACOMA WATER *v.* PORT OF TACOMA ET AL. Ct. App. Wash. Certiorari denied. Reported below: 4 Wash. App. 2d 562, 422 P. 3d 917.

No. 18–1520. TRICARICHI, TRANSFEREE *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 9th Cir. Certiorari denied. Reported below: 908 F. 3d 588 and 752 Fed. Appx. 455.

No. 18–1523. GANNON *v.* CITY OF EUGENE, OREGON. Ct. App. Ore. Certiorari denied. Reported below: 294 Ore. App. 819, 432 P. 3d 1141.

No. 18–1524. SHIMOTA ET VIR *v.* WEGNER ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 759 Fed. Appx. 539.

No. 18–1525. ANDRADE *v.* CITY OF HAMMOND, INDIANA, ET AL. Ct. App. Ind. Certiorari denied. Reported below: 114 N. E. 3d 507.

No. 18–1526. TOBIN *v.* CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA. C. A. 9th Cir. Certiorari denied. Reported below: 747 Fed. Appx. 584.

No. 18–1527. NATH *v.* NEW JERSEY. Super. Ct. N. J., App. Div. Certiorari denied.

No. 18–1528. HEINEY *v.* OHIO. Ct. App. Ohio, 6th App. Dist., Lucas County. Certiorari denied. Reported below: 2018-Ohio-3408, 117 N. E. 3d 1034.

No. 18–1529. KOERNER, INDIVIDUALLY AND AS ASSIGNEE OF MEADE *v.* CMR CONSTRUCTION & ROOFING, L. L. C. C. A. 5th Cir. Certiorari denied. Reported below: 910 F. 3d 221.

Page Proof Pending Publication

No. 18–1532. JOHNSTON *v.* MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 749 Fed. Appx. 601.

No. 18–1533. STARRETT *v.* CITY OF RICHARDSON, TEXAS. C. A. 5th Cir. Certiorari denied. Reported below: 766 Fed. Appx. 108.

No. 18–1535. LETICA LAND CO., LLC *v.* ANACONDA-DEER LODGE COUNTY, MONTANA. Sup. Ct. Mont. Certiorari denied. Reported below: 394 Mont. 218, 435 P. 3d 634.

No. 18–1536. COX *v.* OLD REPUBLIC NATIONAL TITLE INSURANCE CO. ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 743 Fed. Appx. 104.

No. 18–1537. ZIANKOVICH *v.* COLORADO. Sup. Ct. Colo. Certiorari denied.

No. 18–1539. DOMINO'S PIZZA, LLC *v.* ROBLES. C. A. 9th Cir. Certiorari denied. Reported below: 913 F. 3d 898.

No. 18–1540. VHT, INC. *v.* ZILLOW GROUP, INC., ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 918 F. 3d 723.

No. 18–1541. BAOUCH ET AL. *v.* WERNER ENTERPRISES, INC., DBA WERNER TRUCKING, ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 908 F. 3d 1107.

No. 18–1542. JOHNSON *v.* NORTH CAROLINA. Sup. Ct. N. C. Certiorari denied. Reported below: 371 N. C. 870, 821 S. E. 2d 822.

No. 18–1544. HALLMARK CARE SERVICES, INC., ET AL. *v.* SUPERIOR COURT OF WASHINGTON, SPOKANE COUNTY. Ct. App. Wash. Certiorari denied. Reported below: 5 Wash. App. 2d 1044.

No. 18–1546. CENTURY III MALL PA LLC *v.* SEARS ROEBUCK & CO. C. A. 3d Cir. Certiorari denied. Reported below: 758 Fed. Appx. 242.

No. 18–1547. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. *v.* JENSEN ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 912 F. 3d 486.

No. 18–1548. ALCANTAR *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2018 IL App (1st) 162771–U.

Page Proof Pending Publication

No. 18–1549. ZIMMER, INC., ET AL. *v.* STRYKER CORP. ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 745 Fed. Appx. 167.

No. 18–1550. RAMOS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 758 Fed. Appx. 316.

No. 18–1551. MIRARCHI *v.* OFFICE OF DISCIPLINARY COUNSEL. Sup. Ct. Pa. Certiorari denied. Reported below: 651 Pa. 324, 204 A. 3d 918.

No. 18–1553. HANSON, AS TRUSTEE FOR THE NEXT OF KIN OF LAYTON *v.* BEST ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 915 F. 3d 543.

No. 18–1555. BOYLER *v.* CITY OF LACKAWANNA, NEW YORK, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 765 Fed. Appx. 493.

No. 18–1556. EDWARDS ET AL. *v.* LOUISIANA WORKFORCE COMMISSION ET AL. Ct. App. La., 1st Cir. Certiorari denied. Reported below: 2017–0844 (La. App. 1 Cir. 10/19/18), 266 So. 3d 368.

No. 18–1557. JAMES ET AL. *v.* HUNT ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 761 Fed. Appx. 975.

No. 18–1558. SPIEGEL *v.* MCCLINTIC ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 916 F. 3d 611.

No. 18–1559. BROOKS *v.* INDUSTRIAL CLAIM APPEALS OFFICE ET AL. Ct. App. Colo. Certiorari denied.

No. 18–1560. NEAL *v.* NEAL ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 745 Fed. Appx. 683.

No. 18–1561. ARMAMENT SERVICES INTERNATIONAL, INC., ET AL. *v.* BARR, ATTORNEY GENERAL, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 760 Fed. Appx. 114.

No. 18–1562. FISHER *v.* HUCKABEE; and FISHER *v.* HUCKABEE ET AL. Sup. Ct. S. C. Certiorari denied.

No. 18–1563. BIAS *v.* TANGIPAHOA PARISH SCHOOL BOARD. C. A. 5th Cir. Certiorari denied. Reported below: 766 Fed. Appx. 38.

Page Proof Pending Publication

No. 18–1564. LAJIM, LLC, ET AL. *v.* GENERAL ELECTRIC CO. C. A. 7th Cir. Certiorari denied. Reported below: 917 F. 3d 933.

No. 18–1567. BENZEMANN *v.* HOUSLANGER & ASSOCIATES, PLLC, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 924 F. 3d 73.

No. 18–1568. HAGER-REILLY *v.* REILLY. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 166 App. Div. 3d 825, 88 N. Y. S. 3d 83.

No. 18–1569. CHAMBERLAIN ET UX. *v.* NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE ET AL. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 166 App. Div. 3d 1112, 88 N. Y. S. 3d 257.

No. 18–1570. EDELMAN ET UX. *v.* NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE ET AL. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 162 App. Div. 3d 574, 80 N. Y. S. 3d 241.

No. 18–1571. MOYER *v.* KANSAS. Sup. Ct. Kan. Certiorari denied. Reported below: 309 Kan. 268, 434 P. 3d 829.

No. 18–1573. PETKO ET AL. *v.* CARELTON COURTYARD. Sup. Ct. Tex. Certiorari denied.

No. 18–1574. STARRETT *v.* DEPARTMENT OF DEFENSE ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 763 Fed. Appx. 383.

No. 18–1575. MCNEIL *v.* OKLAHOMA. Sup. Ct. Okla. Certiorari denied.

No. 18–1576. BUDRI *v.* HUMPHREYS. Ct. App. Tex., 2d Dist. Certiorari denied.

No. 18–1578. PFIZER INC. *v.* ADAMYAN ET AL. C. A. 9th Cir. Certiorari denied.

No. 18–1579. RICKS *v.* TEXAS. Ct. App. Tex., 6th Dist. Certiorari denied.

No. 18–1580. ROSS ET AL. *v.* BOARD OF TRUSTEES OF CALIFORNIA STATE UNIVERSITY. C. A. 9th Cir. Certiorari denied. Reported below: 741 Fed. Appx. 442.

Page Proof Pending Publication

No. 18–1582. KRUMM *v.* DRUG ENFORCEMENT ADMINISTRATION. C. A. D. C. Cir. Certiorari denied. Reported below: 739 Fed. Appx. 655.

No. 18–1583. CARTER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 735 Fed. Appx. 111.

No. 18–1588. COOKE *v.* JACKSON NATIONAL LIFE INSURANCE CO. C. A. 7th Cir. Certiorari denied. Reported below: 919 F. 3d 1024.

No. 18–1589. COLLINS *v.* TEXAS. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 18–1590. SMITH ET AL. *v.* SCHWARZENEGGER, FORMER GOVERNOR OF CALIFORNIA, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 914 F. 3d 1218.

No. 18–1591. R. F., A MINOR CHILD, BY AND THROUGH HER PARENTS AND NEXT FRIENDS, E. F. ET AL., ET AL. *v.* CECIL COUNTY PUBLIC SCHOOLS. C. A. 4th Cir. Certiorari denied. Reported below: 919 F. 3d 237.

No. 18–1593. GRACIA-CANTU *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 920 F. 3d 252.

No. 18–7201. Snarr *v.* United States; and
No. 18–7482. Baltazar Garcia *v.* United States. C. A. 5th Cir. Certiorari denied.

No. 18–7262. Ovsepian et al. *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 739 Fed. Appx. 448.

No. 18–7485. Noel *v.* United States. C. A. 11th Cir. Certiorari denied. Reported below: 893 F. 3d 1294.

No. 18–7489. Kadamovas *v.* United States; and
No. 18–7835. Mikhel *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 889 F. 3d 1003.

No. 18–7694. Crespo *v.* New York. Ct. App. N. Y. Certiorari denied. Reported below: 32 N. Y. 3d 176, 112 N. E. 3d 1243.

No. 18–8055. Ventura *v.* United States. C. A. 2d Cir. Certiorari denied. Reported below: 742 Fed. Appx. 575.

No. 18–8064. Luviano *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 906 F. 3d 784.

Page Proof Pending Publication

No. 18–8076. Arthur *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 750 Fed. Appx. 540.

No. 18–8128. Collie *v.* South Carolina Commission on Lawyer Conduct. Sup. Ct. S. C. Certiorari denied.

No. 18–8132. Phillips *v.* Hoffner, Warden. C. A. 6th Cir. Certiorari denied. Reported below: 755 Fed. Appx. 481.

No. 18–8148. Hawthorne *v.* United States. C. A. 11th Cir. Certiorari denied. Reported below: 729 Fed. Appx. 765.

No. 18–8191. Burke, Mother of Caudle, Deceased *v.* Raven Electric, Inc., et al. Sup. Ct. Alaska. Certiorari denied. Reported below: 420 P. 3d 1196.

No. 18–8301. Cuero *v.* Diaz, Acting Secretary, California Department of Corrections and Rehabilitation. C. A. 9th Cir. Certiorari denied. Reported below: 904 F. 3d 865.

No. 18–8309. Zoch *v.* United States. C. A. 8th Cir. Certiorari denied.

No. 18–8314. Nino-Carreon *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 910 F. 3d 194.

No. 18–8419. HERNANDEZ *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 750 Fed. Appx. 378.

No. 18–8429. BEATTY *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 755 Fed. Appx. 343.

No. 18–8431. BREWSTER *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 250 So. 3d 99.

No. 18–8441. DINELLE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 737 Fed. Appx. 49.

No. 18–8466. HUNT *v.* ALABAMA. Ct. Crim. App. Ala. Certiorari denied. Reported below: 286 So. 3d 18.

No. 18–8472. EAPMON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 758 Fed. Appx. 370.

No. 18–8561. WOOD *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

Page Proof Pending Publication

No. 18–8604. VAZQUEZ-GONZALEZ *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 18–8636. HOSKINS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 905 F. 3d 97.

No. 18–8642. HILL *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 748 Fed. Appx. 779.

No. 18–8670. FRAZIER *v.* ALABAMA. Ct. Crim. App. Ala. Certiorari denied. Reported below: 279 So. 3d 39.

No. 18–8677. LLOYD *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 901 F. 3d 111.

No. 18–8682. CARTER *v.* JACKSON-MITCHELL, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 900 F. 3d 754.

No. 18–8692. ADAMS *v.* NEUSCHMID, ACTING WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 749 Fed. Appx. 499.

No. 18–8712. HUMMEL *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVI-

SION. C. A. 5th Cir. Certiorari denied. Reported below: 908 F. 3d 987.

No. 18–8719. REDMOND *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 748 Fed. Appx. 760.

No. 18–8723. BENCH *v.* OKLAHOMA. Ct. Crim. App. Okla. Certiorari denied. Reported below: 2018 OK CR 31, 431 P. 3d 929.

No. 18–8742. BIRCHETTE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 908 F. 3d 50.

No. 18–8753. POWELL *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 6 Cal. 5th 136, 425 P. 3d 1006.

No. 18–8773. GERMAIN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 759 Fed. Appx. 866.

No. 18–8785. POPE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 910 F. 3d 413.

No. 18–8818. REYNOLDS *v.* HEPP, WARDEN. C. A. 7th Cir. Certiorari denied. Reported below: 902 F. 3d 699.

Page Proof Pending Publication

No. 18–8845. OCHOA *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 750 Fed. Appx. 365.

No. 18–8892. HERNANDEZ MACHIN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 18–8930. GURVEY *v.* COWAN, LIEBOWITZ & LATMAN, P. C., ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 757 Fed. Appx. 62.

No. 18–8938. BUDAGOVA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 748 Fed. Appx. 152.

No. 18–8941. JACKSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 736 Fed. Appx. 825.

No. 18–8977. SCHMIDT *v.* FOSTER, WARDEN. C. A. 7th Cir. Certiorari denied. Reported below: 911 F. 3d 469.

No. 18–8987. KARIUKI *v.* WASHINGTON. Ct. App. Wash. Certiorari denied. Reported below: 4 Wash. App. 2d 1059.

No. 18–8988. SYKES *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 914 F. 3d 615.

No. 18–8989. STOUTAMIRE *v.* MORGAN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 18–8993. COTE *v.* ASUNCION, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 18–9005. CUMMINS *v.* SAUL, COMMISSIONER OF SOCIAL SECURITY. C. A. 8th Cir. Certiorari denied. Reported below: 759 Fed. Appx. 551.

No. 18–9007. WEIR *v.* MONTEFIORE MEDICAL CENTER ET AL. C. A. 2d Cir. Certiorari denied.

No. 18–9009. ADELMAN *v.* ROOT ET AL. C. A. 5th Cir. Certiorari denied.

No. 18–9011. JORDAN *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 18–9013. CRENSHAW *v.* ILLINOIS. Sup. Ct. Ill. Certiorari denied.

Page Proof Pending Publication

No. 18–9014. MCNEIL *v.* NEBRASKA ET AL. C. A. 8th Cir. Certiorari denied.

No. 18–9018. WILSON *v.* CITY OF CHESAPEAKE, VIRGINIA. C. A. 4th Cir. Certiorari denied. Reported below: 738 Fed. Appx. 169.

No. 18–9019. GATWAS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 910 F. 3d 362.

No. 18–9021. ARROYO *v.* ZAMORA ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 748 Fed. Appx. 569.

No. 18–9025. NEWTON *v.* LOUISIANA. Sup. Ct. La. Certiorari denied. Reported below: 2017–1997 (La. 1/28/19), 262 So. 3d 274.

No. 18–9029. JAMES *v.* KANSAS. Sup. Ct. Kan. Certiorari denied.

No. 18–9030. REYES RIVERA *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 18–9034. SHILLINGS *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, ET AL. C. A. 5th Cir. Certiorari denied.

No. 18–9039. VU PHAN *v.* NATIONAL JEWISH HEALTH ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 762 Fed. Appx. 502.

No. 18–9040. ARROYO *v.* COLBERT ET AL. C. A. 11th Cir. Certiorari denied.

No. 18–9045. ROBINSON *v.* JOHNSON, ADMINISTRATOR, NEW JERSEY STATE PRISON. C. A. 3d Cir. Certiorari denied.

No. 18–9051. GOLSTON *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 18–9059. GILMORE *v.* HARRY, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 18–9064. LINDSAY *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

Page Proof Pending Publication

No. 18–9066. ROJAS *v.* LANE, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FAYETTE, ET AL. C. A. 3d Cir. Certiorari denied.

No. 18–9067. ROSS *v.* MILLER, SUPERINTENDENT, GREAT MEADOW CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 18–9068. RYDBOM *v.* BOGGS ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 746 Fed. Appx. 215.

No. 18–9070. URZUA SANCHEZ *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 18–9073. GRAYTON *v.* CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied.

No. 18–9075. HOWARD *v.* HYUNDAI MOTOR MANUFACTURING ALABAMA. C. A. 11th Cir. Certiorari denied. Reported below: 754 Fed. Appx. 798.

No. 18–9076. GLENN *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 18–9077. WALTON *v.* NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES, DISABILITY DETERMINATION SERVICES. C. A. 4th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 1.

No. 18–9080. CARTER *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied.

No. 18–9087. FARROW *v.* HOOKS ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 736 Fed. Appx. 409.

No. 18–9088. GRAY *v.* INDIANA. Ct. App. Ind. Certiorari denied. Reported below: 122 N. E. 3d 457.

No. 18–9090. HOWARD *v.* SAN DIEGO COUNTY COUNSEL ET AL. C. A. 9th Cir. Certiorari denied.

No. 18–9093. FERGUSON *v.* HALL, COMMISSIONER, MISSISSIPPI DEPARTMENT OF CORRECTIONS, ET AL. C. A. 5th Cir. Certiorari denied.

No. 18–9094. HEBERT *v.* LOUISIANA. C. A. 5th Cir. Certiorari denied. Reported below: 745 Fed. Appx. 227.

Page Proof Pending Publication

No. 18–9095. HALL *v.* BROOKDALE UNIVERSITY HOSPITAL MEDICAL CENTER ET AL. C. A. 2d Cir. Certiorari denied.

No. 18–9096. GLASER *v.* CITY AND COUNTY OF DENVER, COLORADO, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 755 Fed. Appx. 852.

No. 18–9099. PIERRE *v.* ALLIANCE SECURITY SERVICES ET AL. C. A. 2d Cir. Certiorari denied.

No. 18–9100. MENCY *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 244 So. 3d 203.

No. 18–9102. BAZAN *v.* WHITFIELD ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 754 Fed. Appx. 280.

No. 18–9108. MITCHELL *v.* JOHNSON, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 18–9110. MURPHY *v.* NEW JERSEY. Super. Ct. N. J., App. Div. Certiorari denied.

No. 18–9113. MOORE *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 18–9114. GEORGE *v.* NAGY, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 18–9115. ARUNACHALAM *v.* PAZUNIAK LAW OFFICE, LLC, ET AL. Sup. Ct. Del. Certiorari denied. Reported below: 198 A. 3d 177.

No. 18–9118. FIELDS *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 741 Fed. Appx. 284.

No. 18–9122. HAWKINS *v.* GAUGHAN. C. A. 6th Cir. Certiorari denied.

No. 18–9125. WARDRICK *v.* BENTON, WARDEN, ET AL. C. A. 11th Cir. Certiorari denied.

No. 18–9126. DOERING *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION, ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 759 Fed. Appx. 556.

No. 18–9127. HAMPTON *v.* PROF–2013–S3 LEGAL TITLE TRUST ET AL. Sup. Ct. Va. Certiorari denied.

Page Proof Pending Publication

No. 18–9128. ERPELDING *v.* FRAKES, DIRECTOR, NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES. Sup. Ct. Neb. Certiorari denied.

No. 18–9129. BOOTH *v.* BOBBITT, WARDEN, ET AL. C. A. 11th Cir. Certiorari denied.

No. 18–9134. CLOPTON *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 18–9135. MALCOMB *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 183 A. 3d 1098.

No. 18–9137. HICKINGBOTTOM *v.* INDIANA. Ct. App. Ind. Certiorari denied.

No. 18–9138. GULLETT-EL *v.* CORRIGAN ET AL. C. A. 11th Cir. Certiorari denied.

No. 18–9140. INGRAM *v.* CLEMENTS ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 705 Fed. Appx. 721.

No. 18–9141. GRIFFIN *v.* GREGOLINE ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 727 Fed. Appx. 397.

No. 18–9142. HARRELL *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 3. Certiorari denied.

No. 18–9144. HEARD *v.* BALDWIN, DIRECTOR, ILLINOIS DEPARTMENT OF CORRECTIONS, ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 732 Fed. Appx. 472.

No. 18–9145. FLETCHER *v.* INMATE BANK ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 752 Fed. Appx. 683.

No. 18–9146. IVERY *v.* OHIO. Ct. App. Ohio, 9th App. Dist., Summit County. Certiorari denied. Reported below: 2018-Ohio-2177.

No. 18–9147. FLINT *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 18–9152. REID *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied.

Page Proof Pending Publication

No. 18–9153. RANDOLPH *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 18–9156. SISNEROS *v.* ARNOLD, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 18–9157. ARCE *v.* CHICAGO TRANSIT AUTHORITY. C. A. 7th Cir. Certiorari denied. Reported below: 738 Fed. Appx. 355.

No. 18–9158. LYNN *v.* MCKEE, JUDGE, UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT, ET AL. C. A. 3d Cir. Certiorari denied.

No. 18–9159. BROWN *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied.

No. 18–9160. TWARDOWSKI *v.* BISMARCK POLICE DEPARTMENT ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 754 Fed. Appx. 492.

No. 18–9162. WORLEY *v.* ILLINOIS. App. Ct. Ill., 2d Dist. Certiorari denied.

No. 18–9165. WARREN *v.* RAMAGE ET AL. C. A. 7th Cir. Certiorari denied.

No. 18–9166. ORTIZ *v.* BAUGHMAN, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 18–9167. PENDLETON *v.* HAINSWORTH, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SOMERSET. Sup. Ct. Pa. Certiorari denied.

No. 18–9170. ORTIZ *v.* PERRY ET AL. C. A. 10th Cir. Certiorari denied.

No. 18–9171. PRIESTLEY *v.* TWO HOUSES, IN BUCKEYE, MARICOPA COUNTY, ARIZONA, ET AL. C. A. 9th Cir. Certiorari denied.

No. 18–9173. POSEY *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 18–9174. MYLES *v.* NEBRASKA. Ct. App. Neb. Certiorari denied. Reported below: 26 Neb. App. ——.

No. 18–9175. MILLEDGE *v.* ENGLISH, ASSISTANT WARDEN. C. A. 11th Cir. Certiorari denied. Reported below: 760 Fed. Appx. 741.

Page Proof Pending Publication

No. 18–9176. PIERCE *v.* ALLBAUGH, DIRECTOR, OKLAHOMA DEPARTMENT OF CORRECTIONS. C. A. 10th Cir. Certiorari denied.

No. 18–9177. MURPHY *v.* NEAL, SUPERINTENDENT, INDIANA STATE PRISON. C. A. 7th Cir. Certiorari denied.

No. 18–9178. ALFORD *v.* HOOKS, SECRETARY, NORTH CAROLINA DEPARTMENT OF SAFETY, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 746 Fed. Appx. 216.

No. 18–9179. THOMAS *v.* BLAKE ET AL. C. A. 10th Cir. Certiorari denied.

No. 18–9182. MATEEN-EL *v.* BELL, JUDGE, SUPERIOR COURT OF NORTH CAROLINA, MECKLENBURG COUNTY, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 747 Fed. Appx. 169.

No. 18–9184. WHITE *v.* CORCORAN, TRUSTEE, ET AL. C. A. 6th Cir. Certiorari denied.

No. 18–9189. CONLEY *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. Sup. Ct. Ark. Certiorari denied. Reported below: 2019 Ark. 23, 566 S. W. 3d 116.

No. 18–9190. SMITH *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. Dist. Ct. App. Fla., 3d Dist. Certiorari denied.

No. 18–9191. BARGO *v.* NAYLOR ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 746 Fed. Appx. 603.

No. 18–9194. ESPADA *v.* TEXAS. Ct. App. Tex., 4th Dist. Certiorari denied. Reported below: 565 S. W. 3d 326.

No. 18–9195. BULLARD *v.* JACKSON, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 18–9198. NAASZ *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 18–9199. PEREZ *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 18–9204. BROWN *v.* FLORIDA DEPARTMENT OF REVENUE ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 766 Fed. Appx. 929.

Page Proof Pending Publication

No. 18–9206. BROOKS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 757 Fed. Appx. 282.

No. 18–9207. WINSTON *v.* ALLBAUGH, DIRECTOR, OKLAHOMA DEPARTMENT OF CORRECTIONS. C. A. 10th Cir. Certiorari denied. Reported below: 743 Fed. Appx. 257.

No. 18–9209. H. F. *v.* BOARD OF EDUCATION OF THE TOWNSHIP OF TEANECK. Super. Ct. N. J., App. Div. Certiorari denied.

No. 18–9214. PHILLIPS *v.* ALABAMA. Sup. Ct. Ala. Certiorari denied. Reported below: 287 So. 3d 1179.

No. 18–9216. HOPKINS *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 1. Certiorari denied.

No. 18–9220. HANDFIELD *v.* GARMAN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ROCKVIEW, ET AL. C. A. 3d Cir. Certiorari denied.

No. 18–9222. HARRIOT *v.* WAIZENHOFER ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 743 Fed. Appx. 540.

No. 18–9223. GAMBLE *v.* GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY. C. A. 6th Cir. Certiorari denied.

No. 18–9225. Raihala *v.* Michigan. Ct. App. Mich. Certiorari denied.

No. 18–9229. DeRyan *v.* East Valley School District. Ct. App. Wash. Certiorari denied.

No. 18–9235. McMillan *v.* Florida. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 263 So. 3d 32.

No. 18–9237. Barksdale *v.* United States Executive Branch. C. A. 11th Cir. Certiorari denied.

No. 18–9238. Brown *v.* Washington. Ct. App. Wash. Certiorari denied. Reported below: 5 Wash. App. 2d 1037.

No. 18–9239. Shoop *v.* Terry, Acting Warden. C. A. 4th Cir. Certiorari denied. Reported below: 735 Fed. Appx. 83.

No. 18–9246. Bryant *v.* Department of Education et al. C. A. 4th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 344.

No. 18–9247. Ombe *v.* Martinez et al. C. A. 10th Cir. Certiorari denied. Reported below: 755 Fed. Appx. 754.

Page Proof Pending Publication

No. 18–9249. Drevaleva *v.* Department of Veterans Affairs et al. C. A. 9th Cir. Certiorari denied.

No. 18–9251. Atkins *v.* Davis, Director, Texas Department of Criminal Justice, Correctional Institutions Division. C. A. 5th Cir. Certiorari denied.

No. 18–9252. Foster *v.* Florida. Sup. Ct. Fla. Certiorari denied. Reported below: 258 So. 3d 1248.

No. 18–9253. Saylor *v.* Brown, Superintendent, Wabash Valley Correctional Facility. C. A. 7th Cir. Certiorari denied.

No. 18–9254. Rubin *v.* Sanchez et al. C. A. 7th Cir. Certiorari denied. Reported below: 751 Fed. Appx. 948.

No. 18–9262. Wood *v.* Texas. Ct. Crim. App. Tex. Certiorari denied. Reported below: 568 S. W. 3d 678.

No. 18–9265. Meza Segundo *v.* Davis, Director, Texas Department of Criminal Justice, Correctional Institu-

TIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 757 Fed. Appx. 333.

No. 18–9267. REESE *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 261 So. 3d 1246.

No. 18–9268. MEJIA RIVERA *v.* MCKINNEY ET AL. C. A. 5th Cir. Certiorari denied.

No. 18–9269. REYNOLDS *v.* CIRCUIT COURT OF KENTUCKY, LAUREL COUNTY. C. A. 6th Cir. Certiorari denied.

No. 18–9270. ANTONIO RODRIGUEZ *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 260 So. 3d 146.

No. 18–9271. KHOLOST ET AL. *v.* DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ET AL. C. A. 2d Cir. Certiorari denied.

No. 18–9272. LARSON *v.* DAHLSTROM, COMMISSIONER, ALASKA DEPARTMENT OF CORRECTIONS. Ct. App. Alaska. Certiorari denied.

Page Proof Pending Publication

No. 18–9274. THOMPSON *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 261 So. 3d 1255.

No. 18–9280. JUSINO ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 9th Cir. Certiorari denied.

No. 18–9281. BURKE *v.* PROSPER, ACTING WARDEN, ET AL. Sup. Ct. V. I. Certiorari denied. Reported below: 70 V. I. 866.

No. 18–9282. KIMBLE *v.* HOOKS, SECRETARY, NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY. C. A. 4th Cir. Certiorari denied. Reported below: 755 Fed. Appx. 311.

No. 18–9283. RUSSELL *v.* FIRST RESOLUTION INVESTMENT CORP. Ct. Civ. App. Ala. Certiorari denied. Reported below: 285 So. 3d 792.

No. 18–9285. SCHWARTZMILLER *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 18–9286. RUPERT *v.* BOWERS ET AL. C. A. 8th Cir. Certiorari denied.

No. 18–9290. HAMILTON *v.* JURBAN ET AL. C. A. 9th Cir. Certiorari denied.

No. 18–9294. LEE *v.* GOODWIN, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 18–9295. SANCHEZ *v.* ARIZONA. Ct. App. Ariz. Certiorari denied.

No. 18–9298. BARRY ET AL. *v.* MASSACHUSETTS. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 481 Mass. 388, 116 N. E. 3d 554.

No. 18–9299. WASHINGTON *v.* JOHNSON, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 751 Fed. Appx. 1032.

No. 18–9307. SCOTT *v.* GOODWIN, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 18–9308. SCRANAGE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 742 Fed. Appx. 745.

No. 18–9309. SPATARU *v.* HARMONY HEALING CENTER. Sup. Ct. Fla. Certiorari denied. Reported below: 746 Fed. Appx. 290.

Page Proof Pending Publication

No. 18–9310. NIETO CRUZ *v.* TEXAS. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 18–9311. MATTHEWS *v.* SAUL, COMMISSIONER OF SOCIAL SECURITY. C. A. 11th Cir. Certiorari denied.

No. 18–9316. BANEGAS HERNANDEZ *v.* BARR, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied.

No. 18–9317. LASHER *v.* BUCHWALD, JUDGE, UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK. C. A. 2d Cir. Certiorari denied.

No. 18–9318. DUNLAP *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 18–9319. GRAY *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 18–9320. HOWARD *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 752 Fed. Appx. 519.

No. 18–9321. DOLMO-ALVAREZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 753 Fed. Appx. 324.

No. 18–9322. CROSBY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 753 Fed. Appx. 325.

No. 18–9324. JOHNSTONE *v.* NEVADA ET AL. C. A. 9th Cir. Certiorari denied.

No. 18–9326. MARSHALL *v.* WISCONSIN. C. A. 7th Cir. Certiorari denied.

No. 18–9330. HAMMOND *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 912 F. 3d 658.

No. 18–9331. AHMED *v.* SHOOP, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 18–9333. GOMEZ *v.* CALIFORNIA. C. A. 9th Cir. Certiorari denied.

No. 18–9338. CORBITT *v.* UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA. C. A. 11th Cir. Certiorari denied.

No. 18–9339. YATES *v.* CALIFORNIA. Ct. App. Cal., 5th App. Dist. Certiorari denied.

Page Proof Pending Publication

No. 18–9341. WHITTEN *v.* GUNTER ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 757 Fed. Appx. 235.

No. 18–9342. TINER *v.* COCKRELL ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 756 Fed. Appx. 482.

No. 18–9344. YARBER *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 915 F. 3d 1103.

No. 18–9345. DRAKE *v.* PARISH, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 18–9346. ARUNACHALAM *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied.

No. 18–9347. SIMS *v.* KANSAS. Sup. Ct. Kan. Certiorari denied. Reported below: 308 Kan. 1488, 431 P. 3d 288.

No. 18–9348. WILLIAMS *v.* WELCH ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 32.

No. 18–9349. MCCONNELL *v.* GITTERE, WARDEN, ET AL. Sup. Ct. Nev. Certiorari denied. Reported below: 134 Nev. 978, 426 P. 3d 31.

No. 18–9350. WHITEHEAD *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 18–9351. BASSETT *v.* DESANTIS, GOVERNOR OF FLORIDA. C. A. 11th Cir. Certiorari denied. Reported below: 749 Fed. Appx. 955.

No. 18–9353. RODRIGUEZ *v.* NATIONWIDE HOMES, INC., ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 756 Fed. Appx. 782.

No. 18–9354. REDDICK *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 759 Fed. Appx. 512.

No. 18–9355. ROBINSON *v.* RENTAL MAINTENANCE, INC. Cir. Ct. Baltimore City, Md. Certiorari denied.

No. 18–9361. CLEMONS *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied. Reported below: 650 Pa. 467, 200 A. 3d 441.

No. 18–9363. ROBINSON *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 260 So. 3d 1011.

Page Proof Pending Publication

No. 18–9364. STREET *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 756 Fed. Appx. 310.

No. 18–9365. RAMIREZ-JARAMILLO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 753 Fed. Appx. 338.

No. 18–9366. RIVERA *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 260 So. 3d 920.

No. 18–9367. RAMSEY *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 166 App. Div. 3d 1520, 87 N. Y. S. 3d 772.

No. 18–9369. WEBB *v.* COUNTY OF PIMA, ARIZONA, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 753 Fed. Appx. 498.

No. 18–9370. BLANKENSHIP *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 755 Fed. Appx. 712.

No. 18–9372. BRYAN *v.* SHOOP, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 18–9373. SHU *v.* BRENNAN, POSTMASTER GENERAL. C. A. 9th Cir. Certiorari denied.

No. 18–9374. WALTON *v.* RAY, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 744 Fed. Appx. 828.

No. 18–9375. ELAMIN *v.* SUPERIOR COURT OF THE DISTRICT OF COLUMBIA. Ct. App. D. C. Certiorari denied.

No. 18–9376. DAVIS *v.* UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA. C. A. 4th Cir. Certiorari denied. Reported below: 755 Fed. Appx. 287.

No. 18–9377. DONOHUE *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 18–9379. LIGHT *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 753 Fed. Appx. 63.

No. 18–9380. LEAL *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 9th Cir. Certiorari denied.

No. 18–9381. YOUTE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 685.

Page Proof Pending Publication

No. 18–9382. WOFFORD *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 766 Fed. Appx. 576.

No. 18–9385. NICHOLSON *v.* COOK, COMMISSIONER, CONNECTICUT DEPARTMENT OF CORRECTION. App. Ct. Conn. Certiorari denied. Reported below: 186 Conn. App. 398, 199 A. 3d 573.

No. 18–9386. ARUNACHALAM *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied.

No. 18–9387. SCHIPKE *v.* CONNECTICUT ET AL. C. A. 2d Cir. Certiorari denied.

No. 18–9390. ARANOFF *v.* ARANOFF. Ct. App. N. Y. Certiorari denied. Reported below: 33 N. Y. 3d 1011, 125 N. E. 3d 151.

No. 18–9391. MCGOWAN *v.* WALMART STORES. C. A. 10th Cir. Certiorari denied. Reported below: 757 Fed. Appx. 786.

No. 18–9392. LOVETT *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 18–9393. MCILWAIN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 18–9397. ANGEL BARRON *v.* MADDEN, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 18–9398. CISSE *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. Reported below: 32 N. Y. 3d 1198, 120 N. E. 3d 364.

No. 18–9400. MARTIN *v.* ARIZONA. Ct. App. Ariz. Certiorari denied.

No. 18–9401. JONES *v.* KENTUCKY ET AL. C. A. 6th Cir. Certiorari denied.

No. 18–9402. JACKSON *v.* CALIFORNIA. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 18–9404. LUNN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 707 Fed. Appx. 176.

No. 18–9405. MACK *v.* NELSEN, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 755 Fed. Appx. 302.

No. 18–9406. GRANT *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 761 Fed. Appx. 164.

Page Proof Pending Publication

No. 18–9408. HENNINGTON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 18–9409. GUERRERO *v.* BITER, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 762 Fed. Appx. 370.

No. 18–9410. SANDERS *v.* WALMART STORES EAST, L. P. C. A. 11th Cir. Certiorari denied. Reported below: 754 Fed. Appx. 935.

No. 18–9414. ROYCE *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 266 So. 3d 826.

No. 18–9415. NEELY *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 763 Fed. Appx. 770.

No. 18–9416. WILLIAMS *v.* FLORIDA. C. A. 11th Cir. Certiorari denied.

No. 18–9418. BANDARA *v.* MANN ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 745 Fed. Appx. 488.

No. 18–9419. WAITERS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 760 Fed. Appx. 156.

No. 18–9420. BURRIS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 912 F. 3d 386.

No. 18–9422. MCCOWN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 762 Fed. Appx. 732.

No. 18–9423. ANGLE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 761 Fed. Appx. 775.

No. 18–9426. DURISO *v.* WEST GULF MARITIME ASSN. ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 741 Fed. Appx. 235.

No. 18–9427. SAXBY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 754 Fed. Appx. 161.

No. 18–9428. JENKINS *v.* HALL, COMMISSIONER, MISSISSIPPI DEPARTMENT OF CORRECTIONS, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 910 F. 3d 828.

No. 18–9430. TURNER *v.* TEXAS. Ct. App. Tex., 6th Dist. Certiorari denied.

Page Proof Pending Publication

No. 18–9432. ROWE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 18–9433. STUBBS *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 682.

No. 18–9434. CARLOS RODRIGUEZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 762 Fed. Appx. 712.

No. 18–9436. BRANHAM *v.* BACA, WARDEN. Ct. App. Nev. Certiorari denied. Reported below: 134 Nev. 814, 434 P. 3d 313.

No. 18–9438. WOODS *v.* STEWART, WARDEN, ET AL. C. A. 11th Cir. Certiorari denied.

No. 18–9439. ADDISON *v.* INDIANA, DBA FAMILY AND SOCIAL SERVICES ADMINISTRATION. C. A. 7th Cir. Certiorari denied.

No. 18–9440. DIXIE *v.* HARRINGTON, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 756 Fed. Appx. 750.

No. 18–9441. LEWIS *v.* NEWBURGH HOUSING AUTHORITY ET AL. C. A. 2d Cir. Certiorari denied.

No. 18–9442. Loston *v.* Vannoy, Warden. C. A. 5th Cir. Certiorari denied.

No. 18–9443. Campbell *v.* Campbell, Warden. C. A. 6th Cir. Certiorari denied.

No. 18–9446. Bennett *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 738 Fed. Appx. 140.

No. 18–9447. Brown *v.* Virginia. Sup. Ct. Va. Certiorari denied.

No. 18–9448. Brady *v.* St. Pierre et al. Sup. Ct. N. H. Certiorari denied.

No. 18–9449. McCrea *v.* District of Columbia Police and Firefighters' Retirement and Relief Board. Ct. App. D. C. Certiorari denied. Reported below: 199 A. 3d 208.

No. 18–9450. Pizzarelli *v.* Grewal, Attorney General of New Jersey, et al. C. A. 3d Cir. Certiorari denied.

No. 18–9451. Pittman *v.* Illinois. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2018 IL App (1st) 152030, 104 N. E. 3d 485.

Page Proof Pending Publication

No. 18–9453. Pisciotta *v.* Harmon, Warden. C. A. 5th Cir. Certiorari denied. Reported below: 748 Fed. Appx. 634.

No. 18–9454. Brown *v.* Pennsylvania. Super. Ct. Pa. Certiorari denied. Reported below: 193 A. 3d 1090.

No. 18–9455. Dummert *v.* Ngo. Ct. App. Nev. Certiorari denied. Reported below: 134 Nev. 933.

No. 18–9456. Lynn *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 912 F. 3d 212.

No. 18–9457. McMillan *v.* Rackley, Warden. C. A. 9th Cir. Certiorari denied.

No. 18–9458. Musa *v.* United States District Court for the District of Arizona. C. A. 9th Cir. Certiorari denied.

No. 18–9459. Nanez-Rivera *v.* United States. C. A. 10th Cir. Certiorari denied. Reported below: 757 Fed. Appx. 778.

No. 18–9460. Perry *v.* United States. C. A. 8th Cir. Certiorari denied. Reported below: 908 F. 3d 1126.

No. 18–9461. TILLMON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 954 F. 3d 628.

No. 18–9462. KILGORE *v.* PASH, WARDEN, ET AL. C. A. 8th Cir. Certiorari denied.

No. 18–9464. FINNEY *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 260 So. 3d 231.

No. 18–9465. GALLOWAY *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 917 F. 3d 631.

No. 18–9466. GOVEA-SAN ROMAN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 754 Fed. Appx. 304.

No. 18–9467. ALLEN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 18–9468. BONNELL *v.* SHOOP, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 18–9469. WATSON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

Page Proof Pending Publication

No. 18–9470. THOMPSON *v.* OKLAHOMA. Ct. Crim. App. Okla. Certiorari denied. Reported below: 2019 OK CR 3, 438 P. 3d 373.

No. 18–9471. VIOLA *v.* ARIZONA. Ct. App. Ariz. Certiorari denied.

No. 18–9472. RICE *v.* COCKELL ET AL. C. A. 5th Cir. Certiorari denied.

No. 18–9473. ANTONIO CONTRERAS *v.* WASHINGTON. C. A. 9th Cir. Certiorari denied.

No. 18–9475. KENNEDY *v.* WASHBURN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 18–9477. ROBERTS *v.* DUPAGE COUNTY CIRCUIT COURT. Sup. Ct. Ill. Certiorari denied.

No. 18–9478. ROTHENBERG *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 256 So. 3d 202.

No. 18–9480. ROBERTS *v.* INSERVCO INSURANCE SERVICES. C. A. 3d Cir. Certiorari denied. Reported below: 765 Fed. Appx. 656.

No. 18–9481. SHRUBB *v.* CLARK, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ALBION, ET AL. C. A. 3d Cir. Certiorari denied.

No. 18–9483. ALFORD *v.* NEVEN, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 754 Fed. Appx. 673.

No. 18–9484. TAYLOR *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2018 IL App (1st) 152072–U.

No. 18–9486. ABSHIRE *v.* LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS. Ct. App. La., 1st Cir. Certiorari denied. Reported below: 2017–0005 (La. App. 1 Cir. 9/15/17).

No. 18–9487. JOHNSON *v.* CAIN, SUPERINTENDENT, SNAKE RIVER CORRECTIONAL INSTITUTION. C. A. 9th Cir. Certiorari denied.

No. 18–9488. LUMPKIN *v.* MOODY, ATTORNEY GENERAL OF FLORIDA, ET AL. C. A. 11th Cir. Certiorari denied.

No. 18–9489. BRESSI *v.* GEMBIC ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 752 Fed. Appx. 113.

Page Proof Pending Publication

No. 18–9491. TRUDEAU *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 18–9492. SPATARU *v.* RAMSAY. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 239 So. 3d 763.

No. 18–9493. SANTILLAN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 754 Fed. Appx. 296.

No. 18–9494. AWAD *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 9th Cir. Certiorari denied.

No. 18–9496. JOHNSON *v.* HOOBER ET AL. C. A. 6th Cir. Certiorari denied.

No. 18–9497. AUSTIN *v.* AMSBERRY. C. A. 9th Cir. Certiorari denied.

No. 18–9498. LANE *v.* SWAIN, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 910 F. 3d 1293.

No. 18–9499. AUSTIN *v.* STEWART, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 741 Fed. Appx. 944.

No. 18–9500. LINH THI MINH TRAN *v.* TRI-COUNTY METROPOLITAN TRANSIT DISTRICT OF OREGON. Ct. App. Ore. Certiorari denied. Reported below: 292 Ore. App. 777, 430 P. 3d 216.

No. 18–9501. ENNIS *v.* NEVADA. Sup. Ct. Nev. Certiorari denied. Reported below: 135 Nev. 640, 433 P. 3d 263.

No. 18–9502. VAZQUEZ CAPISTRAN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 755 Fed. Appx. 427.

No. 18–9503. BOSWELL *v.* LOUISIANA ET AL. C. A. 5th Cir. Certiorari denied.

No. 18–9504. BARRETT *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. Sup. Ct. Va. Certiorari denied.

No. 18–9505. PARRA PEREZ *v.* TEXAS. Ct. App. Tex., 2d Dist. Certiorari denied. Reported below: 562 S. W. 3d 676.

No. 18–9507. SMITH *v.* CHARLESTON COUNTY DOMESTIC RELATIONS ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 748 Fed. Appx. 570.

Page Proof Pending Publication

No. 18–9508. SCOTT *v.* JIMENEZ. C. A. 9th Cir. Certiorari denied. Reported below: 748 Fed. Appx. 169.

No. 18–9509. LEHMANN *v.* KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION. C. A. 9th Cir. Certiorari denied.

No. 18–9510. RAHEEM *v.* UNITED STATES;
No. 18–9534. MEWASE *v.* UNITED STATES; and
No. 18–9558. AYELOTAN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 917 F. 3d 394.

No. 18–9511. STEPP *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 18–9512. REID *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 749 Fed. Appx. 190.

No. 18–9513. REID *v.* DONNELLY ET AL. C. A. 11th Cir. Certiorari denied.

No. 18–9514. POLGAR *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied.

No. 18–9515. PIERRE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 747 Fed. Appx. 968.

No. 18–9516. PALMER *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 264 So. 3d 140.

No. 18–9518. WILLIAMS *v.* CITY OF AUSTIN, TEXAS, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 752 Fed. Appx. 194.

No. 18–9519. WESLEY *v.* NEW YORK. Sup. Ct., Crim. Term, Queens County, N. Y. Certiorari denied.

No. 18–9521. JONES *v.* NEVADA. Sup. Ct. Nev. Certiorari denied. Reported below: 135 Nev. 668, 433 P. 3d 267.

No. 18–9522. LOPEZ-GALVAN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 18–9523. LEVI *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 762 Fed. Appx. 778.

No. 18–9524. LOWERY *v.* WHITTEN, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 760 Fed. Appx. 617.

Page Proof Pending Publication

No. 18–9525. HARRIS *v.* PEERY, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 616.

No. 18–9527. BRANAGAN *v.* BACA, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 18–9529. DEL VALLE-HIRALDO *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 18–9530. MARGHEIM *v.* BUCK ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 752 Fed. Appx. 685.

No. 18–9531. DEYERLE *v.* WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES. Sup. Ct. App. W. Va. Certiorari denied.

No. 18–9533. TILAHUN *v.* PREMO, SUPERINTENDENT, OREGON STATE PENITENTIARY. Ct. App. Ore. Certiorari denied. Reported below: 290 Ore. App. 172, 412 P. 3d 1253.

No. 18–9537. HENRY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 18–9538. HEAD *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 747 Fed. Appx. 266.

No. 18–9539. BROWN *v.* WALMART STORES, INC. C. A. 7th Cir. Certiorari denied. Reported below: 768 Fed. Appx. 575.

No. 18–9540. HARVIN *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 18–9541. GILKEY *v.* BURTON, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 18–9543. HANEY *v.* JACKSON, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 18–9544. HENRY *v.* CARLIN, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 18–9545. HERCENBERGER *v.* PROCTOR. Sup. Ct. Ore. Certiorari denied. Reported below: 363 Ore. 727, 429 P. 3d 383.

No. 18–9548. TATUM *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

Page Proof Pending Publication

No. 18–9549. LUCAS-LOPEZ *v.* TRIERWEILER, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 18–9550. GRIMES *v.* AVIS BUDGET GROUP. C. A. 3d Cir. Certiorari denied. Reported below: 762 Fed. Appx. 130.

No. 18–9551. IOTOVA ET AL. *v.* MCCABE, WEISBERG & CONWAY, LLC. C. A. 11th Cir. Certiorari denied.

No. 18–9552. GILL *v.* NYACK COLLEGE ET AL. C. A. 2d Cir. Certiorari denied.

No. 18–9553. JONES *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 18–9555. THOMAS *v.* MARSH, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT BENNER TOWNSHIP. C. A. 3d Cir. Certiorari denied.

No. 18–9556. WILLARD *v.* CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION. C. A. 9th Cir. Certiorari denied.

No. 18–9557. BREWINGTON *v.* OKLAHOMA. Ct. Crim. App. Okla. Certiorari denied.

No. 18–9559. AYALA *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 917 F. 3d 752.

No. 18–9560. WRIGHT *v.* LASSITER ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 921 F. 3d 413.

No. 18–9562. SIMMS *v.* GARMAN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ROCKVIEW, ET AL. C. A. 3d Cir. Certiorari denied.

No. 18–9563. SORRELS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 755 Fed. Appx. 436.

No. 18–9565. STOERMER *v.* OHIO. Ct. App. Ohio, 2d App. Dist., Clark County. Certiorari denied. Reported below: 2018-Ohio-4522.

No. 18–9566. SAIN *v.* OKLAHOMA. Ct. Crim. App. Okla. Certiorari denied.

Page Proof Pending Publication

No. 18–9568. MULLINS *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied.

No. 18–9570. MORGAN *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 18–9572. COX *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 755 Fed. Appx. 720.

No. 18–9573. BETANCOURT-CARRILLO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 757 Fed. Appx. 383.

No. 18–9574. ABU-AISH *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 758 Fed. Appx. 798.

No. 18–9576. WEEKLY *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 18–9577. PENA *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 18–9578. PARRISH *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 767 Fed. Appx. 440.

No. 18–9579. TENCH *v.* OHIO. Sup. Ct. Ohio. Certiorari denied. Reported below: 156 Ohio St. 3d 85, 2018-Ohio-5205, 123 N. E. 3d 955.

No. 18–9580. DEVERS *v.* IOWA. Ct. App. Iowa. Certiorari denied. Reported below: 927 N. W. 2d 677.

No. 18–9581. EVANS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 18–9583. VASQUEZ *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 4. Certiorari denied.

No. 18–9584. MILLER *v.* ARIZONA. Ct. App. Ariz. Certiorari denied. Reported below: 245 Ariz. 323, 429 P. 3d 556.

No. 18–9586. WATKINS *v.* GREEN, SECRETARY, MARYLAND DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 758 Fed. Appx. 325.

No. 18–9587. LIVIZ *v.* SUPREME JUDICIAL COURT OF MASSACHUSETTS. Sup. Jud. Ct. Mass. Certiorari denied.

Page Proof Pending Publication

No. 18–9588. LACEY *v.* GOMEZ, WARDEN. Sup. Ct. Ill. Certiorari denied.

No. 18–9590. MAYER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 760 Fed. Appx. 793.

No. 18–9591. TAYLOR *v.* TEXAS. Ct. App. Tex., 7th Dist. Certiorari denied. Reported below: 555 S. W. 3d 765.

No. 18–9592. FAVORS *v.* MICHIGAN. Sup. Ct. Mich. Certiorari denied. Reported below: 503 Mich. 946, 922 N. W. 2d 120.

No. 18–9593. HAYES *v.* GORMAN ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 748 Fed. Appx. 519.

No. 18–9594. DAVIS *v.* 7-ELEVEN, INC. C. A. 4th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 133.

No. 18–9595. DU TRIEU *v.* MARTEL, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 624.

No. 18–9596. GROAH *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 236.

No. 18–9597. BERRUM *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 18–9598. GUY *v.* OHIO. Ct. App. Ohio, 10th App. Dist., Franklin County. Certiorari denied. Reported below: 2018-Ohio-4836.

No. 18–9599. D. R. *v.* M. R. ET AL. Ct. App. Cal., 2d App. Dist., Div. 6. Certiorari denied.

No. 18–9600. SLEDGE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 762 Fed. Appx. 433.

No. 18–9601. STRICKLAND *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 759 Fed. Appx. 544.

No. 18–9602. SIMMONS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 763 Fed. Appx. 331.

No. 18–9603. STEEL *v.* ARIZONA. Ct. App. Ariz. Certiorari denied.

No. 18–9604. FUENTES RAMOS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 762 Fed. Appx. 986.

Page Proof Pending Publication

No. 18–9605. FERGUSON *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied.

No. 18–9606. GIVENS *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 18–9607. HEMANS *v.* BARR, ATTORNEY GENERAL. C. A. 2d Cir. Certiorari denied.

No. 18–9608. GARCIA *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 909 F. 3d 228.

No. 18–9609. CHARLES L. *v.* AMES, SUPERINTENDENT, MOUNT OLIVE CORRECTIONAL COMPLEX. Sup. Ct. App. W. Va. Certiorari denied.

No. 18–9610. WROMAS *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 239 So. 3d 748.

No. 18–9611. WEIR *v.* UNITED STATES ET AL. C. A. 2d Cir. Certiorari denied.

No. 18–9612. RAYFORD *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2018 IL App (1st) 160650–U.

No. 18–9613. SMELTZER *v.* KING. C. A. 9th Cir. Certiorari denied. Reported below: 756 Fed. Appx. 747.

No. 18–9614. RHOADES *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 914 F. 3d 357.

No. 18–9616. RIOJAS-ORDAZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 756 Fed. Appx. 498.

No. 18–9617. AUSTIN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 920.

No. 18–9618. MATA-JIMENEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 749 Fed. Appx. 664.

No. 18–9619. LAGI *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied.

No. 18–9620. MILLER *v.* MARTINEZ, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 18–9621. ONAFEKO *v.* GREAT BRITAIN ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 767 Fed. Appx. 14.

Page Proof Pending Publication

No. 18–9622. MCDANIEL *v.* WILKIE, SECRETARY OF VETERANS AFFAIRS. C. A. 9th Cir. Certiorari denied. Reported below: 738 Fed. Appx. 523.

No. 18–9623. WAZNEY *v.* JPMORGAN CHASE BANK, N. A. C. A. 4th Cir. Certiorari denied. Reported below: 736 Fed. Appx. 53.

No. 18–9624. WAZNEY *v.* JPMORGAN CHASE BANK, N. A. C. A. 4th Cir. Certiorari denied. Reported below: 735 Fed. Appx. 113.

No. 18–9625. TYSON *v.* TEXAS (two judgments). Ct. Crim. App. Tex. Certiorari denied.

No. 18–9627. TUCKER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 358.

No. 18–9628. HORN *v.* CRC HEALTH GROUP, INC. C. A. 9th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 393.

No. 18–9629. HALE *v.* FEDERAL BUREAU OF PRISONS ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 759 Fed. Appx. 741.

No. 18–9630. BROWN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 18–9631. CAMPBELL *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 912 F. 3d 1340.

No. 18–9632. HUDSON *v.* OKLAHOMA. Ct. Crim. App. Okla. Certiorari denied.

No. 18–9633. GONZALEZ-REYES *v.* BARR, ATTORNEY GENERAL. C. A. 2d Cir. Certiorari denied. Reported below: 757 Fed. Appx. 21.

No. 18–9634. FREDERICK *v.* COLLIER, EXECUTIVE DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, ET AL. C. A. 5th Cir. Certiorari denied.

No. 18–9635. ANTONIO FLORES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 733 Fed. Appx. 89.

No. 18–9636. FURTYS *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 238 So. 3d 754.

No. 18–9637. JENKINS *v.* KANSAS. Ct. App. Kan. Certiorari denied. Reported below: 56 Kan. App. 2d xli, 419 P. 3d 104.

Page Proof Pending Publication

No. 18–9638. LUIS BARBOZA *v.* TEXAS. Ct. App. Tex., 7th Dist. Certiorari denied.

No. 18–9640. LAWSON *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 762 Fed. Appx. 179.

No. 18–9641. BRIGHAM *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 748 Fed. Appx. 165.

No. 18–9642. BENTON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 765 Fed. Appx. 477.

No. 18–9643. PAUL *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 18–9644. CASTLEBERRY *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 266 So. 3d 157.

No. 18–9646. WEBB *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 18–9647. TUSTIN *v.* LIVINGSTON ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 766 Fed. Appx. 174.

No. 18–9649. PLEASANT-BEY *v.* TENNESSEE DEPARTMENT OF CORRECTIONS ET AL. C. A. 6th Cir. Certiorari denied.

No. 18–9650. PINSON *v.* TEXAS. Ct. App. Tex., 11th Dist. Certiorari denied.

No. 18–9651. PATINO-RESTREPO *v.* DEPARTMENT OF JUSTICE ET AL. C. A. D. C. Cir. Certiorari denied.

No. 18–9652. MCDONALD *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 18–9654. ROSS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 912 F. 3d 740.

No. 18–9655. EKWUNIFE *v.* CITY OF PHILADELPHIA, PENNSYLVANIA, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 756 Fed. Appx. 165.

No. 18–9657. DAVIS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 918 F. 3d 397.

Page Proof Pending Publication

No. 18–9658. DOYLE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 18–9660. WINDSOR *v.* DELAWARE. Sup. Ct. Del. Certiorari denied. Reported below: 202 A. 3d 1126.

No. 18–9661. KOSTOPOULOS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 766 Fed. Appx. 875.

No. 18–9662. LANE *v.* SALAZAR, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 911 F. 3d 942.

No. 18–9666. HERNANDEZ *v.* MASSACHUSETTS. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 481 Mass. 189, 113 N. E. 3d 828.

No. 18–9667. ALFORD *v.* BALLARD ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 340.

No. 18–9668. ANGEL ARIAS *v.* MOODY ET AL. C. A. 11th Cir. Certiorari denied.

No. 18–9670. TRICE *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 766 Fed. Appx. 840.

No. 18–9672. LeBlanc *v.* United States. C. A. 5th Cir. Certiorari denied.

No. 18–9673. Jakubec *v.* United States. C. A. 9th Cir. Certiorari denied.

No. 18–9675. Bullcoming *v.* United States. C. A. 10th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 804.

No. 18–9676. Halprin *v.* Davis, Director, Texas Department of Criminal Justice, Correctional Institutions Division. C. A. 5th Cir. Certiorari denied. Reported below: 911 F. 3d 247.

No. 18–9677. Arreola Zavala *v.* United States. C. A. 8th Cir. Certiorari denied. Reported below: 748 Fed. Appx. 82.

No. 18–9678. Hankton *v.* Boutte, Warden. C. A. 5th Cir. Certiorari denied.

No. 18–9680. Middlebrook *v.* United States. C. A. 11th Cir. Certiorari denied.

Page Proof Pending Publication

No. 18–9681. Godfrey *v.* United States District Court for the District of Montana. C. A. 9th Cir. Certiorari denied.

No. 18–9682. Forbes *v.* United States. C. A. 7th Cir. Certiorari denied.

No. 18–9683. Hango *v.* Barr, Attorney General. C. A. 6th Cir. Certiorari denied.

No. 18–9684. Prien-Pinto *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 917 F. 3d 1155.

No. 18–9685. Clarke *v.* Barr, Attorney General. C. A. 2d Cir. Certiorari denied.

No. 18–9686. Bordelon *v.* Texas. Ct. App. Tex., 4th Dist. Certiorari denied. Reported below: 582 S. W. 3d 436.

No. 18–9688. Rivera-Martinez *v.* Illinois. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 18–9690. Lockett *v.* Florida. Dist. Ct. App. Fla., 4th Dist. Certiorari denied.

No. 18–9691. STALLINGS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 762 Fed. Appx. 160.

No. 18–9694. DOUCE *v.* NEW YORK. App. Term, Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 62 Misc. 3d 143, 113 N. Y. S. 3d 457.

No. 18–9695. WAGNER *v.* PREMO, SUPERINTENDENT, OREGON STATE PENITENTIARY. C. A. 9th Cir. Certiorari denied.

No. 18–9696. HUGHES *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 18–9697. GORDON *v.* PREMO, SUPERINTENDENT, OREGON STATE PENITENTIARY. C. A. 9th Cir. Certiorari denied. Reported below: 757 Fed. Appx. 627.

No. 18–9698. PEREZ GOMEZ *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 6 Cal. 5th 243, 430 P. 3d 791.

No. 18–9700. GATSON *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 744 Fed. Appx. 97.

Page Proof Pending Publication

No. 18–9701. GAUSE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 757 Fed. Appx. 292.

No. 18–9702. FUNK-VAUGHN *v.* TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES. Sup. Ct. Tenn. Certiorari denied.

No. 18–9703. KELTON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 18–9704. PORTEE *v.* DEPARTMENT OF AGRICULTURE ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 758 Fed. Appx. 333.

No. 18–9705. MOORE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 18–9708. SMITH *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 919 F. 3d 1.

No. 18–9709. WALKER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 18–9711. MEYERS *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. Sup. Ct. Va. Certiorari denied.

No. 18–9712. JUAREZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 756 Fed. Appx. 492.

No. 18–9713. BRENDE *v.* YOUNG, WARDEN, ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 907 F. 3d 1080.

No. 18–9714. ROUTT *v.* HOWARD ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 762.

No. 18–9715. BEDGOOD *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 18–9716. HUNTER *v.* LOUISIANA. Ct. App. La., 4th Cir. Certiorari denied. Reported below: 2018–0206 (La. App. 4 Cir. 8/22/18), 252 So. 3d 1053.

No. 18–9717. FINDLAY *v.* HSBC BANK USA, N. A., ET AL. Sup. Ct. Fla. Certiorari denied.

No. 18–9718. IOTOVA *v.* FARMER ET AL. C. A. 11th Cir. Certiorari denied.

No. 18–9719. LUND *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 913 F. 3d 665.

Page Proof Pending Publication

No. 18–9720. BANKS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 764 Fed. Appx. 255.

No. 18–9721. BANKS *v.* WALKER, UNITED STATES MARSHAL, ET AL. C. A. 3d Cir. Certiorari denied.

No. 18–9722. MEIER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 759 Fed. Appx. 523.

No. 18–9723. CARDENAS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 761 Fed. Appx. 34.

No. 18–9724. WINKLES *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 18–9725. MUNOZ *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 765 Fed. Appx. 547.

No. 18–9727. PHILLIPS-BERRY *v.* TRUMP, PRESIDENT OF THE UNITED STATES, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 757 Fed. Appx. 402.

No. 18–9728. SUNG HO PARK *v.* FOSS, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 18–9729. OVERBY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 757 Fed. Appx. 284.

No. 18–9731. GERINGER-GANOR *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 756 Fed. Appx. 737.

No. 18–9732. ETEMAD *v.* NORTH DAKOTA. Sup. Ct. N. D. Certiorari denied. Reported below: 2018 ND 240, 919 N. W. 2d 192.

No. 18–9733. MCREYNOLDS *v.* GLENN ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 753 Fed. Appx. 426.

No. 18–9734. DOMINGUEZ-GABRIEL, AKA BELLEFLEUR *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 18–9735. DARDEN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 910 F. 3d 1064.

No. 18–9737. KELLAM *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 751 Fed. Appx. 184.

Page Proof Pending Publication

No. 18–9738. GONZALEZ JOSE *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 18–9739. MALONE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 758 Fed. Appx. 354.

No. 18–9740. JESSIE *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 18–9741. BROWN *v.* CITY OF RICHMOND, VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 18–9742. BUTLER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 760 Fed. Appx. 194.

No. 18–9743. TIZENO *v.* JANDA, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 214.

No. 18–9747. DAMOND *v.* LOUISIANA. Sup. Ct. La. Certiorari denied. Reported below: 2019–0020 (La. 2/25/19), 266 So. 3d 291.

No. 18–9748. HERNANDEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 595.

No. 18–9749. JOSEPH EL *v.* ALL LOCAL LAW ENFORCEMENT IN GENERAL. C. A. 11th Cir. Certiorari denied.

No. 18–9752. PEMBERTON *v.* LAYDEN, CHIEF JUDGE, 18TH JUDICIAL DISTRICT COURT OF OKLAHOMA. Sup. Ct. Okla. Certiorari denied.

No. 18–9753. BROOKS *v.* COLORADO DEPARTMENT OF CORRECTIONS ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 762 Fed. Appx. 551.

No. 18–9754. TEITELBAUM *v.* TURNER, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 18–9755. ARAYA *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 199.

No. 18–9756. LOZANO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 761 Fed. Appx. 444.

No. 18–9757. PHILLIPS-BERRY *v.* SCURLOCK ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 170.

Page Proof Pending Publication

No. 18–9758. CONERLY *v.* CHAPMAN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 18–9759. RODRIGUEZ *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2019 IL App (1st) 151938–B, 127 N. E. 3d 1089.

No. 18–9760. DIXON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 18–9763. HEATON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 918 F. 3d 598.

No. 18–9764. HAUSA *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 922 F. 3d 129.

No. 18–9765. KINARD *v.* UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA. C. A. D. C. Cir. Certiorari denied.

No. 18–9766. LEWIS *v.* FARMER, SHERIFF, SUMTER COUNTY, FLORIDA, ET AL. C. A. 11th Cir. Certiorari denied.

No. 18–9767. JOHNSON *v.* WHITE, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 18–9768. TALBERT *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2018 IL App (1st) 160157, 122 N. E. 3d 739.

No. 18–9769. WAHID *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 18–9770. TOYE *v.* RACETTE, SUPERINTENDENT, GREAT MEADOWS CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 18–9771. ROBINSON *v.* MOODY, ATTORNEY GENERAL OF FLORIDA, ET AL. C. A. 11th Cir. Certiorari denied.

No. 18–9773. REDEKER *v.* NEVEN, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 606.

No. 18–9774. TSENG *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 1. Certiorari denied. Reported below: 30 Cal. App. 5th 117, 241 Cal. Rptr. 3d 194.

No. 18–9775. WASHINGTON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 279.

Page Proof Pending Publication

No. 18–9776. PONCE-RECENDIZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 758 Fed. Appx. 367.

No. 18–9778. XUE JIE HE *v.* OFFICE OF THE NEW YORK CITY COMPTROLLER. C. A. 2d Cir. Certiorari denied.

No. 18–9779. XUE JIE HE *v.* TRINITY CHURCH ET AL. C. A. 2d Cir. Certiorari denied.

No. 18–9780. HANNIGAN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 18–9781. WINARSKE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 913 F. 3d 765.

No. 18–9782. DAILY *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 18–9784. IOTOVA ET AL. *v.* DEMISA ET AL. C. A. 2d Cir. Certiorari denied.

No. 18–9785. HUSSAR *v.* REYNOLDS ET AL. C. A. 9th Cir. Certiorari denied.

No. 18–9786. Francisco et al. *v.* Texas Department of Family and Protective Services. Ct. App. Tex., 9th Dist. Certiorari denied.

No. 18–9788. Cardwell *v.* South Carolina. Sup. Ct. S. C. Certiorari denied. Reported below: 425 S. C. 595, 824 S. E. 2d 451.

No. 18–9789. Pizarro *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 756 Fed. Appx. 458.

No. 18–9790. Monzoni *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 747 Fed. Appx. 547.

No. 18–9792. Mensah *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 759 Fed. Appx. 183.

No. 18–9795. Barto *v.* Garmon, Superintendent, State Correctional Institution at Rockview, et al. C. A. 3d Cir. Certiorari denied.

No. 18–9797. Johnson *v.* United States. C. A. 4th Cir. Certiorari denied.

Page Proof Pending Publication

No. 18–9798. Lee *v.* United States. Ct. App. D. C. Certiorari denied. Reported below: 193 A. 3d 750.

No. 18–9799. Rivera *v.* United States. C. A. 1st Cir. Certiorari denied.

No. 18–9800. Adams *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 741 Fed. Appx. 157.

No. 18–9802. Benson *v.* Utah Labor Commission et al. Ct. App. Utah. Certiorari denied. Reported below: 2018 UT App 228, 437 P. 3d 1253.

No. 18–9803. Galvan *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 744 Fed. Appx. 422.

No. 18–9804. Gomez *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 762 Fed. Appx. 181.

No. 18–9805. Carver *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 916 F. 3d 398.

No. 18–9806. Tones et al. *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 759 Fed. Appx. 579.

No. 18–9808. REYES *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 18–9809. STRONG *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 164 App. Div. 3d 1637, 84 N. Y. S. 3d 290.

No. 18–9810. WARD *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 18–9811. SLOAN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 756 Fed. Appx. 739.

No. 18–9812. SPOTTED HORSE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 916 F. 3d 686.

No. 18–9813. BROWN *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 18–9814. WAZNEY *v.* WAZNEY. C. A. 4th Cir. Certiorari denied. Reported below: 735 Fed. Appx. 835.

No. 18–9815. BOWLES *v.* FLORIDA DEPARTMENT OF CORRECTIONS ET AL. C. A. 11th Cir. Certiorari denied.

Page Proof Pending Publication

No. 18–9816. DJENASEVIC, AKA GENASE, AKA KRAJA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 18–9817. KELLY *v.* TEXAS. Ct. App. Tex., 6th Dist. Certiorari denied.

No. 18–9818. ECHOLS *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. C. A. 8th Cir. Certiorari denied.

No. 18–9819. RODRIGUEZ-REYES *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 925 F. 3d 558.

No. 18–9820. EDICK *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 18–9822. NOEL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 748 Fed. Appx. 530.

No. 18–9823. MORRIS *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 18–9824. PATTEN *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 2. Certiorari denied.

No. 18–9825. ORR *v.* NEAL, SUPERINTENDENT, INDIANA STATE PRISON. C. A. 7th Cir. Certiorari denied.

No. 18–9827. LAMOUREAUX *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 18–9828. MAGLUILO *v.* LOUISIANA. Ct. App. La., 2d Cir. Certiorari denied. Reported below: 52,227 (La. App. 2 Cir. 9/26/18), 256 So. 3d 424.

No. 18–9829. WILMORE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 18–9830. EINFELDT *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 18–9831. MELCHER *v.* RICHARDSON. C. A. 9th Cir. Certiorari denied.

No. 18–9833. MONE *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 766 Fed. Appx. 979.

No. 18–9834. OCHOA-OROZCO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 757 Fed. Appx. 386.

Page Proof Pending Publication

No. 18–9836. BROWN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 902.

No. 18–9837. BUSTOS *v.* BEXAR APPRAISAL DISTRICT ET AL. Ct. App. Tex., 4th Dist. Certiorari denied.

No. 18–9838. FLOYD *v.* ALABAMA. Ct. Crim. App. Ala. Certiorari denied.

No. 18–9839. KING *v.* OKLAHOMA. Ct. Crim. App. Okla. Certiorari denied.

No. 18–9840. FERNANDEZ *v.* NEVADA ET AL. C. A. 1st Cir. Certiorari denied.

No. 18–9841. HINES *v.* JTH TAX, INC. C. A. 4th Cir. Certiorari denied. Reported below: 740 Fed. Appx. 49.

No. 18–9843. FOUNTAIN *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 18–9844. WOOD *v.* PARISH, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 18–9845. VANZANT *v.* YORDY, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 18–9847. PETITTA *v.* PARAMO, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 19–1. KHAN *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 759 Fed. Appx. 952.

No. 19–2. LAWSON *v.* FMR LLC, DBA FIDELITY INVESTMENTS, ET AL. C. A. 1st Cir. Certiorari denied.

No. 19–5. ARNALDO BAEZ *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–9. VILLAFANA QUEVEDO *v.* BARR, ATTORNEY GENERAL. C. A. 6th Cir. Certiorari denied. Reported below: 766 Fed. Appx. 345.

No. 19–10. SMITH *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 920 F. 3d 639.

Page Proof Pending Publication

No. 19–11. ROUNTREE *v.* NATIONSTAR MORTGAGE, LLC, ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 757 Fed. Appx. 514.

No. 19–12. SEWELL *v.* MARYLAND. Ct. App. Md. Certiorari denied. Reported below: 463 Md. 291, 205 A. 3d 966.

No. 19–15. BANK OF LOUISIANA ET AL. *v.* FEDERAL DEPOSIT INSURANCE CORPORATION. C. A. 5th Cir. Certiorari denied. Reported below: 919 F. 3d 916.

No. 19–17. BAKER *v.* BAKER. Ct. App. Cal., 2d App. Dist., Div. 2. Certiorari denied.

No. 19–18. NAVARRETTE-LOPEZ *v.* BARR, ATTORNEY GENERAL. C. A. 5th Cir. Certiorari denied. Reported below: 919 F. 3d 951.

No. 19–19. KIANPOUR *v.* WELLS FARGO BANK, N. A. C. A. 9th Cir. Certiorari denied. Reported below: 753 Fed. Appx. 499.

No. 19–20. ANDREOLI ET AL. *v.* YOUNGEVITY INTERNATIONAL CORP. ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 749 Fed. Appx. 634.

No. 19–21. Owens *v.* United States. C. A. 1st Cir. Certiorari denied. Reported below: 917 F. 3d 26.

No. 19–22. Newsome *v.* RSL Funding, LLC, et al. Sup. Ct. Tex. Certiorari denied. Reported below: 569 S. W. 3d 116.

No. 19–24. Rose et ux. *v.* Reaves, Chapter 7 Trustee. C. A. 9th Cir. Certiorari denied. Reported below: 754 Fed. Appx. 572.

No. 19–25. Rosas *v.* Roman Catholic Archdiocese of Chicago. C. A. 7th Cir. Certiorari denied. Reported below: 748 Fed. Appx. 64.

No. 19–26. Collins et al. *v.* Daniels et al. C. A. 10th Cir. Certiorari denied. Reported below: 916 F. 3d 1302.

No. 19–29. Beemer *v.* University of Southern California et al. C. A. 9th Cir. Certiorari denied. Reported below: 755 Fed. Appx. 714.

No. 19–31. Kam *v.* Dallas County, Texas, et al. C. A. 5th Cir. Certiorari denied. Reported below: 756 Fed. Appx. 455.

Page Proof Pending Publication

No. 19–32. Stroh *v.* Saturna Capital Corp. C. A. 9th Cir. Certiorari denied. Reported below: 746 Fed. Appx. 639.

No. 19–33. Wallace *v.* Andeavor Corp. C. A. 5th Cir. Certiorari denied. Reported below: 916 F. 3d 423.

No. 19–34. Maravelias *v.* DePamphilis. Sup. Ct. N. H. Certiorari denied.

No. 19–36. Fontanillas Lopez *v.* Morell Bauza Cartagena & Dapena, LLC, et al. Sup. Ct. P. R. Certiorari denied.

No. 19–37. Freeman *v.* Texas. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 19–38. McGee *v.* United States. C. A. 10th Cir. Certiorari denied. Reported below: 760 Fed. Appx. 610.

No. 19–39. Bell *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 901 F. 3d 455.

No. 19–40. Watchtower Bible & Tract Society of New York, Inc. *v.* J. W., a Minor. Ct. App. Cal., 4th App. Dist., Div.

2. Certiorari denied. Reported below: 29 Cal. App. 5th 1142, 241 Cal. Rptr. 3d 62.

No. 19–45. NEXUS SERVICES, INC., ET AL. *v.* MORAN, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS DEPUTY SHERIFF OF AUGUSTA COUNTY, VIRGINIA, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 750 Fed. Appx. 241.

No. 19–48. B&B HARDWARE, INC. *v.* HARGIS INDUSTRIES, INC. C. A. 8th Cir. Certiorari denied. Reported below: 912 F. 3d 445.

No. 19–49. SIMONS *v.* BOSTON SCIENTIFIC ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 765 Fed. Appx. 773.

No. 19–50. DERAFFELE *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 19–53. BRANDED LLC *v.* IANCU, DIRECTOR, UNITED STATES PATENT AND TRADEMARK OFFICE. C. A. Fed. Cir. Certiorari denied. Reported below: 763 Fed. Appx. 916.

No. 19–56. MILNER ET AL. *v.* MARES, EXECUTIVE DIRECTOR, NEW MEXICO RACING COMMISSION, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 754 Fed. Appx. 777.

Page Proof Pending Publication

No. 19–57. DEWEES *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 767 Fed. Appx. 4.

No. 19–58. XITRONIX CORP. *v.* KLA-TENCOR CORP., DBA KLA-TENCOR, INC. C. A. Fed. Cir. Certiorari denied. Reported below: 767 Fed. Appx. 1008.

No. 19–59. LOOP AI LABS, INC., ET AL. *v.* GATTI ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 742 Fed. Appx. 286.

No. 19–60. KERTON *v.* SOCIETY HILL AT DROYERS POINT CONDOMINIUM ASSN. ET AL. Super. Ct. N. J., App. Div. Certiorari denied.

No. 19–63. PAINTER *v.* EVANS. Ct. App. La., 1st Cir. Certiorari denied. Reported below: 2018–1289 (La. App. 1 Cir. 12/26/18).

No. 19–65. JONNA CORP., DBA PREMIER RECYCLING CO. *v.* CITY OF SUNNYVALE, CALIFORNIA. C. A. 9th Cir. Certiorari denied. Reported below: 754 Fed. Appx. 592.

No. 19–69. WEISSBURG *v.* LOS ANGELES UNIFIED SCHOOL DISTRICT ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 379.

No. 19–72. PENNYMAC FINANCIAL SERVICES, INC., ET AL. *v.* SMIGELSKI. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 19–74. WILLNER ET AL. *v.* DIMON ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 761 Fed. Appx. 1.

No. 19–77. CARING FOR MONTANANS, INC., ET AL. *v.* DEPOT, INC., ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 915 F. 3d 643.

No. 19–78. DOE, AKA DAVIS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 753 Fed. Appx. 166.

No. 19–79. ALBRECHT *v.* ALBRECHT. Sup. Ct. N. H. Certiorari denied.

No. 19–80. SHREVEPORT CHAPTER #237 OF THE UNITED DAUGHTERS OF THE CONFEDERACY *v.* CADDO PARISH COMMISSION. C. A. 5th Cir. Certiorari denied. Reported below: 756 Fed. Appx. 460.

Page Proof Pending Publication

No. 19–82. CANNON *v.* BANK OF AMERICA, N. A., ET AL. C. A. 1st Cir. Certiorari denied.

No. 19–84. MULLIGAN *v.* JALBERT ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 763 Fed. Appx. 70.

No. 19–85. LC *v.* MG. Sup. Ct. Haw. Certiorari denied. Reported below: 143 Haw. 302, 430 P. 3d 400.

No. 19–86. JORDAN *v.* DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, DEPARTMENT OF LABOR, ET AL. C. A. 5th Cir. Certiorari denied.

No. 19–87. BURGESS *v.* HALL, WARDEN. Sup. Ct. Ga. Certiorari denied. Reported below: 305 Ga. 633, 827 S. E. 2d 271.

No. 19–88. NADER ET UX. *v.* CITY OF PAPILLION, NEBRASKA, ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 917 F. 3d 1055.

No. 19–89. NEWMAN *v.* YORK. Ct. App. Ind. Certiorari denied.

No. 19–91. BUCKNER, WARDEN *v.* ALLEN. Ct. App. Mo., Southern Dist. Certiorari denied. Reported below: 570 S. W. 3d 601.

No. 19–92. ALFARO-ALFARO *v.* BARR, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied.

No. 19–93. WALTON *v.* FIRST MERCHANTS BANK ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 349.

No. 19–94. DAKOTA, MINNESOTA & EASTERN RAILROAD CORP. *v.* INGRAM BARGE CO. C. A. 8th Cir. Certiorari denied. Reported below: 918 F. 3d 967.

No. 19–95. BOLTON ET VIR *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 908 F. 3d 75.

No. 19–96. RYMER *v.* LEMASTER ET AL. C. A. 6th Cir. Certiorari denied.

No. 19–97. STEIN *v.* SECURITIES AND EXCHANGE COMMISSION. C. A. 9th Cir. Certiorari denied. Reported below: 906 F. 3d 823.

Page Proof Pending Publication

No. 19–98. KENNARD *v.* MEANS INDUSTRIES, INC. C. A. 6th Cir. Certiorari denied.

No. 19–100. CROWN ASSET MANAGEMENT LLC *v.* BARBATO. C. A. 3d Cir. Certiorari denied. Reported below: 916 F. 3d 260.

No. 19–101. IMPERIUM IP HOLDINGS (CAYMAN), LTD. *v.* SAMSUNG ELECTRONICS CO., LTD., ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 757 Fed. Appx. 974.

No. 19–103. STRIKEFORCE TECHNOLOGIES, INC. *v.* SECURE-AUTH CORP. C. A. Fed. Cir. Certiorari denied. Reported below: 753 Fed. Appx. 914.

No. 19–104. TAMEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 19–105. CARAMADRE *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 19–106. R. S. ET UX. *v.* KENTUCKY CABINET FOR HEALTH AND FAMILY SERVICES. Sup. Ct. Ky. Certiorari denied. Reported below: 570 S. W. 3d 538.

No. 19–111. Fernando I. *v.* Margarita O. App. Ct. Conn. Certiorari denied. Reported below: 189 Conn. App. 448, 207 A. 3d 548.

No. 19–112. Hiran et al. *v.* Jelinis, LLC. Ct. App. Tex., 14th Dist. Certiorari denied. Reported below: 557 S. W. 3d 159.

No. 19–113. Holdner *v.* Coba et al. C. A. 9th Cir. Certiorari denied. Reported below: 768 Fed. Appx. 735.

No. 19–115. Lawrence *v.* United States District Court for the Western District of Michigan. C. A. 6th Cir. Certiorari denied. Reported below: 761 Fed. Appx. 467.

No. 19–116. Marlowe *v.* City and County of San Francisco, California, et al. C. A. 9th Cir. Certiorari denied. Reported below: 753 Fed. Appx. 479.

No. 19–117. Inversiones y Procesadora Tropical INPROTSA, S. A. *v.* Del Monte International GmbH. C. A. 11th Cir. Certiorari denied. Reported below: 921 F. 3d 1291.

No. 19–118. Intermessage Communications, Inc. *v.* Ameritech Mobile Communications, Inc., et al. Sup. Ct. Ohio. Certiorari denied. Reported below: 155 Ohio St. 3d 463, 2018-Ohio-5023, 122 N. E. 3d 144.

Page Proof Pending Publication

No. 19–120. IBG LLC et al. *v.* Trading Technologies International, Inc. C. A. Fed. Cir. Certiorari denied. Reported below: 757 Fed. Appx. 1004.

No. 19–121. Miller *v.* Ferguson, Attorney General of Washington. C. A. 9th Cir. Certiorari denied.

No. 19–124. Smith *v.* United States et al. C. A. 7th Cir. Certiorari denied.

No. 19–126. Oram *v.* City of Dillon, Montana, et al. C. A. 9th Cir. Certiorari denied. Reported below: 755 Fed. Appx. 685.

No. 19–127. Calgaro *v.* St. Louis County, Minnesota, et al. C. A. 8th Cir. Certiorari denied. Reported below: 919 F. 3d 1054.

No. 19–128. Maye *v.* United States. C. A. 11th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 882.

No. 19–132. FEJOKWU *v.* COMMODITY FUTURES TRADING COMMISSION. C. A. 3d Cir. Certiorari denied. Reported below: 757 Fed. Appx. 119.

No. 19–133. SAGAR *v.* MNUCHIN, SECRETARY OF THE TREASURY. C. A. D. C. Cir. Certiorari denied.

No. 19–134. BLANCA TELEPHONE CO. *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL. C. A. 10th Cir. Certiorari denied.

No. 19–135. SMITH *v.* UNIVERSITY OF MARYLAND, BALTIMORE, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 50.

No. 19–136. SABAN RENT-A-CAR LLC ET AL. *v.* ARIZONA DEPARTMENT OF REVENUE ET AL. Sup. Ct. Ariz. Certiorari denied. Reported below: 246 Ariz. 89, 434 P. 3d 1168.

No. 19–137. VIBE MICRO, INC. *v.* SIG CAPITAL, LLC. C. A. 9th Cir. Certiorari denied. Reported below: 921 F. 3d 1193.

No. 19–140. RHEINSTEIN *v.* ATTORNEY GRIEVANCE COMMISSION OF MARYLAND. C. A. 4th Cir. Certiorari denied. Reported below: 750 Fed. Appx. 225.

Page Proof Pending Publication

No. 19–141. FAIRBANKS *v.* INDIANA. Sup. Ct. Ind. Certiorari denied. Reported below: 119 N. E. 3d 564.

No. 19–142. HARRY ET AL. *v.* AMERICAN BROKERS CONDUIT ET AL. C. A. 1st Cir. Certiorari denied.

No. 19–143. GOSSAGE *v.* MERIT SYSTEMS PROTECTION BOARD. C. A. Fed. Cir. Certiorari denied.

No. 19–144. RYAN *v.* DEPARTMENT OF DEFENSE. C. A. Fed. Cir. Certiorari denied. Reported below: 760 Fed. Appx. 990.

No. 19–145. MASTANDUNO *v.* NATIONAL FREIGHT INDUSTRIES ET AL. Ct. App. N. C. Certiorari denied. Reported below: 262 N. C. App. 77, 821 S. E. 2d 592.

No. 19–146. KELLY *v.* RELIANCE STANDARD LIFE INSURANCE CO. ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 764 Fed. Appx. 160.

No. 19–148. 7 WEST 57TH STREET REALTY CO., LLC *v.* CITIGROUP, INC., ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 771 Fed. Appx. 498.

No. 19–149. Fort Bend Mechanical, Ltd., et al. *v.* Gil Ramirez Group, L. L. C., et al. C. A. 5th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 970.

No. 19–150. Lumbard et al. *v.* City of Ann Arbor, Michigan. C. A. 6th Cir. Certiorari denied. Reported below: 913 F. 3d 585.

No. 19–157. Baggett *v.* Oncor Electric Delivery Co., LLC. C. A. 5th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 163.

No. 19–160. Singleton et al. *v.* Fairhurst, Chief Justice, Supreme Court of Washington, et al. Sup. Ct. Wash. Certiorari denied.

No. 19–162. Richards *v.* Pennsylvania. Super. Ct. Pa. Certiorari denied. Reported below: 201 A. 3d 823.

No. 19–172. Harsay *v.* University of Kansas. Sup. Ct. Kan. Certiorari denied. Reported below: 308 Kan. 1371, 430 P. 3d 30.

Page Proof Pending Publication

No. 19–173. Quinn, Individually and as Guardian ad Litem for H. Q., a Minor Child, et al. *v.* Truck Insurance Exchange et al. Sup. Ct. S. D. Certiorari denied.

No. 19–175. Francis et al. *v.* Commissioner of Internal Revenue. C. A. 8th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 303.

No. 19–179. Ben-Dov *v.* Sragow et al. C. A. 9th Cir. Certiorari denied. Reported below: 735 Fed. Appx. 455.

No. 19–180. Bucsek *v.* Metropolitan Life Insurance Co. C. A. 2d Cir. Certiorari denied. Reported below: 919 F. 3d 184.

No. 19–182. Guillen *v.* Dollar Tree Stores, Inc. C. A. 9th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 461.

No. 19–183. Robison *v.* Texas. Ct. App. Tex., 14th Dist. Certiorari denied.

No. 19–186. Mira *v.* Argus Medis et al. C. A. 2d Cir. Certiorari denied.

No. 19–192. HERRICK *v.* GRINDR LLC ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 765 Fed. Appx. 586.

No. 19–193. HOGEN ET AL. *v.* HOGEN. Sup. Ct. N. D. Certiorari denied. Reported below: 2019 ND 141, 927 N. W. 2d 474.

No. 19–194. DELACRUZ *v.* STATE BAR OF CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 635.

No. 19–196. LOUISIANA HEALTH SERVICE & INDEMNITY CO., DBA BLUE CROSS BLUE SHIELD OF LOUISIANA *v.* ENCOMPASS OFFICE SOLUTIONS, INC. C. A. 5th Cir. Certiorari denied. Reported below: 919 F. 3d 266.

No. 19–200. HAWK ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 6th Cir. Certiorari denied. Reported below: 924 F. 3d 821.

No. 19–203. GREENBERG *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 773 Fed. Appx. 50.

No. 19–209. MCDONALD, CHAPTER 13 TRUSTEE *v.* WENZLOFF ET AL. C. A. 6th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–213. FISCHER *v.* TEXAS. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 19–214. PRESLEY ET AL. *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 557.

No. 19–216. PERSAUD *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 19–242. NICHOLS *v.* RELIANCE STANDARD LIFE INSURANCE CO. C. A. 5th Cir. Certiorari denied. Reported below: 924 F. 3d 802.

No. 19–243. CAMACHO *v.* UNITED STATES. C. A. Armed Forces. Certiorari denied. Reported below: 79 M. J. 90.

No. 19–245. GEFT OUTDOOR L. L. C. *v.* CITY OF WESTFIELD, HAMILTON COUNTY, INDIANA. C. A. 7th Cir. Certiorari denied. Reported below: 922 F. 3d 357.

No. 19–256. ABRAMOV *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 741 Fed. Appx. 531.

No. 19–272. Cooks *v.* United States. C. A. 11th Cir. Certiorari denied. Reported below: 920 F. 3d 735.

No. 19–295. Fawcett *v.* Citizens Bank, N. A. C. A. 1st Cir. Certiorari denied. Reported below: 919 F. 3d 133.

No. 19–305. Wilkins et al. *v.* Soler et al. C. A. 9th Cir. Certiorari denied. Reported below: 762 Fed. Appx. 383.

No. 19–308. Arizmendi *v.* Gabbert. C. A. 5th Cir. Certiorari denied. Reported below: 919 F. 3d 891.

No. 19–5001. Dulcero *v.* Neven, Warden, et al. C. A. 9th Cir. Certiorari denied.

No. 19–5002. Cruse *v.* Texas. Ct. Crim. App. Tex. Certiorari denied.

No. 19–5003. Cruz-Olavarria *v.* United States. C. A. 1st Cir. Certiorari denied. Reported below: 919 F. 3d 661.

No. 19–5004. Stamps *v.* Miller. C. A. 10th Cir. Certiorari denied. Reported below: 763 Fed. Appx. 686.

Page Proof Pending Publication

No. 19–5005. Sankara *v.* Barr, Attorney General. C. A. 2d Cir. Certiorari denied.

No. 19–5006. Rosato *v.* Inch, Secretary, Florida Department of Corrections, et al. C. A. 11th Cir. Certiorari denied.

No. 19–5007. Sikes *v.* Davis, Director, Texas Department of Criminal Justice, Correctional Institutions Division. C. A. 5th Cir. Certiorari denied.

No. 19–5008. Johnson *v.* Massachusetts. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 481 Mass. 710, 119 N. E. 3d 669.

No. 19–5009. Nixon *v.* United States. C. A. 10th Cir. Certiorari denied. Reported below: 919 F. 3d 1265.

No. 19–5011. Phipps *v.* New York. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 168 App. Div. 3d 881, 91 N. Y. S. 3d 466.

No. 19–5012. Sarcona *v.* United States. C. A. 11th Cir. Certiorari denied.

No. 19–5013. SANTANA-DONES *v.* UNITED STATES; and
No. 19–5028. VASQUEZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 920 F. 3d 70.

No. 19–5015. KELLEY *v.* PETERS ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–5016. SALAZAR *v.* HEB GROCERY CO., LP, ET AL. Ct. App. Tex., 4th Dist. Certiorari denied.

No. 19–5017. PHILLIPS-BERRY *v.* LOUISIANA ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 88.

No. 19–5018. MINTZ *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–5019. PEREZ *v.* DWYER. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 271 So. 3d 1116.

No. 19–5020. LAMBERT *v.* SETTLES, ACTING WARDEN. C. A. 6th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–5021. BOLING *v.* UNITED STATES PAROLE COMMISSION ET AL. C. A. D. C. Cir. Certiorari denied.

No. 19–5022. BANKS *v.* LOUISIANA. Ct. App. La., 5th Cir. Certiorari denied. Reported below: 17–358 (La. App. 5 Cir. 3/14/18), 241 So. 3d 1240.

No. 19–5023. WALKER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 19–5026. ANDREWS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 768 Fed. Appx. 189.

No. 19–5029. CALHOUN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 768 Fed. Appx. 901.

No. 19–5030. MATHEW *v.* OHIO. Ct. App. Ohio, 5th App. Dist., Muskingum County. Certiorari denied. Reported below: 2018-Ohio-3405.

No. 19–5031. ISMAEL CONDE *v.* ARIZONA. Ct. App. Ariz. Certiorari denied.

No. 19–5032. FELDER *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 760 Fed. Appx. 74.

No. 19–5033. ARUNACHALAM *v.* INTERNATIONAL BUSINESS MACHINES CORP. ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 759 Fed. Appx. 927.

No. 19–5034. DUDLEY *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2018 IL App (1st) 152039–U.

No. 19–5038. WILLEMS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–5039. ORTIZ *v.* DELAWARE. Sup. Ct. Del. Certiorari denied. Reported below: 203 A. 3d 765.

No. 19–5040. LU *v.* STANFORD UNIVERSITY. C. A. 9th Cir. Certiorari denied. Reported below: 753 Fed. Appx. 497.

No. 19–5041. JAMISON *v.* COHEN, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 756 Fed. Appx. 265.

No. 19–5042. JONES *v.* GRIFFIN, CIRCUIT CLERK, CHICOT COUNTY, ET AL. C. A. 8th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–5043. PANUS *v.* TEXAS. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 19–5045. HATHORN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 920 F. 3d 982.

No. 19–5046. ARMISTEAD *v.* MILLIS, SUPERINTENDENT, HYDE CORRECTIONAL INSTITUTION. C. A. 4th Cir. Certiorari denied. Reported below: 756 Fed. Appx. 331.

No. 19–5047. TOOLE *v.* WILKIE, SECRETARY OF VETERANS AFFAIRS, ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 738 Fed. Appx. 6.

No. 19–5048. DOLPH *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 986.

No. 19–5049. WILSON *v.* HATTON, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 19–5050. ASMODEO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 763 Fed. Appx. 75.

No. 19–5051. DUARTE ISLAS *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–5053. HICKS *v.* BAKER, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–5054. HENDERSHOTT *v.* STRONG, WARDEN, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 753 Fed. Appx. 320.

No. 19–5055. HARRIS *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 19–5056. FISHER *v.* RICHMOND, THE AMERICAN INTERNATIONAL UNIVERSITY IN LONDON, INC. C. A. 2d Cir. Certiorari denied. Reported below: 773 Fed. Appx. 15.

No. 19–5057. FLETCHER *v.* CORIZON HEALTH SERVICES ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 700 Fed. Appx. 724.

No. 19–5059. VIERA *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 266 So. 3d 852.

Page Proof Pending Publication

No. 19–5060. WASHINGTON *v.* MICI, COMMISSIONER, MASSACHUSETTS DEPARTMENT OF CORRECTION. C. A. 1st Cir. Certiorari denied.

No. 19–5061. YOUNG *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–5062. JONES *v.* TENNESSEE. Sup. Ct. Tenn. Certiorari denied. Reported below: 568 S. W. 3d 101.

No. 19–5063. BARRIERA-VERA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–5065. CRANK *v.* BRACY, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–5066. DONGARRA *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 19–5067. DIXON *v.* VANNOY, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 19–5068. TRIMBLE *v.* HANSEN, WARDEN, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 721.

No. 19–5069. THOMPSON *v.* GARMAN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ROCKVIEW, ET AL. C. A. 3d Cir. Certiorari denied.

No. 19–5070. MITCHELL *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 767 Fed. Appx. 772.

No. 19–5071. BURLEY *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 763 Fed. Appx. 886.

No. 19–5072. BRIDGES *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–5074. MILEHAM *v.* PREMO, SUPERINTENDENT, OREGON STATE PENITENTIARY. C. A. 9th Cir. Certiorari denied.

No. 19–5075. MAKAU *v.* MEYER, JUDGE, DISTRICT COURT OF NORTH CAROLINA, WAKE COUNTY, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 292.

No. 19–5076. DAUGHERTY *v.* WHITE, WARDEN. C. A. 6th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–5077. CABOT *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 755 Fed. Appx. 75.

No. 19–5078. CAPALBO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 763 Fed. Appx. 904.

No. 19–5079. BLACKWELL *v.* GEORGIA. Ct. App. Ga. Certiorari denied. Reported below: 346 Ga. App. 833, 815 S. E. 2d 288.

No. 19–5080. VEGA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 19–5081. MOREL *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 922 F. 3d 1.

No. 19–5082. TOLENTINO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 766 Fed. Appx. 121.

No. 19–5083. MCVEA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 763 Fed. Appx. 377.

No. 19–5084. IOTOVA ET AL. *v.* FEDERAL BUREAU OF PRISONS ET AL. C. A. 2d Cir. Certiorari denied.

No. 19–5086. McClain *v.* Wells Fargo Home Mortgage et al. C. A. 4th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 299.

No. 19–5087. Johnson *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 915 F. 3d 223.

No. 19–5088. Hinson-Gribble *v.* Office of Personnel Management et al. C. A. 4th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 385.

No. 19–5090. Du Ju *v.* Washington et al. C. A. 9th Cir. Certiorari denied. Reported below: 744 Fed. Appx. 507.

No. 19–5091. Colbourn *v.* California. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 19–5092. Stephenson *v.* Connecticut. C. A. 2d Cir. Certiorari denied.

No. 19–5093. Smith *v.* United States. C. A. 9th Cir. Certiorari denied.

No. 19–5095. Salerno *v.* Arizona. Ct. App. Ariz. Certiorari denied.

Pages Proof Pending Publication

No. 19–5096. Rivera *v.* United States. C. A. 3d Cir. Certiorari denied. Reported below: 765 Fed. Appx. 861.

No. 19–5097. Fabricant *v.* United States Court of Appeals for the Ninth Circuit. C. A. 9th Cir. Certiorari denied.

No. 19–5099. Thompson *v.* Florida. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 274 So. 3d 1088.

No. 19–5100. Karahalios *v.* United States. C. A. 1st Cir. Certiorari denied.

No. 19–5101. Puderer *v.* Vannoy, Warden. C. A. 5th Cir. Certiorari denied.

No. 19–5103. Findlay *v.* Star Lakes Assn., Inc. Sup. Ct. Fla. Certiorari denied.

No. 19–5104. Arrington *v.* Davis, Director, Texas Department of Criminal Justice, Correctional Institutions Division. C. A. 5th Cir. Certiorari denied.

No. 19–5105. ESPUDO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 768 Fed. Appx. 623.

No. 19–5106. KARELLA *v.* GREEN TREE SERVICING, LLC. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 2018 IL App (2d) 170423–U.

No. 19–5107. KARAHALIOS *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 19–5108. COVINGTON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 19–5109. ENGLISH *v.* ROADHOUSE HOLDING INC. ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 750 Fed. Appx. 186.

No. 19–5110. BAYS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 945.

No. 19–5111. BLODGETT *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–5112. STOFFEL *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 247 So. 3d 89.

No. 19–5113. SETHI *v.* SECURITIES AND EXCHANGE COMMISSION. C. A. 5th Cir. Certiorari denied. Reported below: 910 F. 3d 198.

No. 19–5115. SEALS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 915 F. 3d 1203.

No. 19–5116. STEWART *v.* DARTMOUTH HITCHCOCK MARY HITCHCOCK MEMORIAL HOSPITAL. C. A. 1st Cir. Certiorari denied.

No. 19–5117. HUDSON *v.* HOOD, CHIEF JUDGE, UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN, ET AL. C. A. 6th Cir. Certiorari denied.

No. 19–5118. MATHISON *v.* WASHINGTON. Sup. Ct. Wash. Certiorari denied.

No. 19–5119. ARUCAN *v.* CAMBRIDGE EAST HEALTHCARE CENTER ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 763 Fed. Appx. 415.

No. 19–5120. ALFORD *v.* SAUL, COMMISSIONER OF SOCIAL SECURITY. C. A. 10th Cir. Certiorari denied. Reported below: 767 Fed. Appx. 662.

No. 19–5121. WAGONER *v.* NORTH CAROLINA. Ct. App. N. C. Certiorari denied.

No. 19–5122. WESTERFIELD *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 6 Cal. 5th 632, 433 P. 3d 914.

No. 19–5123. PARRISH *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 915 F. 3d 1043.

No. 19–5124. DURHAM *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 19–5126. GARCIA *v.* FERGUSON, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT PHOENIX, ET AL. C. A. 3d Cir. Certiorari denied.

No. 19–5127. DUNNE *v.* BISSETT, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 735 Fed. Appx. 405.

Page Proof Pending Publication

No. 19–5128. SALCEDO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 747 Fed. Appx. 555.

No. 19–5130. MCCONICO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 768 Fed. Appx. 885.

No. 19–5131. RACKLEY *v.* SLOAN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–5132. SILLS *v.* PRECYTHE, DIRECTOR, MISSOURI DEPARTMENT OF CORRECTIONS. C. A. 8th Cir. Certiorari denied.

No. 19–5134. BRUNSTORFF *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 754 Fed. Appx. 48.

No. 19–5135. BALLARD *v.* LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS. Ct. App. La., 1st Cir. Certiorari denied. Reported below: 2017–0460 (La. App. 1 Cir. 11/1/17), 233 So. 3d 642.

No. 19–5136. HAINES *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 918 F. 3d 694.

No. 19–5137. GRAY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 938.

No. 19–5138. GONZALEZ GONZALEZ, AKA GONZALEZ, AKA ALONZO GONZALEZ, AKA SOTO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 49.

No. 19–5139. MORRIS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 915 F. 3d 552.

No. 19–5140. RAGHUBIR *v.* UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA. C. A. 11th Cir. Certiorari denied.

No. 19–5141. WADE *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 768 Fed. Appx. 870.

No. 19–5142. BALL *v.* SLAGLE. C. A. 4th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 353.

No. 19–5143. S. T. *v.* WASHINGTON DEPARTMENT OF SOCIAL AND HEALTH SERVICES. Ct. App. Wash. Certiorari denied. Reported below: 4 Wash. App. 2d 1016.

No. 19–5144. URIBE *v.* DIAZ, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION. C. A. 9th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–5145. APODACA *v.* DOE ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 927.

No. 19–5146. GILLIAM *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 19–5147. HAWKINS *v.* SUNTRUST BANK ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 289.

No. 19–5148. RAGHUBIR *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–5149. ROJAS-MARCELENO *v.* KANSAS. C. A. 10th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 428.

No. 19–5150. PHILLIPS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 768 Fed. Appx. 474.

No. 19–5151. MAEHR *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 767 Fed. Appx. 914.

No. 19–5152. SHUMAKE *v.* VIRGINIA. C. A. 4th Cir. Certiorari denied.

No. 19–5153. RAMIREZ *v.* WASHINGTON. Ct. App. Wash. Certiorari denied. Reported below: 5 Wash. App. 2d 118, 425 P. 3d 534.

No. 19–5155. RUSSELL *v.* KS VENTURES, LLC. Sup. Ct. Mont. Certiorari denied. Reported below: 395 Mont. 519, 432 P. 3d 715.

No. 19–5156. LOGAN *v.* TOWN OF WINDSOR, NEW YORK, ET AL. C. A. 2d Cir. Certiorari denied.

No. 19–5157. HORNER *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 528.

No. 19–5158. HIGGINS *v.* FEDERAL NATIONAL MORTGAGE ASSOCIATION. C. A. 1st Cir. Certiorari denied.

No. 19–5159. GRANT *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 755 Fed. Appx. 432.

No. 19–5160. GEER *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 265 So. 3d 589.

No. 19–5161. VERNON *v.* CBS TELEVISION STUDIOS ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 763 Fed. Appx. 574.

Page Proof Pending Publication

No. 19–5162. JOHNSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 440.

No. 19–5163. KELLEY *v.* GERTH. Ct. App. Ohio, 10th App. Dist., Franklin County. Certiorari denied. Reported below: 2018-Ohio-4080.

No. 19–5164. STEWART *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–5166. VAZQUEZ VALOIS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 915 F. 3d 717.

No. 19–5167. HOOD *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 767 Fed. Appx. 456.

No. 19–5168. SMITH *v.* JACKSON ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–5169. STRATTON *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied.

No. 19–5170. ROSENBLUM *v.* BITER, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 19–5173. KIRKLAND *v.* HUNTINGTON INGALLS, INC. C. A. 5th Cir. Certiorari denied. Reported below: 758 Fed. Appx. 345.

No. 19–5174. LEWIS ET AL. *v.* ESTATE OF LEWIS ET AL. Ct. App. D. C. Certiorari denied. Reported below: 193 A. 3d 139.

No. 19–5175. GREEN *v.* WILSON, ATTORNEY GENERAL OF SOUTH CAROLINA. C. A. 4th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 159.

No. 19–5176. CHAMBLISS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 762 Fed. Appx. 751.

No. 19–5177. CHANEY *v.* UNITED STATES; and
No. 19–5180. CHANEY *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 921 F. 3d 572.

Page Proof Pending Publication

No. 19–5178. LESTER *v.* OHIO. Ct. App. Ohio, 8th App. Dist., Cuyahoga County. Certiorari denied. Reported below: 2018-Ohio-3041.

No. 19–5179. PATTISHALL *v.* CERF ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 40.

No. 19–5183. GRADO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 768 Fed. Appx. 623.

No. 19–5184. COURTNEY *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 730 Fed. Appx. 287.

No. 19–5185. TAYLOR *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 19–5186. WARNER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–5187. IGBINOVIA *v.* COX ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–5188. TART *v.* UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA. C. A. 4th Cir. Certiorari denied. Reported below: 746 Fed. Appx. 270.

No. 19–5189. TYLER *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 768 Fed. Appx. 264.

No. 19–5190. WILLIAMS *v.* NATIONAL RAILROAD PASSENGER CORPORATION ET AL. C. A. 7th Cir. Certiorari denied.

No. 19–5191. DAVENPORT *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 188 A. 3d 500.

No. 19–5192. MASSAQUOI *v.* AMERICAN CREDIT ACCEPTANCE. C. A. 4th Cir. Certiorari denied. Reported below: 759 Fed. Appx. 183.

No. 19–5194. HECTOR *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 19–5195. HINES *v.* GRIFFITH, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 19–5197. RODEN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–5198. RANG *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 919 F. 3d 113.

No. 19–5199. ROBERSON *v.* ROWLETT POLICE DEPARTMENT ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 145.

No. 19–5201. MEDENBACH *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 729 Fed. Appx. 606.

No. 19–5202. ZAMBRANO-RUIZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 768 Fed. Appx. 615.

No. 19–5204. LOYA QUEZADA *v.* RAEMISCH, EXECUTIVE DIRECTOR, COLORADO DEPARTMENT OF CORRECTIONS, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 442.

No. 19–5207. REGASSA *v.* CIMINO ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 763 Fed. Appx. 573.

No. 19–5208. TORRES *v.* COURT OF APPEALS OF TEXAS, FIFTH DISTRICT, ET AL. Sup. Ct. Tex. Certiorari denied.

No. 19–5209. WIMBUSH *v.* MICKENS, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 19–5210. WIMBUSH *v.* CARR, ATTORNEY GENERAL OF GEORGIA, ET AL. Ct. App. Ga. Certiorari denied.

No. 19–5211. ANYANWU *v.* BARR, ATTORNEY GENERAL. C. A. 8th Cir. Certiorari denied.

No. 19–5212. BROWN *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–5214. DOWNS *v.* NORTHAM, GOVERNOR OF VIRGINIA. C. A. 4th Cir. Certiorari denied. Reported below: 754 Fed. Appx. 217.

No. 19–5215. NEAL *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 19–5216. PAGLIUCA *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 767 Fed. Appx. 93.

No. 19–5221. POTTS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 765 Fed. Appx. 638.

Page Proof Pending Publication

No. 19–5222. MEEKS *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–5223. MINNIS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 763 Fed. Appx. 900.

No. 19–5224. CHANG *v.* WISCONSIN. Ct. App. Wis. Certiorari denied. Reported below: 2018 WI App 8, 379 Wis. 2d 767, 909 N. W. 2d 210.

No. 19–5226. CALDWELL *v.* ARIZONA DEPARTMENT OF PUBLIC SAFETY ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 744 Fed. Appx. 509.

No. 19–5227. LECHNER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 19–5229. MARZAN *v.* CORECIVIC CORRECTIONAL CENTER ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–5230. WLODARZ *v.* PHILLIPS, WARDEN. Ct. Crim. App. Tenn. Certiorari denied.

No. 19–5231. THOMAS *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 165 App. Div. 3d 1636, 85 N. Y. S. 3d 322.

No. 19–5232. MALONE *v.* SHARP, INTERIM WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 911 F. 3d 1022.

No. 19–5233. LEYVA VALDEZ *v.* MONTGOMERY, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 918 F. 3d 687.

No. 19–5234. DOWDNEY *v.* WASHINGTON. Ct. App. Wash. Certiorari denied. Reported below: 5 Wash. App. 2d 1036.

No. 19–5236. NOLEN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 398.

No. 19–5237. COWAN *v.* LILLY ET AL. C. A. 2d Cir. Certiorari denied.

No. 19–5238. LOPEZ *v.* IRVINE COMPANY APARTMENT COMMUNITIES, INC., ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–5239. TRAYLOR *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied.

Page Proof Pending Publication

No. 19–5242. CLARY *v.* GUYER, WARDEN. Sup. Ct. Mont. Certiorari denied. Reported below: 396 Mont. 546, 449 P. 3d 793.

No. 19–5243. MARVEL *v.* DELAWARE. Sup. Ct. Del. Certiorari denied. Reported below: 207 A. 3d 1128.

No. 19–5244. DAVIS *v.* DANIEL ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 739 Fed. Appx. 363.

No. 19–5245. LAMB *v.* NORWOOD ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 899 F. 3d 1159.

No. 19–5248. WEST *v.* BRYANT, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 763 Fed. Appx. 652.

No. 19–5250. YODER *v.* WELLS FARGO BANK, N. A., ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 765 Fed. Appx. 822.

No. 19–5251. CASCIO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 771 Fed. Appx. 91.

No. 19–5252. WRIGHT *v.* WEST VIRGINIA. Sup. Ct. App. W. Va. Certiorari denied.

No. 19–5253. WRIGHT *v.* HOLLEY, ACTING COMMISSIONER OF THE WEST VIRGINIA DEPARTMENT OF MOTOR VEHICLES. Sup. Ct. App. W. Va. Certiorari denied.

No. 19–5254. ARROYO *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2018 IL App (1st) 152602–U.

No. 19–5255. LOBACZ *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 764 Fed. Appx. 1.

No. 19–5256. LIVINGSTONE *v.* UNITED STATES. C. A. Armed Forces. Certiorari denied. Reported below: 79 M. J. 41.

No. 19–5258. MORRIS *v.* PENNSYLVANIA. C. A. 3d Cir. Certiorari denied.

No. 19–5259. HERNANDEZ-CASTILLO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 74.

No. 19–5261. BAEZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–5263. STROUD *v.* BREWER, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–5264. HYUNGSEOP SHIM *v.* SEXTON, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 19–5265. SCHREIBER *v.* LUDWICK ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 754 Fed. Appx. 501.

No. 19–5266. SCOTT *v.* JOHNSON, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL. C. A. 3d Cir. Certiorari denied.

No. 19–5268. BOIS *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 19–5271. COOPER *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–5272. KIZZEE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 62.

No. 19–5273. LEE *v.* WEIRICH ET AL. C. A. 6th Cir. Certiorari denied.

No. 19–5275. MATHISEN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 755 Fed. Appx. 258.

No. 19–5276. TAYLOR *v.* NEAL, SUPERINTENDENT, INDIANA STATE PRISON. C. A. 7th Cir. Certiorari denied.

No. 19–5277. KOWALSKI *v.* EXECUTIVE COMMITTEE OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS. C. A. 7th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 139.

No. 19–5278. CHANEY *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 917 F. 3d 895.

No. 19–5279. ESPARZA-SALAZAR *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 762 Fed. Appx. 176.

No. 19–5280. TUTTOILMONDO *v.* TEXAS. Ct. App. Tex., 4th Dist. Certiorari denied.

No. 19–5281. JILES *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

Page Proof Pending Publication

No. 19–5283. KORTE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 918 F. 3d 750.

No. 19–5285. MEIER *v.* BERGER ET AL. Ct. App. Mich. Certiorari denied.

No. 19–5286. PATTON *v.* ARKANSAS. Ct. App. Ark. Certiorari denied. Reported below: 2019 Ark. App. 63, 569 S. W. 3d 906.

No. 19–5287. DALEY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 759 Fed. Appx. 192.

No. 19–5289. BRAZELL *v.* LOUISIANA. Ct. App. La., 4th Cir. Certiorari denied. Reported below: 2017–0032 (La. App. 4 Cir. 4/18/18), 245 So. 3d 15.

No. 19–5290. MASON *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–5291. JORDAN *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–5292. JOSEPH *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 275 So. 3d 744.

No. 19–5293. OWENS *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–5294. AUGUSTIN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 19–5296. DAVIS *v.* MCGINLEY, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT COAL TOWNSHIP, ET AL. C. A. 3d Cir. Certiorari denied.

No. 19–5297. APPOLON *v.* ARIZONA. Sup. Ct. Ariz. Certiorari denied.

No. 19–5300. SANTANA *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 19–5302. WILLIAMS *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. Sup. Ct. Fla. Certiorari denied.

Page Proof Pending Publication

No. 19–5303. BENITEZ-PINEDA *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 742 Fed. Appx. 792.

No. 19–5305. LYNCH *v.* NELSON. C. A. 10th Cir. Certiorari denied. Reported below: 763 Fed. Appx. 764.

No. 19–5306. MURRAY *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 273.

No. 19–5310. CANTU *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 111.

No. 19–5311. DODEV *v.* BANK OF NEW YORK MELLON. Ct. App. Ariz. Certiorari denied. Reported below: 246 Ariz. 1, 433 P. 3d 549.

No. 19–5313. KAHLOW *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 266 So. 3d 852.

No. 19–5314. BARRERA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 19–5317. VERNON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 763 Fed. Appx. 63.

No. 19–5318. BROWN *v.* BERNHARDT, SECRETARY OF THE INTERIOR, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 741 Fed. Appx. 413.

No. 19–5319. BARNES *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 167 App. Div. 3d 1589, 88 N. Y. S. 3d 364.

No. 19–5320. DOBBINS *v.* ALLBAUGH, DIRECTOR, OKLAHOMA DEPARTMENT OF CORRECTIONS. C. A. 10th Cir. Certiorari denied. Reported below: 743 Fed. Appx. 225.

No. 19–5321. COLLINS *v.* SHOOP, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–5322. CUMMINGS *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied.

No. 19–5323. DE JUAN *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 249 So. 3d 681.

No. 19–5324. CHAMBERS *v.* SCHMIDTS ET AL. C. A. 7th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–5326. FRANKE *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 264 So. 3d 132.

No. 19–5327. HOWELL *v.* SOCIAL SECURITY ADMINISTRATION. C. A. 11th Cir. Certiorari denied.

No. 19–5328. HARRISON *v.* MOULTRIE COUNTY, ILLINOIS, ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 295.

No. 19–5331. LEE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 886 F. 3d 1161.

No. 19–5332. TIBBS *v.* GROUNDS, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 768 Fed. Appx. 710.

No. 19–5335. BRUNETTE *v.* WILKIE, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. Certiorari denied. Reported below: 741 Fed. Appx. 783.

No. 19–5336. BENCHICK *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 725 Fed. Appx. 361.

No. 19–5337. BUSSEY *v.* ALLEN, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 19–5338. AGOLLI *v.* DISTRICT OF COLUMBIA ET AL. Ct. App. D. C. Certiorari denied.

No. 19–5339. GANZER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 922 F. 3d 579.

No. 19–5340. PROSTELL *v.* ZOOK, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 380.

No. 19–5341. WHITEHEAD *v.* FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 19–5344. CHUJOY, AKA ALVARADO *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 33.

No. 19–5345. MUSTAFA *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 753 Fed. Appx. 22.

No. 19–5347. DAVIS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 760 Fed. Appx. 220.

No. 19–5348. OLIVER *v.* JOHNSON ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 766 Fed. Appx. 828.

Page Proof Pending Publication

No. 19–5349. CONDON *v.* ILLINOIS. App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 2018 IL App (3d) 150793–U.

No. 19–5352. BLACK *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–5353. VENNES *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 19–5354. BROWN *v.* LUTHER, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SMITHFIELD, ET AL. C. A. 3d Cir. Certiorari denied.

No. 19–5355. REGALADO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 768 Fed. Appx. 270.

No. 19–5356. WASHINGTON *v.* NEBRASKA. Sup. Ct. Neb. Certiorari denied. Reported below: 301 Neb. 420, 918 N. W. 2d 597.

No. 19–5357. COOKSON *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 922 F. 3d 1079.

No. 19–5358. COLLAZO-GONZALEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 104.

No. 19–5359. VU PHAN *v.* COLORADO LEGAL SERVICES ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 520.

No. 19–5360. NAIRN *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–5361. CABRERA MEJIA *v.* WALMART. C. A. 4th Cir. Certiorari denied.

No. 19–5362. DELESTON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 19–5363. CURTIS *v.* WAINWRIGHT, WARDEN. Sup. Ct. Ohio. Certiorari denied. Reported below: 156 Ohio St. 3d 357, 2019-Ohio-942, 126 N. E. 3d 1125.

No. 19–5365. DEMARCO *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 914 F. 3d 383.

Page Proof Pending Publication

No. 19–5366. CURRY *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 19–5367. DUARTE *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 19–5368. CONNER *v.* HOEM ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 768 Fed. Appx. 560.

No. 19–5369. CHAMBERS *v.* HALL, WARDEN. Sup. Ct. Ga. Certiorari denied. Reported below: 305 Ga. 363, 825 S. E. 2d 162.

No. 19–5370. MEDINA CASTILLON *v.* CALIFORNIA. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 19–5373. SUAREZ CLARK *v.* CASTELLON CUEVA ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 762 Fed. Appx. 12.

No. 19–5374. CORIOLANT *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 19–5375. DANIELS *v.* JACKSON, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–5376. DOERING *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION, ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 768.

No. 19–5377. EARLS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 755 Fed. Appx. 581.

No. 19–5378. DEERE *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 19–5379. CROWLEY *v.* TEXAS. Ct. App. Tex., 11th Dist. Certiorari denied.

No. 19–5381. QUATRINE *v.* BERGHUIS, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 751 Fed. Appx. 885.

No. 19–5385. RODGERS *v.* MCDANIEL ET AL. C. A. 8th Cir. Certiorari denied.

No. 19–5386. SUSSMAN *v.* FLORIDA DEPARTMENT OF CORRECTIONS. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 264 So. 3d 123.

Page Proof Pending Publication

No. 19–5387. BROWNE *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 767 Fed. Appx. 251.

No. 19–5388. EDWARDS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 768 Fed. Appx. 702.

No. 19–5389. BARTEAUX *v.* PREMO, SUPERINTENDENT, OREGON STATE PENITENTIARY. C. A. 9th Cir. Certiorari denied.

No. 19–5393. EIERMANN *v.* BOWERS ET AL. C. A. 1st Cir. Certiorari denied.

No. 19–5394. BELL *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 7 Cal. 5th 70, 439 P. 3d 1102.

No. 19–5396. ANZALONE *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 923 F. 3d 1.

No. 19–5397. DONELSON *v.* TANNER ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 768 Fed. Appx. 573.

No. 19–5398. WILLIAMS *v.* UNITED STATES ET AL. C. A. 2d Cir. Certiorari denied.

No. 19–5399. WILLIAMS *v.* UNITED STATES ET AL. C. A. 2d Cir. Certiorari denied.

No. 19–5400. ALSTON *v.* PRAIRIE FARMS DAIRY, INC., DBA LUVEL. C. A. 5th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 247.

No. 19–5401. LEWIS *v.* UNITED STATES; and YOUNG *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 19–5402. MASON *v.* MASON. Ct. App. Wash. Certiorari denied. Reported below: 4 Wash. App. 2d 1063.

No. 19–5403. CHARRIEZ-ROLON *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 923 F. 3d 45.

No. 19–5404. HOFF *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 8. Certiorari denied.

No. 19–5406. COLEMAN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 19–5407. DELGADO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 144.

Page Proof Pending Publication

No. 19–5408. DANIELS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 19–5409. DANIEL *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–5411. KESHLER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 169.

No. 19–5412. MCKENZIE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 333.

No. 19–5414. WHITLEY *v.* TEXAS. Ct. App. Tex., 4th Dist. Certiorari denied.

No. 19–5415. WILLIAMS *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–5416. WILSON *v.* APEX REPORTING GROUP, INC., ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–5418. Brown *v.* Deal, Warden. C. A. 11th Cir. Certiorari denied.

No. 19–5419. Wiggins *v.* Pearson, Warden. C. A. 4th Cir. Certiorari denied. Reported below: 768 Fed. Appx. 166.

No. 19–5420. Terrell *v.* United States. C. A. 11th Cir. Certiorari denied.

No. 19–5422. Webb *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 627.

No. 19–5425. Riley *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 735 Fed. Appx. 89.

No. 19–5426. Stansberry *v.* Texas. Ct. App. Tex., 2d Dist. Certiorari denied.

No. 19–5427. Reaves *v.* United States. C. A. 8th Cir. Certiorari denied.

No. 19–5431. Cherry *v.* United States. C. A. 7th Cir. Certiorari denied. Reported below: 920 F. 3d 1126.

Page Proof Pending Publication

No. 19–5432. Beltowski *v.* Brewer, Warden. C. A. 6th Cir. Certiorari denied. Reported below: 766 Fed. Appx. 218.

No. 19–5434. Gordillo *v.* United States. C. A. 11th Cir. Certiorari denied. Reported below: 920 F. 3d 1292.

No. 19–5435. Eason *v.* Mississippi. Sup. Ct. Miss. Certiorari denied.

No. 19–5441. Mercado *v.* Sorey, Warden, et al. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 272 So. 3d 751.

No. 19–5444. Moorehead *v.* United States. C. A. 6th Cir. Certiorari denied. Reported below: 912 F. 3d 963.

No. 19–5446. Balint *v.* Santoro, Warden. C. A. 9th Cir. Certiorari denied. Reported below: 768 Fed. Appx. 722.

No. 19–5447. Botello, aka Botello-Alanis, aka Garcia *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 147.

No. 19–5448. Torres Abonza *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 165.

No. 19–5449. SHELLEY *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 760 Fed. Appx. 657.

No. 19–5450. SUAREZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 174.

No. 19–5453. REVELO SALCEDO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 193.

No. 19–5455. RIOS-GARZA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 186.

No. 19–5463. DEAN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–5464. CIAVARELLA *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 765 Fed. Appx. 855.

No. 19–5465. CAMPOS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 749 Fed. Appx. 555.

No. 19–5466. FARRELL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 921 F. 3d 116.

Page Proof Pending Publication

No. 19–5469. FISH *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 748 Fed. Appx. 91.

No. 19–5472. AVALOS-RICO, AKA BLANCO-GARCIA, AKA CRUZ-TULUM, AKA TAMAYO *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 759 Fed. Appx. 571.

No. 19–5474. CARLSON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 400.

No. 19–5479. HAYES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 755 Fed. Appx. 318.

No. 19–5481. WILLIAMS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 756 Fed. Appx. 73.

No. 19–5483. MCADAMS *v.* WASHINGTON. Ct. App. Wash. Certiorari denied.

No. 19–5486. WILLIAMS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 19–5498. PAGE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 19–5500. WOOLLS *v.* VIRGINIA. C. A. 4th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 154.

No. 19–5505. HERNANDEZ-CARBAJAL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 43.

No. 19–5508. POWELL *v.* MEDICAL DEPARTMENT CUYAHOGA COUNTY CORRECTIONAL CENTER ET AL. C. A. 6th Cir. Certiorari denied.

No. 19–5509. HARRISON *v.* MALDONADO. C. A. D. C. Cir. Certiorari denied. Reported below: 752 Fed. Appx. 6.

No. 19–5510. FORTUNE *v.* VIRGINIA. C. A. 4th Cir. Certiorari denied. Reported below: 749 Fed. Appx. 200.

No. 19–5513. HEAD *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 19–5515. SANDERS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–5516. ROBERTSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–5521. COX *v.* NEVADA. Sup. Ct. Nev. Certiorari denied. Reported below: 135 Nev. 632, 441 P. 3d 83.

No. 19–5522. MARIUS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–5523. MALDONADO AGUILAR *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 19–5524. TONG LOR *v.* JACKSON, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–5527. MUNIR *v.* RHODE ISLAND. Sup. Ct. R. I. Certiorari denied. Reported below: 209 A. 3d 545.

No. 19–5528. CHESTER *v.* WEST VIRGINIA. Sup. Ct. App. W. Va. Certiorari denied.

No. 19–5529. DOTSTRY *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 745 Fed. Appx. 662.

No. 19–5530. LYONS *v.* WINN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–5531. REINWAND *v.* NATIONAL ELECTRICAL BENEFIT FUND. C. A. 7th Cir. Certiorari denied. Reported below: 756 Fed. Appx. 638.

No. 19–5532. SPARROW *v.* WASHBURN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–5536. SEAY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 739 Fed. Appx. 193.

No. 19–5538. BURNS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 187.

No. 19–5540. WRIGHT *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 19–5541. CANADA *v.* TEXAS MUTUAL INSURANCE CO. ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 766 Fed. Appx. 74.

No. 19–5543. MATHIS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–5548. THOMAS *v.* WOODS, WARDEN, ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–5549. COLLINS *v.* LARA, WARDEN. C. A. 5th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 106.

No. 19–5550. DUNCAN *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 766 Fed. Appx. 604.

No. 19–5551. MACDONALD *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 911 F. 3d 723.

No. 19–5554. SOTO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 753 Fed. Appx. 544 and 769 Fed. Appx. 519.

No. 19–5556. LEWIS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 19–5562. KOUYATE *v.* UNITED STATES CUSTOMS AND BORDER PROTECTION. C. A. 2d Cir. Certiorari denied.

No. 19–5566. MILLER *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–5567. NEELY *v.* GEORGIA DEPARTMENT OF HUMAN RESOURCES. C. A. 11th Cir. Certiorari denied. Reported below: 745 Fed. Appx. 890.

No. 19–5569. BROWN *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 200 A. 3d 567.

No. 19–5571. GARCIA-GARCIA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 231.

No. 19–5577. SALCEDO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 924 F. 3d 172.

No. 19–5578. SHANDS *v.* SOUTH CAROLINA. Ct. App. S. C. Certiorari denied. Reported below: 424 S. C. 106, 817 S. E. 2d 524.

No. 19–5581. STEPHENS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 89.

No. 19–5586. MORALES *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–5588. ORDONEZ-VEGA *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 908 F. 3d 920.

Page Proof Pending Publication

No. 19–5589. PORCH *v.* WATSON, WARDEN. C. A. 5th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 198.

No. 19–5595. MALACHOWSKI *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 19–5597. LORD *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 915 F. 3d 1009.

No. 19–5598. BIGELOW, AKA GORE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 19–5600. TELLO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 924 F. 3d 782.

No. 19–5603. JAVIER ALEMAN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–5605. MACOMBER *v.* KANSAS. Sup. Ct. Kan. Certiorari denied. Reported below: 309 Kan. 907, 441 P. 3d 479.

No. 19–5609. CHIN ET AL. *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 209 A. 3d 71.

No. 19–5611. HOWZE *v.* CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION. C. A. 9th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 399.

No. 19–5613. SAMAYOA-CASTILLO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 762 Fed. Appx. 846.

No. 19–5614. RICKS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 841.

No. 19–5618. SINGLETARY *v.* GEORGIA. Sup. Ct. Ga. Certiorari denied.

No. 19–5622. LOPEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 19–5624. HICKS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 357.

No. 19–5629. SHABAZZ, FKA SINGER *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 912 F. 3d 73.

No. 19–5630. STOLDEN *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 1. Certiorari denied.

Page Proof Pending Publication

No. 19–5631. FERNANDEZ *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 757 Fed. Appx. 52.

No. 19–5634. MARQUEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 744 Fed. Appx. 337.

No. 19–5635. GREER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 19–5636. GARCIA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 19–5641. GORDON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 780 Fed. Appx. 754.

No. 19–5642. BROWN ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 754 Fed. Appx. 581.

No. 19–5646. CAPUTO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 400.

No. 19–5647. DOOR *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 917 F. 3d 1146.

No. 19–5648. MURRAY *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–5654. BROOKS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 670.

No. 19–5661. ROBINSON *v.* WARDEN, FEDERAL CORRECTIONAL INSTITUTION, FORT DIX, ET AL. C. A. 3d Cir. Certiorari denied.

No. 19–5663. ROBINSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 929 F. 3d 338.

No. 19–5666. DAY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 155.

No. 19–5667. BLODGETT *v.* GAFFNEY, SUPERINTENDENT, OLD COLONY CORRECTIONAL CENTER. C. A. 1st Cir. Certiorari denied.

No. 19–5668. ELLIS *v.* BARLOW-HUST, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 19–5669. DAVIS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–5670. JAMES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 700.

No. 19–5673. CALO *v.* CHAMBERS-SMITH, DIRECTOR, OHIO DEPARTMENT OF REHABILITATION AND CORRECTION, ET AL. Sup. Ct. Ohio. Certiorari denied. Reported below: 157 Ohio St. 3d 16, 2019-Ohio-1962, 131 N. E. 3d 16.

No. 19–5675. WHITAKER *v.* PREMO, SUPERINTENDENT, OREGON STATE PENITENTIARY. C. A. 9th Cir. Certiorari denied.

No. 19–5679. DELGADO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 19–5683. LEGALL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 19–5685. MOORE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 11.

No. 19–5686. PAYNE *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 207 A. 3d 178.

No. 19–5689. CALHOUN *v.* VILLA ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 761 Fed. Appx. 297.

No. 19–5691. CARPENTER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 923 F. 3d 1172 and 772 Fed. Appx. 419.

No. 19–5695. HUDSON *v.* BRADLEY, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 494.

No. 19–5698. OROZCO *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 2. Certiorari denied. Reported below: 32 Cal. App. 5th 802, 244 Cal. Rptr. 3d 337.

No. 19–5700. BRITO-TEJEDA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 19–5701. MASSON *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 268 So. 3d 133.

No. 19–5706. ARMISTEAD *v.* WATSON ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 293.

No. 19–5710. EZEOBI *v.* JAMISON, WARDEN. C. A. 3d Cir. Certiorari denied. Reported below: 782 Fed. Appx. 106.

Page Proof Pending Publication

No. 19–5711. FRITSCHE *v.* LEGRAND, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–5717. BROWN *v.* MACOMBER, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 749.

No. 19–5718. SALAZAR *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 697.

No. 19–5722. SHEPARD *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 19–5728. HARDY *v.* SANTORO, ACTING WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 757 Fed. Appx. 621.

No. 19–5730. LYNDE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 926 F. 3d 275.

No. 19–5732. LUQUE-RODRIGUEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 578.

No. 19–5738. PEREZ-CRISOSTOMO *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 899 F. 3d 73.

No. 19–5743. HEGWOOD *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 934 F. 3d 414.

No. 19–5750. OKAFOR *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 19–5751. MASSENGILL *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 342.

No. 19–5753. BELL *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 750 Fed. Appx. 941.

No. 18–1044. PHARMERICA CORP. *v.* UNITED STATES EX REL. SILVER. C. A. 3d Cir. Motion of Pharmaceutical Research and Manufacturers of America et al. for leave to file brief as *amici curiae* granted. Certiorari denied. Reported below: 903 F. 3d 78.

No. 18–1207. IN RE TWELVE GRAND JURY SUBPOENAS. C. A. 9th Cir. Motion for leave to file brief in opposition under seal with redacted copies for the public record granted. Motion for leave to file reply brief under seal with redacted copies for the public record granted. Certiorari denied. Reported below: 908 F. 3d 525.

Page Proof Pending Publication

No. 18–1306. ANDERSON *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 257 So. 3d 355.

JUSTICE SOTOMAYOR, dissenting.

I dissent for the reasons set out in *Reynolds* v. *Florida*, 586 U. S. 1004, 1011 (2018) (SOTOMAYOR, J., dissenting from denial of certiorari).

No. 18–1320. BAKER, WARDEN *v.* TURNER. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 912 F. 3d 1236.

No. 18–1338. UNITED STATES *v.* SIMMS. C. A. 4th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 914 F. 3d 229.

No. 18–1346. KLEBER *v.* CAREFUSION CORP. C. A. 7th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 914 F. 3d 480.

No. 18–1368. SAN DIEGO GAS & ELECTRIC CO. *v.* CALIFORNIA PUBLIC UTILITIES COMMISSION. Ct. App. Cal., 4th App. Dist.,

Div. 1. Motions of Southern California Edison Company, Edison Electric Institute, and Shareholders in California Investor-Owned Utilities for leave to file briefs as *amici curiae* granted. Certiorari denied.

No. 18–1398. ASHBOURNE *v.* HANSBERRY ET AL. C. A. D. C. Cir. Certiorari denied. JUSTICE KAVANAUGH took no part in the consideration or decision of this petition. Reported below: 894 F. 3d 298.

No. 18–1431. FRANK G. *v.* RENEE P.-F. ET AL. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Motions of New Yorkers for Constitutional Freedoms et al., Marriage Law Foundation, Adam J. MacLeod, and Them Before Us for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 161 App. Div. 3d 1163, 79 N. Y. S. 3d 45.

No. 18–1434. UNITED STATES *v.* LOVO ET AL. C. A. D. C. Cir. Certiorari denied. JUSTICE KAVANAUGH took no part in the consideration or decision of this petition. Reported below: 898 F. 3d 36.

Page Proof Pending Publication

No. 18–1503. NAGEL RICE, LLP, ET AL. *v.* VOLKSWAGEN GROUP OF AMERICA, INC., ET AL. C. A. 9th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 914 F. 3d 623.

No. 18–9187. BROOKS *v.* HANSON, WARDEN, ET AL. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 741 Fed. Appx. 599.

No. 18–9203. THOMAS *v.* COURT OF COMMON PLEAS OF PENNSYLVANIA, UNION COUNTY. C. A. 3d Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 755 Fed. Appx. 98.

No. 18–9327. BROWN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 752 Fed. Appx. 108.

No. 18–9389. SHIELDS *v.* KLEIN. C. A. 2d Cir. Certiorari before judgment denied.

No. 18–9417. LAY *v.* UNITED STATES ET AL. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition.

No. 18–9490. BROWN *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 756 Fed. Appx. 140.

No. 18–9536. GIESWEIN *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 765 Fed. Appx. 418.

No. 18–9653. RICKS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 756 Fed. Appx. 488.

No. 18–9783. GHELICHKHANI *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 740 Fed. Appx. 978.

Page Proof Pending Publication

No. 18–9842. GONZALEZ *v.* HANSON, WARDEN. C. A. 5th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 747 Fed. Appx. 244.

No. 19–8. MCDONALD *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL. C. A. 6th Cir. Certiorari before judgment denied.

No. 19–54. GIVENS ET AL. *v.* MOUNTAIN VALLEY PIPELINE, LLC. C. A. 4th Cir. Motion of Niskanen Center for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 915 F. 3d 197.

No. 19–81. RADER ET VIR *v.* CITIBANK, N. A., ET AL. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 766 Fed. Appx. 632.

No. 19–83. OGUNSULA *v.* STAFFING NOW, INC. C. A. D. C. Cir. Certiorari denied. JUSTICE KAVANAUGH took no part in the consideration or decision of this petition. Reported below: 736 Fed. Appx. 1.

No. 19–90. LEXINGTON H–L SERVICES, INC., DBA LEXINGTON HERALD LEADER *v.* LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT. C. A. 6th Cir. Motion of CNHI, LLC, et al. for leave to file brief as *amici curiae* granted. Certiorari denied. Reported below: 920 F. 3d 1126.

No. 19–129. FEINBERG ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 916 F. 3d 1330.

No. 19–325. COLUMBIAN FINANCIAL CORP. *v.* KEMP, BANK COMMISSIONER OF KANSAS, ET AL. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 768 Fed. Appx. 847.

No. 19–5024. THROWER *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 914 F. 3d 770.

No. 19–5035. JAMES *v.* UNITED STATES. C. A. 11th Cir. Certiorari before judgment denied.

Page Proof Pending Publication

No. 19–5036. TOAZ *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 19–5193. BURRS *v.* UNITED TECHNOLOGIES CORP. ET AL. C. A. 4th Cir. Certiorari denied. JUSTICE BREYER and JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 770 Fed. Appx. 97.

No. 19–5220. MEDINA-VILLEGAS *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 19–5405. WILLIAMS *v.* UNITED STATES ET AL. C. A. 2d Cir. Certiorari before judgment denied.

No. 19–5468. GLASS *v.* UNITED STATES. C. A. 3d Cir. Certiorari before judgment denied.

No. 19–5499. THOMPSON *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 19–5517. SANDERS *v.* LOWE'S HOME CENTERS, LLC. C. A. 4th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 764 Fed. Appx. 294.

No. 19–5608. CANTU *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 19–5754. BROWN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 915 F. 3d 1200.

Rehearing Denied

No. 18–1281. MILLIMAN *v.* RANDALL, 587 U. S. 1052;
No. 18–1340. FOWLER *v.* UTAH ET AL., 588 U. S. 908;
No. 18–7277. MCGEE *v.* MCFADDEN, WARDEN, 588 U. S. 923;
No. 18–7300. MILLIS *v.* KALLIS, WARDEN, 586 U. S. 1168;
No. 18–7785. DERRINGER *v.* SAENZ, 587 U. S. 942;
No. 18–8173. HERRERA *v.* PRICE, 587 U. S. 948;
No. 18–8462. TRUESDALE *v.* FLORIDA ET AL., 587 U. S. 1017;
No. 18–8735. MEYERS *v.* SWINEY ET AL., 587 U. S. 1044;
No. 18–8745. PICCONE *v.* SUPREME COURT OF PENNSYLVANIA, 587 U. S. 1044;
No. 18–8802. VERNON, AKA MIMS *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 587 U. S. 1065;
No. 18–8806. DUTTON *v.* MCCREA, 587 U. S. 1065;
No. 18–8835. DAVIS *v.* KIA MOTORS AMERICA, INC., 587 U. S. 1066;
No. 18–8874. WHITE, AKA BRAITHWAITE, AKA VALENTINE, AKA BROWN *v.* UNITED STATES, 587 U. S. 1032;
No. 18–8906. WILSON *v.* RUSSELL ET AL., 587 U. S. 1067;
No. 18–8925. COOKS *v.* SUPERIOR COURT OF CALIFORNIA, LOS ANGELES COUNTY, ET AL., 588 U. S. 911;
No. 18–8927. GILLARD *v.* ILLINOIS, 588 U. S. 911;
No. 18–8945. BLACK *v.* LIFE UNLIMITED, INC., 588 U. S. 912;
No. 18–8973. JOHNSON *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, 588 U. S. 912;
No. 18–9054. FORQUER *v.* WELLS FARGO BANK, N. A., 588 U. S. 913;
No. 18–9258. SHAW *v.* UNITED STATES, 587 U. S. 1069;
No. 18–9388. IN RE RANDALL, 587 U. S. 1062; and

Page Proof Pending Publication

No. 18–9476. IN RE ANDERSON, 588 U. S. 904. Petitions for rehearing denied.

No. 18–1275. XIAOHUA HUANG *v.* HUAWEI TECHNOLOGIES CO., LTD., 587 U. S. 1016. Motion for leave to file petition for rehearing denied.

OCTOBER 8, 2019

Miscellaneous Order

No. 19A335. RAMS FOOTBALL CO., LLC, ET AL. *v.* ST. LOUIS REGIONAL CONVENTION AND SPORTS COMPLEX AUTHORITY ET AL. Ct. App. Mo., Eastern Dist. Application for stay, presented to JUSTICE GORSUCH, and by him referred to the Court, denied.

OCTOBER 15, 2019

Dismissal Under Rule 46

No. 17–664. PETROLEO BRASILEIRO S. A.-PETROBRAS ET AL. *v.* UNIVERSITIES SUPERANNUATION SCHEME LTD. ET AL. C. A. 2d Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 862 F. 3d 250.

Page Proof Pending Publication

Certiorari Granted—Vacated and Remanded

No. 19–5014. DONATE-CARDONA *v.* UNITED STATES. C. A. 3d Cir. Reported below: 765 Fed. Appx. 748;

No. 19–5025. THOMAS *v.* UNITED STATES. C. A. 11th Cir. Reported below: 767 Fed. Appx. 758;

No. 19–5027. COX *v.* UNITED STATES. C. A. 8th Cir. Reported below: 766 Fed. Appx. 423;

No. 19–5383. STACY *v.* UNITED STATES. C. A. 11th Cir. Reported below: 771 Fed. Appx. 956;

No. 19–5456. MCCANTS *v.* UNITED STATES. C. A. 3d Cir. Reported below: 920 F. 3d 169;

No. 19–5565. MIGUEL PEREZ *v.* UNITED STATES. C. A. 11th Cir. Reported below: 772 Fed. Appx. 791; and

No. 19–5572. ATKINSON *v.* UNITED STATES. C. A. 4th Cir. Reported below: 759 Fed. Appx. 174. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Rehaif* v. *United States*, 588 U. S. 225 (2019).

Certiorari Dismissed

No. 19–5520. WATSON *v.* STEWART ET AL. 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.

Miscellaneous Orders

No. 19M52. GOYNES *v.* NEBRASKA. Motion for leave to file petition for writ of certiorari with supplemental appendix under seal granted.

No. 19M53. PARRON *v.* HERBERT ET AL.; and
No. 19M55. PITTMAN *v.* DAL GLOBAL SERVICES ET AL. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 19M54. DOE ET AL. *v.* FEDERAL ELECTION COMMISSION. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

No. 17–1678. HERNANDEZ ET AL. *v.* MESA. C. A. 5th Cir. [Certiorari granted, 587 U. S. 1025.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

Page Proof Pending Publication

No. 18–280. NEW YORK STATE RIFLE & PISTOL ASSN., INC., ET AL. *v.* CITY OF NEW YORK, NEW YORK, ET AL. C. A. 2d Cir. [Certiorari granted, 586 U. S. 1126.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted. Motion of Neal Goldfarb for leave to participate in oral argument as *amicus curiae* and for divided argument denied.

No. 18–565. CITGO ASPHALT REFINING CO. ET AL. *v.* FRESCATI SHIPPING CO., LTD., ET AL. C. A. 3d Cir. [Certiorari granted, 587 U. S. 960.] Motion of the Solicitor General for divided argument granted.

No. 18–587. DEPARTMENT OF HOMELAND SECURITY ET AL. *v.* REGENTS OF THE UNIVERSITY OF CALIFORNIA ET AL. C. A. 9th Cir.;
No. 18–588. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL. *v.* NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE ET AL. C. A. D. C. Cir.; and

No. 18–589. McAleenan, Acting Secretary of Homeland Security, et al. *v.* Batalla Vidal et al. C. A. 2d Cir. [Certiorari granted, 588 U. S. 919.] Joint motion of respondents for enlargement of time for oral argument and for divided argument granted in part, and the time is divided as follows: 30 minutes for the Solicitor General, 15 minutes for private respondents and 15 minutes for state respondents. Motion of Texas et al. for enlargement of time for oral argument, for leave to participate in oral argument as *amici curiae*, and for divided argument denied.

No. 18–1165. Retirement Plans Committee of IBM et al. *v.* Jander et al. C. A. 2d Cir. [Certiorari granted, 587 U. S. 1039.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 18–1171. Comcast Corp. *v.* National Association of African American-Owned Media et al. C. A. 9th Cir. [Certiorari granted, 587 U. S. 1051.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

Page Proof Pending Publication

No. 18–1401. Peterson *v.* Linear Controls, Inc. C. A. 5th Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 19–5943. In re Smith;

No. 19–5964. In re Carter; and

No. 19–6014. In re Comier. Petitions for writs of habeas corpus denied.

No. 19–171. In re Finnegan; and

No. 19–5627. In re Raghubir. Petitions for writs of mandamus denied.

No. 19–5626. In re Raghubir. Petition for writ of mandamus and/or prohibition denied.

Certiorari Denied

No. 18–1162. Swaney et al. *v.* Lopez (Reported below: 741 Fed. Appx. 486); and Swaney et al. *v.* Montijo (754 Fed. Appx. 522). C. A. 9th Cir. Certiorari denied.

No. 18–1203. Courthouse News Service *v.* Brown, Clerk, Circuit Court of Illinois, Cook County. C. A. 7th Cir. Certiorari denied. Reported below: 908 F. 3d 1063.

No. 18–1276. LEVERT *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 766 Fed. Appx. 932.

No. 18–1438. WOOD *v.* ARNOLD ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 915 F. 3d 308.

No. 18–1531. SOUTH CAROLINA *v.* UNITED STATES ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 912 F. 3d 720.

No. 18–1534. HARRINGTON ET AL. *v.* SAUL, COMMISSIONER OF SOCIAL SECURITY. C. A. 7th Cir. Certiorari denied. Reported below: 906 F. 3d 561.

No. 18–1545. GUERIN *v.* FOWLER ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 899 F. 3d 1112.

No. 18–8739. LOPEZ *v.* MASSACHUSETTS. App. Ct. Mass. Certiorari denied. Reported below: 93 Mass. App. 1121, 110 N. E. 3d 1218.

No. 18–8826. MILLER *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 752 Fed. Appx. 51.

No. 18–9273. WARDLOW *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 750 Fed. Appx. 374.

Page Proof Pending Publication

No. 18–9277. MORMAN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 18–9343. ZIGLAR *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 757 Fed. Appx. 886.

No. 18–9359. DIAZ *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. Reported below: 33 N. Y. 3d 92, 122 N. E. 3d 61.

No. 18–9360. VELIZ *v.* FLOURNOY, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 18–9399. JOHNSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 921 F. 3d 991.

No. 18–9564. SUNIGA *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 18–9736. KINNEY *v.* OHIO. Ct. App. Ohio, 8th App. Dist., Cuyahoga County. Certiorari denied. Reported below: 2019-Ohio-629.

No. 19–30. SPENCER *v.* VIRGINIA STATE UNIVERSITY ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 919 F. 3d 199.

No. 19–41. TUCKER ET UX. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 5th Cir. Certiorari denied. Reported below: 766 Fed. Appx. 132.

No. 19–42. NORTH CAROLINA UTILITIES COMMISSION *v.* FEDERAL ENERGY REGULATORY COMMISSION. C. A. D. C. Cir. Certiorari denied. Reported below: 761 Fed. Appx. 9.

No. 19–147. MASON *v.* PARAMO, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 19–155. JOHNSON *v.* WINFREY. C. A. 5th Cir. Certiorari denied. Reported below: 766 Fed. Appx. 66.

No. 19–163. NORTON *v.* COLGATE PALMOLIVE CO. Sup. Ct. N. J. Certiorari denied. Reported below: 236 N. J. 27, 197 A. 3d 660.

No. 19–165. MORGAN *v.* MORGAN. Super. Ct. Pa. Certiorari denied. Reported below: 193 A. 3d 999.

Page Proof Pending Publication

No. 19–166. ROSENWASSER *v.* FORDHAM UNIVERSITY ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 772 Fed. Appx. 1.

No. 19–167. SUPPES *v.* CURATORS OF THE UNIVERSITY OF MISSOURI. Ct. App. Mo., Western Dist. Certiorari denied. Reported below: 583 S. W. 3d 49.

No. 19–174. RICH, REPRESENTATIVE FOR DEPUIS-MAYS, AN INCAPACITATED PERSON *v.* PALKO ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 920 F. 3d 288.

No. 19–176. WEISSKOPF *v.* JEWISH AGENCY FOR ISRAEL ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 919 F. 3d 709.

No. 19–187. MUHAMMAD *v.* AT&T, INC., ET AL. Sup. Ct. Ala. Certiorari denied.

No. 19–188. OKORIE *v.* CRAWFORD ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 921 F. 3d 430.

No. 19–189. CHRISTIAN-HART *v.* WELLS FARGO BANK, N. A. Dist. Ct. App. Fla., 2d Dist. Certiorari denied.

No. 19–190. McLaughlin *v.* National Elevator Industry Health Benefit Plan Board of Trustees. C. A. 3d Cir. Certiorari denied. Reported below: 773 Fed. Appx. 671.

No. 19–195. Snyder *v.* California. Sup. Ct. Cal. Certiorari denied.

No. 19–198. Budri *v.* Department of Labor, Administrative Review Board. C. A. 5th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 431.

No. 19–212. Williams *v.* Succession of Houston. Ct. App. La., 2d Cir. Certiorari denied. Reported below: 52,181 (La. App. 2 Cir. 8/15/18), 253 So. 3d 836.

No. 19–219. Demarest *v.* HSBC Bank USA, N. A., as Trustee for the Registered Holders of Nomura Home Equity Loan, Inc., et al. C. A. 9th Cir. Certiorari denied. Reported below: 920 F. 3d 1223.

No. 19–244. Isaacson/Weaver Family Trust *v.* Fresno County Employees' Retirement Association et al. C. A. 2d Cir. Certiorari denied. Reported below: 925 F. 3d 63.

Page Proof Pending Publication

No. 19–249. Lampkin et al. *v.* UBS Financial Services, Inc., fka UBS Painewebber, Inc., et al. C. A. 5th Cir. Certiorari denied. Reported below: 925 F. 3d 727.

No. 19–260. Lue *v.* JPMorgan Chase & Co. et al. C. A. 2d Cir. Certiorari denied. Reported below: 768 Fed. Appx. 7.

No. 19–261. Waltner et al. *v.* Commissioner of Internal Revenue. C. A. 9th Cir. Certiorari denied. Reported below: 748 Fed. Appx. 162.

No. 19–271. Stouffer et al. *v.* Union Pacific Railroad Co. Ct. App. Tex., 11th Dist. Certiorari denied. Reported below: 530 S. W. 3d 782.

No. 19–301. Republic of Kazakhstan *v.* Stati et al. C. A. D. C. Cir. Certiorari denied. Reported below: 773 Fed. Appx. 627.

No. 19–310. Kroma Makeup EU, LLC *v.* Kardashian et al. C. A. 11th Cir. Certiorari denied. Reported below: 920 F. 3d 704.

No. 19–313. VENCKIENE *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 929 F. 3d 843.

No. 19–321. MILLS *v.* CITY OF COVINA, CALIFORNIA, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 921 F. 3d 1161.

No. 19–322. MEDICAL CENTER AT ELIZABETH PLACE, LLC *v.* ATRIUM HEALTH SYSTEM ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 922 F. 3d 713.

No. 19–323. SCHNEIDER *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 8th Cir. Certiorari denied.

No. 19–326. MITCHELL ET AL. *v.* CITY OF NEW YORK ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 749 Fed. Appx. 75.

No. 19–327. HAIRSTON *v.* OHIO ET AL. Sup. Ct. Ohio. Certiorari denied. Reported below: 156 Ohio St. 3d 363, 2019-Ohio-1622, 126 N. E. 3d 1132.

No. 19–328. BRENNAN *v.* WHITE COUNTY, ARKANSAS. Ct. App. Ark. Certiorari denied. Reported below: 2019 Ark. App. 146, 573 S. W. 3d 577.

Page Proof Pending Publication

No. 19–336. HILL *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 781 Fed. Appx. 277.

No. 19–341. PACHECO ET AL. *v.* HONEYWELL INTERNATIONAL INC. C. A. 8th Cir. Certiorari denied. Reported below: 918 F. 3d 961.

No. 19–5298. SIMPSON *v.* CARPENTER, INTERIM WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 912 F. 3d 542.

No. 19–5413. ROONEY *v.* GEORGIA. Ct. App. Ga. Certiorari denied.

No. 19–5423. CARR *v.* TEXAS. Ct. App. Tex., 5th Dist. Certiorari denied.

No. 19–5424. SULLIVAN *v.* CITY OF MISSOULA, MONTANA. Sup. Ct. Mont. Certiorari denied.

No. 19–5428. DUCKETT *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–5438. MEDERS *v.* FORD, WARDEN. C. A. 11th Cir. Certiorari denied. Reported below: 911 F. 3d 1335.

No. 19–5439. STRACHAN *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 19–5440. MCCOLLUM *v.* PETERKIN ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 69.

No. 19–5442. PHILLIPS-BERRY *v.* KENNER POLICE DEPARTMENT ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 748 Fed. Appx. 633.

No. 19–5443. VU PHAN *v.* JACKSON, JUDGE. C. A. 10th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 630.

No. 19–5454. SCOTT *v.* CARLSON ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 136.

Page Proof Pending Publication

No. 19–5459. CARTER *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–5461. PIERCE *v.* GARRETT ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 753 Fed. Appx. 333.

No. 19–5462. PETTAWAY *v.* CLARK, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ALBION. C. A. 3d Cir. Certiorari denied.

No. 19–5467. MURRAY *v.* COLLINS ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–5470. HOLLOWAY *v.* MICHIGAN. Sup. Ct. Mich. Certiorari denied. Reported below: 503 Mich. 889, 918 N. W. 2d 811.

No. 19–5471. J. A. M. *v.* NEW JERSEY. Super. Ct. N. J., App. Div. Certiorari denied.

No. 19–5473. BENZANT *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 19–5475. TAEBEL *v.* MARICOPA COUNTY ATTORNEY'S OFFICE ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–5476. WILLIAMS *v.* AMERICAN AIRLINES, INC., ET AL. Ct. App. Cal., 1st App. Dist., Div. 4. Certiorari denied.

No. 19–5477. WAUGH *v.* MEDSTAR GEORGETOWN UNIVERSITY HOSPITAL. Ct. App. D. C. Certiorari denied. Reported below: 203 A. 3d 784.

No. 19–5482. JEFFERSON *v.* ONEWEST BANK, FSB. Super. Ct. N. J., App. Div. Certiorari denied.

No. 19–5484. MURPHY *v.* ASUNCION, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 788.

No. 19–5485. THRASHER *v.* ARIZONA. Ct. App. Ariz. Certiorari denied.

No. 19–5488. JACKSON *v.* BARLA ET AL. Sup. Ct. Del. Certiorari denied. Reported below: 210 A. 3d 687.

No. 19–5492. WASHINGTON *v.* SAAD, WARDEN. C. A. 6th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–5494. ISKANDER *v.* BORDERS, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 19–5495. GRAY *v.* BRYANT, GOVERNOR OF MISSISSIPPI, ET AL. C. A. 5th Cir. Certiorari denied.

No. 19–5502. ANDERSON *v.* STRODE ET AL. C. A. 6th Cir. Certiorari denied.

No. 19–5503. GILL *v.* MERCY COLLEGE ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 763 Fed. Appx. 128.

No. 19–5506. FISHER *v.* DOE. C. A. 8th Cir. Certiorari denied.

No. 19–5507. FENNELL *v.* MUNGER ET AL. Ct. App. Cal., 1st App. Dist., Div. 4. Certiorari denied.

No. 19–5511. HILL *v.* JASSEN ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–5518. SAYYED *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–5525. JACOBS *v.* ATLANTA POLICE DEPARTMENT ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–5533. DE SABREVOIS, AKA ALEXANDER *v.* PERRY ET AL. C. A. 1st Cir. Certiorari denied.

No. 19–5534. ROYSTER *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 19–5537. ESCOBEDO *v.* TEXAS. Ct. App. Tex., 4th Dist. Certiorari denied.

No. 19–5542. MALOY *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied.

No. 19–5544. THOMPSON *v.* TEXAS. Ct. App. Tex., 14th Dist. Certiorari denied.

No. 19–5545. WHEELER *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 19–5546. YATES *v.* HARPER. C. A. 4th Cir. Certiorari denied. Reported below: 746 Fed. Appx. 255.

Page Proof Pending Publication

No. 19–5547. WILLIAMS *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–5552. SUTTON *v.* NEVADA. Ct. App. Nev. Certiorari denied. Reported below: 135 Nev. 724.

No. 19–5555. LACEY *v.* GOMEZ, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 19–5557. ENGLISH *v.* CAMPAGNOLO, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS JUDGE OF THE MARICOPA COUNTY SUPERIOR COURT, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 747 Fed. Appx. 653.

No. 19–5558. JOHNSON *v.* CORRECT CARE SOLUTIONS ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 343.

No. 19–5560. DAVIS *v.* UNITED STATES ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 412.

No. 19–5564. BENJAMIN *v.* THOMAS. C. A. 11th Cir. Certiorari denied. Reported below: 766 Fed. Appx. 834.

No. 19–5573. WHITEHEAD *v.* MARCANTEL ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 766 Fed. Appx. 691.

No. 19–5576. TAYLOR *v.* BROWN, SUPERINTENDENT, WABASH VALLEY CORRECTIONAL FACILITY. C. A. 7th Cir. Certiorari denied.

No. 19–5583. RYZHOV *v.* BARR, ATTORNEY GENERAL. C. A. 11th Cir. Certiorari denied.

No. 19–5584. SIMMONS *v.* GRISSOM ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–5585. CUTTS *v.* NEW YORK. Sup. Ct. N. Y., New York County. Certiorari denied. Reported below: 62 Misc. 3d 411, 88 N. Y. S. 3d 332.

No. 19–5590. SPENCE *v.* MCGINLEY, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT COAL TOWNSHIP, ET AL. C. A. 3d Cir. Certiorari denied.

No. 19–5591. SAINTCALLE *v.* UTTECHT, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 424.

Page Proof Pending Publication

No. 19–5593. SWISHER *v.* WILKIE, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. Certiorari denied. Reported below: 758 Fed. Appx. 939.

No. 19–5594. DAVIS *v.* TEXAS CHILDREN'S HOSPITAL. C. A. 5th Cir. Certiorari denied. Reported below: 763 Fed. Appx. 381.

No. 19–5599. GILLARD *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2018 IL App (1st) 173036–U.

No. 19–5602. MCBRIDE *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–5604. BELLON *v.* NEVEN, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 777 Fed. Appx. 856.

No. 19–5606. ENOW *v.* FOXWELL, WARDEN, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 744 Fed. Appx. 186.

No. 19–5607. SUMMERS *v.* WETZEL, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 3d Cir. Certiorari denied.

No. 19–5610. FELTON *v.* GOGUEN, SUPERINTENDENT, NORTH CENTRAL CORRECTIONAL INSTITUTION. C. A. 1st Cir. Certiorari denied.

No. 19–5612. ISBEL *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–5616. ROPE *v.* FACEBOOK, INC., ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–5619. GERMAN *v.* GOODWIN, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 19–5620. HYDE *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2018 IL App (1st) 152644.

No. 19–5621. GREEN *v.* BARR, ATTORNEY GENERAL, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 744 Fed. Appx. 802.

No. 19–5625. JONES *v.* VANNOY, WARDEN. C. A. 5th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–5655. BARNER *v.* ILLINOIS. App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 2018 IL App (3d) 160023–U.

No. 19–5656. MENA *v.* NDOH, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 339.

No. 19–5657. ROGERO ET AL. *v.* AZAR, SECRETARY OF HEALTH AND HUMAN SERVICES. C. A. Fed. Cir. Certiorari denied. Reported below: 748 Fed. Appx. 996.

No. 19–5658. BURGIE *v.* ARKANSAS. Sup. Ct. Ark. Certiorari denied. Reported below: 2019 Ark. 77.

No. 19–5681. PERSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 222.

No. 19–5688. L. D. R., A MINOR, BY HIS MOTHER AND GUARDIAN, WAGNER *v.* SAUL, COMMISSIONER OF SOCIAL SECURITY. C. A. 7th Cir. Certiorari denied. Reported below: 920 F. 3d 1146.

No. 19–5690. DISANTO *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied. Reported below: 762 Fed. Appx. 962.

No. 19–5702. WALKER *v.* GREEN BAY CORRECTIONAL INSTITUTION HEALTH SERVICES UNIT ET AL. C. A. 7th Cir. Certiorari denied.

No. 19–5705. CURTIS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–5714. CARTER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 300.

No. 19–5729. FLOWERS *v.* FOULK, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 1019.

No. 19–5731. MESA MADUENO *v.* CALIFORNIA. Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 19–5739. POPE *v.* FRAKES, DIRECTOR, NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES. Dist. Ct. Neb., Lancaster County. Certiorari denied.

No. 19–5741. SALDANA-REYES *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 891.

No. 19–5742. RAND *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 758 Fed. Appx. 596.

Page Proof Pending Publication

No. 19–5744. SMITH *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 925 F. 3d 410.

No. 19–5746. GRIFFITH *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. Reported below: 32 N. Y. 3d 1196, 119 N. E. 3d 787.

No. 19–5747. GIBSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 19–5757. FLETE-GARCIA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 925 F. 3d 17.

No. 19–5758. HANSON *v.* WISCONSIN. Sup. Ct. Wis. Certiorari denied. Reported below: 2019 WI 63, 387 Wis. 2d 233, 928 N. W. 2d 607.

No. 19–5759. JENKINS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 335.

No. 19–5761. MARTIN *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 327.

No. 19–5766. THAM BUI *v.* CALIFORNIA. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 19–5767. BAILEY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 924 F. 3d 1289.

No. 19–5770. BANKS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 814.

No. 19–5771. HAENSGEN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 775 Fed. Appx. 284.

No. 19–5772. SALDIVAR GUTIERREZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 363.

No. 19–5774. NEISS *v.* MONTANA. Sup. Ct. Mont. Certiorari denied. Reported below: 396 Mont. 1, 443 P. 3d 435.

No. 19–5777. ROSS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 552.

No. 19–5778. SMADI *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–5780. ROBINSON *v.* VANNOY, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 19–5781. CHA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 435.

No. 19–5782. CHRISTIAN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 925 F. 3d 305.

No. 19–5785. ZAPATA-DOMINGUEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 549.

No. 19–5788. NUNLEY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 554.

No. 19–5791. JACKSON *v.* LAUGHLIN, WARDEN, ET AL. Sup. Ct. Ga. Certiorari denied.

No. 19–5793. ALEXANDER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 19–5794. YOUNG *v.* QUINTANA, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–5795. LICKERS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 928 F. 3d 609.

No. 19–5798. DAVIS *v.* JOHN HANCOCK MUTUAL FUNDS ACCOUNTS. C. A. 1st Cir. Certiorari denied.

No. 19–5801. CHILES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 31.

No. 19–5808. DONAHUE *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 195 A. 3d 1018.

No. 19–5810. LOPEZ DEJESUS *v.* PREMO, SUPERINTENDENT, OREGON STATE PENITENTIARY. C. A. 9th Cir. Certiorari denied. Reported below: 756 Fed. Appx. 775.

No. 19–5811. EDGER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 924 F. 3d 1011.

No. 19–5812. PASTOR *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 162.

No. 19–5813. PLAZA-MONTECILLO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 84.

Page Proof Pending Publication

No. 19–5814. MESTA *v.* MYRICK. C. A. 9th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 1032.

No. 19–5816. MAALOUF *v.* PRAETORIAN INSURANCE CO. Ct. App. Nev. Certiorari denied. Reported below: 134 Nev. 975.

No. 19–5818. RILEY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 920 F. 3d 200.

No. 19–5819. RATHBURN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 614.

No. 19–5822. TUTTLE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 19–5825. GARCIA-ZAVALA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 919 F. 3d 108.

No. 19–5831. DAVIS *v.* ILLINOIS. Sup. Ct. Ill. Certiorari denied.

No. 19–5833. COPELAND *v.* KANSAS. Ct. App. Kan. Certiorari denied. Reported below: 56 Kan. App. 2d xxxiv, 422 P. 3d 1208.

No. 19–5835. MARTINEZ-HERNANDEZ ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 932 F. 3d 1198.

No. 19–5837. MOLLICA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–5838. SMITH *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 91.

No. 19–5842. SPENCER *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 19–5844. ROSS *v.* MYRICK, SUPERINTENDENT, TWO RIVERS CORRECTIONAL INSTITUTION, ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–5847. WHITE *v.* OHIO. Ct. App. Ohio, 10th App. Dist., Franklin County. Certiorari denied. Reported below: 2017-Ohio-810, 85 N. E. 3d 1170.

No. 19–5853. TKHILAISHVILI *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 926 F. 3d 1.

Page Proof Pending Publication

No. 19–5854. DAVIS *v.* BANKERS LIFE & CASUALTY CO. Sup. Ct. S. C. Certiorari denied.

No. 19–5856. VILLARREAL HEREDIA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 758 Fed. Appx. 625.

No. 19–5857. FLOM *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 763 Fed. Appx. 27.

No. 19–5861. SAINE *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 19–5866. LOERA *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 923 F. 3d 907.

No. 19–5870. CRAWFORD *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 767 Fed. Appx. 563.

No. 19–5871. JONES *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 19–5872. WENTZEL *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 19–5874. KIRKLAND *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 19–5876. DRESSLER *v.* CIRCUIT COURT OF WISCONSIN, RACINE COUNTY. Ct. App. Wis. Certiorari denied.

No. 19–5877. FAULKNER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 926 F. 3d 266.

No. 19–5878. JACKSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 768 Fed. Appx. 400.

No. 19–5880. LARSON *v.* PACHECO, WARDEN. Sup. Ct. Wyo. Certiorari denied.

No. 19–5883. JOHNSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 768 Fed. Appx. 920.

No. 19–5884. CARSON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 924 F. 3d 467.

No. 19–5888. TKHILAISHVILI *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 926 F. 3d 1.

Page Proof Pending Publication

No. 19–5890. CABRAL-VARELA *v.* MASSACHUSETTS. App. Ct. Mass. Certiorari denied. Reported below: 95 Mass. App. 1102, 124 N. E. 3d 158.

No. 19–5891. ISLAND *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 916 F. 3d 249.

No. 19–5895. EADY *v.* MASSACHUSETTS. App. Ct. Mass. Certiorari denied. Reported below: 95 Mass. App. 1116, 125 N. E. 3d 802.

No. 19–5897. LEMA NOGALES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 747 Fed. Appx. 182.

No. 19–5909. TALMAN *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 268 So. 3d 705.

No. 19–5918. THOMAS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–5922. MUNOZ, AKA MUNOZ RUIZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 119.

No. 19–5931. ALLEN *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 203 A. 3d 343.

No. 19–5938. BECKMAN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 19–5941. CHA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 254.

No. 19–5944. SCOTT *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 19–5953. JUAN VALLEJO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 129.

No. 19–5961. WHITEHEAD *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 756 Fed. Appx. 755.

No. 19–5975. TULL-ABREU *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 921 F. 3d 294.

No. 19–5983. LLAMAS-DELGADO *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 928 F. 3d 702.

Page Proof Pending Publication

No. 19–6008. TIPPENS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 383.

No. 18–1509. DEPARTMENT OF HOMELAND SECURITY ET AL. *v.* IBRAHIM. C. A. 9th Cir. Motion for leave to file reply brief under seal with redacted copies for the public record granted. Certiorari denied. JUSTICE ALITO would grant the petition for writ of certiorari. JUSTICE KAGAN took no part in the consideration or decision of this motion and this petition. Reported below: 912 F. 3d 1147.

No. 18–1522. DOE *v.* UNITED STATES. C. A. 9th Cir. Motion for leave to file brief in opposition under seal with redacted copies for the public record granted. Motion for leave to file reply brief under seal with redacted copies for the public record granted. Certiorari denied. Reported below: 747 Fed. Appx. 575.

No. 19–275. SCHULTZ *v.* ROBERTS, CHIEF JUSTICE, SUPREME COURT OF THE UNITED STATES, ET AL. C. A. 9th Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. Reported below: 740 Fed. Appx. 628.

No. 19–5796. BELTRAN LEYVA *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. JUSTICE KAVANAUGH took no part in the consideration or decision of this petition. Reported below: 916 F. 3d 14.

No. 19–5911. BUTTS *v.* WILSON, WARDEN. C. A. 5th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 772 Fed. Appx. 56.

No. 19–5928. SANTIAGO *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

Rehearing Denied

No. 18–7647. SMITH ET VIR *v.* MANASQUAN SAVINGS BANK, 587 U. S. 1041;

No. 18–8422. YOUNG *v.* ALABAMA, 587 U. S. 992; and

No. 18–9038. PETERS *v.* ILLINOIS, 587 U. S. 1067. Petitions for rehearing denied.

No. 18–277. BHAGAT *v.* IANCU, DIRECTOR, UNITED STATES PATENT AND TRADEMARK OFFICE, 586 U. S. 981. Motion for leave to file petition for rehearing denied.

Page Proof Pending Publication

OCTOBER 17, 2019

Dismissals Under Rule 46

No. 18–1211. NUSTAR ENERGY SERVICES, INC. *v.* ING BANK N. V. ET AL. C. A. 5th Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 760 Fed. Appx. 245.

No. 18–1224. NUSTAR ENERGY SERVICES, INC. *v.* ING BANK N. V. ET AL. (two judgments). C. A. 2d Cir. Certiorari denied. Reported below: 911 F. 3d 646 (first judgment); 745 Fed. Appx. 414 (second judgment).

OCTOBER 18, 2019

Certiorari Granted

No. 18–1432. NASRALLAH *v.* BARR, ATTORNEY GENERAL. C. A. 11th Cir. Certiorari granted. Reported below: 762 Fed. Appx. 638.

No. 19–161. DEPARTMENT OF HOMELAND SECURITY ET AL. *v.* THURAISSIGIAM. C. A. 9th Cir. Certiorari granted. Reported below: 917 F. 3d 1097.

No. 18–8369. LOMAX *v.* ORTIZ-MARQUEZ ET AL. C. A. 10th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted limited to the following question: "Does a dismissal without prejudice for failure to state a claim count as a strike under 28 U. S. C. § 1915(g)?" Reported below: 754 Fed. Appx. 756.

No. 19–7. SEILA LAW LLC *v.* CONSUMER FINANCIAL PROTECTION BUREAU. C. A. 9th Cir. Motion of United States House of Representatives for leave to file brief as *amicus curiae* out of time granted. Motion of Alan B. Morrison for leave to file brief as *amicus curiae* out of time granted. Certiorari granted. In addition to the question presented by the petition, the parties are directed to brief and argue the following question: "If the Consumer Financial Protection Bureau is found unconstitutional on the basis of the separation of powers, can 12 U. S. C. § 5491(c)(3) be severed from the Dodd-Frank [Wall Street Reform and Consumer Protection] Act?" Reported below: 923 F. 3d 680.

OCTOBER 21, 2019

Page Proof Pending Publication

Vacated and Remanded on Appeal

No. 19–220. CHATFIELD ET AL. *v.* LEAGUE OF WOMEN VOTERS OF MICHIGAN ET AL. Appeal from D. C. E. D. Mich. Judgment vacated, and case remanded for further consideration in light of *Rucho* v. *Common Cause*, 588 U. S. 684 (2019). Reported below: 373 F. Supp. 3d 867.

Certiorari Granted—Vacated and Remanded

No. 19–5181. JOHNSON *v.* UNITED STATES. C. A. 9th Cir. Reported below: 913 F. 3d 793;

No. 19–5217. WATKINS *v.* UNITED STATES. C. A. 11th Cir.; and

No. 19–5623. LEGRIER *v.* UNITED STATES. C. A. 2d Cir. Reported below: 768 Fed. Appx. 48. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Rehaif* v. *United States*, 588 U. S. 225 (2019).

Certiorari Dismissed

No. 19–5971. SCHMIDT *v.* HERBERT, GOVERNOR OF UTAH. 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: 778 Fed. Appx. 596.

Miscellaneous Orders

No. D–3044. In re Disbarment of Smith. Disbarment entered. [For earlier order herein, see 588 U. S. 933.]

No. 19M56. Velasquez Perez *v.* Diaz Palencia; and

No. 19M57. Doe *v.* Dardanelle School District. Motions for leave to file petitions for writs of certiorari with supplemental appendixes under seal granted.

No. 19M58. Biton *v.* Barr, Attorney General, et al.; and

No. 19M59. Biton *v.* Verrilli et al. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 65, Orig. Texas *v.* New Mexico. Conditional motion of Texas for review of the Special Master's 2019 final determination granted. [For earlier order herein, see, *e. g.*, 589 U. S. 911.]

No. 18–938. Ritzen Group, Inc. *v.* Jackson Masonry, LLC. C. A. 6th Cir. [Certiorari granted, 587 U. S. 1014.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

Page Proof Pending Publication

No. 18–7739. Holguin-Hernandez *v.* United States. C. A. 5th Cir. [Certiorari granted, 587 U. S. 1039.] Motion of the Solicitor General for divided argument granted, and the time is divided as follows: 15 minutes for petitioner, 15 minutes for the Solicitor General in support of vacatur, and 30 minutes for Court-appointed *amicus curiae* in support of the judgment below.

No. 19–5632. T. A. et al. *v.* Leff et al.; and Kramer et al. *v.* Dane et al. C. A. 2d Cir. Motion of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until November 12, 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.

No. 19–421. In re Hamman;

No. 19–6066. In re Collier;

No. 19–6093. In re Stone et al.; and

No. 19–6134. In re Wimbush et ux. Petitions for writs of habeas corpus denied.

No. 19–338. In re Appel et al. Petition for writ of mandamus denied.

Certiorari Denied

No. 18–1446. SEXTON EX REL. APPALACHIAN REGIONAL HEALTHCARE, INC. *v.* KENTUCKY CABINET FOR HEALTH AND FAMILY SERVICES ET AL. Sup. Ct. Ky. Certiorari denied. Reported below: 566 S. W. 3d 185.

No. 18–1506. MARTIN *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 910 F. 3d 320.

No. 18–1515. ELI LILLY & CO. *v.* ERFINDERGEMEINSCHAFT UROPEP GBR. C. A. Fed. Cir. Certiorari denied. Reported below: 739 Fed. Appx. 643.

No. 18–1543. KATZ, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED *v.* CELLCO PARTNERSHIP, DBA VERIZON WIRELESS. C. A. 2d Cir. Certiorari denied. Reported below: 756 Fed. Appx. 103.

No. 18–1554. BLESSINGER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 752 Fed. Appx. 765.

No. 19–73. GAHAGAN *v.* CITIZENSHIP AND IMMIGRATION SERVICES. C. A. 5th Cir. Certiorari denied. Reported below: 911 F. 3d 298.

Page Proof Pending Publication

No. 19–75. GARNER *v.* COLORADO. Sup. Ct. Colo. Certiorari denied. Reported below: 436 P. 3d 1107.

No. 19–76. MARQUARDT, DEPUTY SHERIFF *v.* FLETCHER. C. A. 9th Cir. Certiorari denied. Reported below: 753 Fed. Appx. 449.

No. 19–170. E CO. ET AL. *v.* TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS PENSION FUND. C. A. 7th Cir. Certiorari denied. Reported below: 914 F. 3d 1037.

No. 19–201. HANSON *v.* ALLERT. Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 19–204. CARRICK *v.* RICE ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 749 Fed. Appx. 615.

No. 19–207. GROBER ET AL. *v.* MAKO PRODUCTS, INC. C. A. Fed. Cir. Certiorari denied. Reported below: 745 Fed. Appx. 159.

No. 19–210. OLAECHEA, AKA SIMMONDS *v.* OLAECHEA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 260 So. 3d 387.

No. 19–215. NEVELS *v.* PIGGLY WIGGLY CORP. ET AL. Ct. Civ. App. Ala. Certiorari denied. Reported below: 298 So. 3d 485.

No. 19–217. DAVINCI AIRCRAFT, INC. *v.* UNITED STATES ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 926 F. 3d 1117.

No. 19–218. XIU JIAN SUN *v.* WU HUA JING ET AL. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied.

No. 19–226. SMITH *v.* CARUSOS. C. A. 2d Cir. Certiorari denied.

No. 19–231. PERKINS *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–236. AMMIYHUWD *v.* POMPEO, SECRETARY OF STATE, ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 345.

No. 19–246. JALLALI *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied.

Page Proof Pending Publication

No. 19–258. KATZIN ET AL. *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 908 F. 3d 1350.

No. 19–262. XIAO-YING YU *v.* NEALL, SECRETARY, MARYLAND DEPARTMENT OF HEALTH, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 748 Fed. Appx. 561.

No. 19–270. RODRIGUEZ *v.* LPP MORTGAGE LTD., LP. C. A. 9th Cir. Certiorari denied. Reported below: 741 Fed. Appx. 428.

No. 19–316. HANSEN *v.* SALT LAKE CITY CORPORATION. C. A. 10th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 770.

No. 19–334. DIAMOND *v.* UNITED STATES ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 377.

No. 19–344. QIHUI HUANG *v.* PAI, CHAIRMAN OF FEDERAL COMMUNICATIONS COMMISSION, ET AL. C. A. D. C. Cir. Certiorari denied.

No. 19–349. SWISHER INTERNATIONAL, INC. *v.* TRENDSETTAH USA, INC., ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 761 Fed. Appx. 714.

No. 19–364. WILLIAMS *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 19–366. LANGE *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 5th Cir. Certiorari denied. Reported below: 748 Fed. Appx. 635.

No. 19–372. JENKINS ET AL. *v.* CHANCE ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 762 Fed. Appx. 450.

No. 19–374. BYRNS *v.* MARYLAND. Ct. Sp. App. Md. Certiorari denied. Reported below: 240 Md. App. 724.

No. 19–419. SAULSBERRY *v.* LEE, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 937 F. 3d 644.

No. 19–5246. ROSADO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–5592. SPAULDING *v.* OHIO. Sup. Ct. Ohio. Certiorari denied. Reported below: 155 Ohio St. 3d 1455, 2019-Ohio-1759, 122 N. E. 3d 216.

No. 19–5615. REMENAR *v.* REMENAR, NKA SOLBERG. Ct. App. Ore. Certiorari denied. Reported below: 294 Ore. App. 885, 431 P. 3d 105.

Page Proof Pending Publication

No. 19–5628. ROCHESTER *v.* NEW YORK STATE DIVISION OF HUMAN RIGHTS ET AL. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

No. 19–5637. WILSON *v.* MARION POLICE DEPARTMENT ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 289.

No. 19–5639. CRAWFORD *v.* GEORGIA. Ct. App. Ga. Certiorari denied.

No. 19–5644. CUMBEE *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–5649. O'BRIEN *v.* HACKER-AGNEW, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 749 Fed. Appx. 632.

No. 19–5650. WILLIAMS *v.* PARAMO, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–5660. SANCHEZ *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 193 A. 3d 1124.

No. 19–5664. SHEPPARD *v.* TEXAS (two judgments). Ct. Crim. App. Tex. Certiorari denied.

No. 19–5674. TEAGUE *v.* REGENT FINANCIAL GROUP, INC., ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 770.

No. 19–5680. CURRY *v.* VANCOUVER HOUSING AUTHORITY ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 753 Fed. Appx. 499.

No. 19–5692. COCHRUN *v.* DOOLEY, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 19–5694. FARLEY *v.* DIAZ, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION. C. A. 9th Cir. Certiorari denied.

No. 19–5696. WILLIAMS *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–5703. MASSEY *v.* VANNOY, WARDEN. C. A. 5th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 121.

No. 19–5709. NEWMAN *v.* LOUISIANA. Ct. App. La., 4th Cir. Certiorari denied. Reported below: 2016–0842 (La. App. 4 Cir. 6/27/18), 249 So. 3d 142.

No. 19–5768. VILLALONA *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 272 So. 3d 1277.

No. 19–5802. MATTHEWS *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 196 A. 3d 242.

No. 19–5840. STUCKEY *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 19–5879. JOE *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–5912. MERAZ LEON *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–5913. SMITH *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 273 So. 3d 942.

No. 19–5917. CASTRO *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–5919. CARTER *v.* LOUISIANA. Ct. App. La., 1st Cir. Certiorari denied. Reported below: 2018–0078 (La. App. 1 Cir. 12/17/18).

No. 19–5932. MYERS *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 179 A. 3d 868.

No. 19–5951. HARRIS *v.* SMITH, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 19–5955. HEILMAN *v.* BLADES, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–5956. APODACA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 462.

Page Proof Pending Publication

No. 19–5959. FERGERSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 685.

No. 19–5962. TJADER *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 927 F. 3d 483.

No. 19–5963. YUGOPICIO-ROJAS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 754 Fed. Appx. 671.

No. 19–5969. BANKS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 763 Fed. Appx. 132.

No. 19–5970. RAZZAQ *v.* KANSAS. Sup. Ct. Kan. Certiorari denied. Reported below: 309 Kan. 544, 439 P. 3d 903.

No. 19–5974. O'MALLEY *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 754 Fed. Appx. 462.

No. 19–5976. DEDMON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 19–5982. CABALLERO DE LA TORRE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 167.

No. 19–5996. POTTER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 927 F. 3d 446.

No. 19–6018. LITTLE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 780 Fed. Appx. 719.

No. 19–6019. ANTONIO MURILLO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 166.

No. 19–6020. ROMEU *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 496.

No. 19–6021. VALLES DE LA ROSA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 210.

No. 19–6027. COMBS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 19–6030. ELIAS *v.* CAPOZZA, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FAYETTE, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 774 Fed. Appx. 745.

No. 19–6035. ESPINAL-RIVERA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–6052. LEE *v.* FLORIDA ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–6064. COLE *v.* RACKLEY, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 18–1386. LIPSCHULTZ, COMMISSIONER OF THE MINNESOTA PUBLIC UTILITIES COMMISSION, ET AL. *v.* CHARTER ADVANCED SERVICES (MN), LLC, ET AL. C. A. 8th Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. Reported below: 903 F. 3d 715.

JUSTICE THOMAS, with whom JUSTICE GORSUCH joins, concurring.

Charter Advanced Services provides Voice over Internet Protocol services, which allow users to place voice calls over an Internet connection. After the Minnesota Public Utilities Commission attempted to regulate Charter's provision of these services, Charter brought suit in federal court, arguing that the state regulation was pre-empted. The District Court granted summary judgment to Charter. The Eighth Circuit affirmed, reason-

ing that the Federal Communications Commission's "policy of nonregulation" of these services pre-empted state law. *Charter Advanced Servs. (MN), LLC* v. *Lange*, 903 F. 3d 715, 718 (2018) (internal quotation marks omitted).

I agree with the Court's determination that this case does not satisfy our criteria for certiorari. I write to explain why, in an appropriate case, we should consider whether a federal agency's policy can pre-empt state law.

The Supremacy Clause of the Constitution provides:

> "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." Art. VI, cl. 2.

The Clause contains a *non obstante* provision, a common device used by 18th-century legislatures to signal the implied repeal of conflicting statutes. See *PLIVA, Inc.* v. *Mensing*, 564 U. S. 604, 621 (2011); see also Nelson, Preemption, 86 Va. L. Rev. 225, 237–242, 245–246 (2000). At the time of the founding, this Clause would have been understood to pre-empt state law only if the law logically contradicted the "Constitution," the "Laws of the United States," or "Treaties." See *id.*, at 260.

Page Proof Pending Publication

It is doubtful whether a federal policy—let alone a policy of nonregulation—is "Law" for purposes of the Supremacy Clause. Under our precedent, such a policy likely is not final agency action because it does not mark "the consummation of the agency's decisionmaking process" or determine Charter's "rights or obligations." *Bennett* v. *Spear*, 520 U. S. 154, 177–178 (1997) (internal quotation marks omitted); see also *Merck Sharp & Dohme Corp.* v. *Albrecht*, 587 U. S. 299, 322 (2019) (THOMAS, J., concurring). Even if it were final agency action, the Supremacy Clause "requires that pre-emptive effect be given only to those federal standards and policies that are set forth in, or necessarily follow from, the statutory text that was produced through the constitutionally required bicameral and presentment procedures." *Wyeth* v. *Levine*, 555 U. S. 555, 586 (2009) (THOMAS, J., concurring in judgment); see also *Department of Transportation* v. *Association of American Railroads*, 575 U. S. 43, 86 (2015) (same)

("The Government may create generally applicable rules of private conduct only through the proper exercise of legislative power").

Giving pre-emptive effect to a federal agency policy of nonregulation thus expands the power of both the Executive and the Judiciary. It authorizes the Executive to make "Law" by declining to act, and it authorizes the courts to conduct "a freewheeling judicial inquiry" into the facts of federal nonregulation, rather than the constitutionally proper "inquiry into whether the ordinary meanings of state and federal law conflict," *Wyeth*, *supra*, at 588 (THOMAS, J., concurring in judgment) (alteration and internal quotation marks omitted). Because this petition does not clearly challenge the underlying basis of the pre-emption theory, however, I concur in the denial of certiorari.

No. 19–6. NEW YORK *v.* JONES. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 166 App. Div. 3d 803, 88 N. Y. S. 3d 88.

No. 19–232. NEW MIGHTY U. S. TRUST ET AL. *v.* SHI, AS EXECUTOR OF THE WILL OF YUEH-LAN WANG, ET AL. C. A. D. C. Cir. Motion of Professor George A. Bermann for leave to file brief as *amicus curiae* granted. Certiorari denied. JUSTICE KAVANAUGH took no part in the consideration or decision of this motion and this petition. Reported below: 918 F. 3d 944.

Page Proof Pending Publication

No. 19–274. BUCHANAN *v.* ALEXANDER ET AL. C. A. 5th Cir. Motion of National Coalition Against Censorship et al. for leave to file brief as *amici curiae* granted. Certiorari denied. Reported below: 919 F. 3d 847.

OCTOBER 22, 2019

Dismissal Under Rule 46

No. 18–1498. UNITEDHEALTH GROUP INC. ET AL. *v.* PETERSON, ON BEHALF OF PATIENT E ET AL., ET AL. C. A. 8th Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 913 F. 3d 769.

Miscellaneous Order

No. 19A368. BP P. L. C. *v.* MAYOR AND CITY COUNCIL OF BALTIMORE. D. C. Md. Application for stay, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. JUS-

TICE ALITO took no part in the consideration or decision of this application.

OCTOBER 23, 2019

Miscellaneous Order

No. 19–7. SEILA LAW LLC *v.* CONSUMER FINANCIAL PROTECTION BUREAU. C. A. 9th Cir. [Certiorari granted, 589 U. S. 1031.] Paul D. Clement, Esq., of Washington, D. C., is invited to brief and argue this case as *amicus curiae* in support of judgment below on the question presented by the petition.

OCTOBER 30, 2019

Miscellaneous Order

No. 19A429. BANK OF AMERICA CORP. ET AL. *v.* CITY OF MIAMI, FLORIDA. C. A. 11th Cir. Application for stay, presented to JUSTICE THOMAS, and by him referred to the Court, denied.

NOVEMBER 1, 2019

Miscellaneous Order

Pre-Print Paperback Publication

No. 18–587. DEPARTMENT OF HOMELAND SECURITY ET AL. *v.* REGENTS OF THE UNIVERSITY OF CALIFORNIA ET AL. C. A. 9th Cir.;

No. 18–588. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL. *v.* NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE ET AL. C. A. D. C. Cir.; and

No. 18–589. MCALEENAN, ACTING SECRETARY OF HOMELAND SECURITY, ET AL. *v.* BATALLA VIDAL ET AL. C. A. 2d Cir. [Certiorari granted, 588 U. S 919.] A total of 80 minutes is allotted for oral argument, and the time is divided as follows: 40 minutes for the Solicitor General, 20 minutes for private respondents, and 20 minutes for state respondents.

Certiorari Granted

No. 18–1501. LIU ET AL. *v.* SECURITIES AND EXCHANGE COMMISSION. C. A. 9th Cir. Certiorari granted. Reported below: 754 Fed. Appx. 505.

NOVEMBER 4, 2019

Certiorari Granted—Vacated and Remanded

No. 19–5308. MINAYA *v.* UNITED STATES. C. A. 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 *United States* v. *Davis*, 588 U. S. 445 (2019). Reported below: 761 Fed. Appx. 53.

No. 19–5333. WALKER *v.* UNITED STATES. C. A. 4th 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 *Rehaif* v. *United States*, 588 U. S. 225 (2019). Reported below: 922 F. 3d 239.

Miscellaneous Orders

No. 19A486. RHINES *v.* SOUTH DAKOTA DEPARTMENT OF CORRECTIONS ET AL. Application for stay of execution of sentence of death, presented to JUSTICE GORSUCH, and by him referred to the Court, denied.

No. 19M60. LARSON *v.* NATIONSTAR MORTGAGE, LLC, DBA CHAMPION MORTGAGE COMPANY OF TEXAS, ET AL. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

Page Proof Pending Publication

No. 19M61. LAMPRELL *v.* STUCKEY. Motion for leave to file petition for writ of certiorari with supplemental appendix under seal granted.

No. 19M62. MAY *v.* WILKIE, SECRETARY OF VETERANS AFFAIRS. Motion to direct the Clerk to file petition for writ of certiorari out of time under this Court's Rule 14.5 denied.

No. 17–1498. ATLANTIC RICHFIELD CO. *v.* CHRISTIAN ET AL. Sup. Ct. Mont. [Certiorari granted, 587 U. S. 1050.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 18–935. MONASKY *v.* TAGLIERI. C. A. 6th Cir. [Certiorari granted, 587 U. S. 1051.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 18–1150. GEORGIA ET AL. *v.* PUBLIC.RESOURCE.ORG, INC. C. A. 11th Cir. [Certiorari granted, 588 U. S. 904.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 19–5721. IN RE SCHAFER. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until November 25, 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.

No. 19–441. IN RE PATTERSON;
No. 19–6247. IN RE MCDONALD; and
No. 19–6251. IN RE MAKDESSI. Petitions for writs of habeas corpus denied.

No. 19–6173. IN RE KRETSER. Petition for writ of habeas corpus denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 19–6479 (19A484). IN RE RHINES. Application for stay of execution of sentence of death, presented to JUSTICE GORSUCH, and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

No. 19–238. IN RE HOTZE HEALTH WELLNESS CENTER INTERNATIONAL ONE, LLC, ET AL. Petition for writ of mandamus denied.

Page Proof Pending Publication

No. 19–5684. IN RE MITCHELL; and
No. 19–6031. IN RE DOYLE. Petitions for writs of mandamus and/or prohibition denied.

Certiorari Denied

No. 18–963. HILL *v.* CITY OF JACKSON, MICHIGAN, ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 751 Fed. Appx. 772.

No. 18–1343. PRINCETON DIGITAL IMAGE CORP. *v.* ADOBE INC. C. A. Fed. Cir. Certiorari denied. Reported below: 913 F. 3d 1342.

No. 18–1490. COURT OF COMMON PLEAS OF PENNSYLVANIA, BUCKS COUNTY, ET AL. *v.* PIASECKI. C. A. 3d Cir. Certiorari denied. Reported below: 917 F. 3d 161.

No. 18–1500. BELL *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied.

No. 18–1530. ENPLAS DISPLAY DEVICE CORP. *v.* SEOUL SEMICONDUCTOR CO., LTD. C. A. Fed. Cir. Certiorari denied. Reported below: 909 F. 3d 398.

No. 18–1565. ROGERS *v.* SWEPI LP ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 757 Fed. Appx. 497.

No. 18–1566. SCOVILLE *v.* SECURITIES AND EXCHANGE COMMISSION. C. A. 10th Cir. Certiorari denied. Reported below: 913 F. 3d 1204.

No. 18–7806. BERKA *v.* CITY OF MIDDLETOWN, CONNECTICUT. App. Ct. Conn. Certiorari denied. Reported below: 181 Conn. App. 159, 185 A. 3d 596.

No. 18–8951. PROCTOR *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. Sup. Ct. Ark. Certiorari denied. Reported below: 2018 Ark. 382, 562 S. W. 3d 837.

No. 18–9043. BINKHOLDER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 909 F. 3d 215.

No. 18–9062. KING *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 749 Fed. Appx. 309.

Page Proof Pending Publication

No. 18–9407. VERDUZCO-MAGANA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 18–9411. ROCKETT *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 752 Fed. Appx. 448.

No. 18–9431. SMITH *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 733 Fed. Appx. 415.

No. 18–9485. TAYLOR *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 158 App. Div. 3d 1095, 72 N. Y. S. 3d 256.

No. 18–9567. DE LEON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 756 Fed. Appx. 494.

No. 18–9571. JONES *v.* VANNOY, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 18–9648. ARMSTRONG *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 6 Cal. 5th 735, 433 P. 3d 987.

No. 18–9664. JONES *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 2. Certiorari denied.

No. 18–9791. MORENO-PENA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 762 Fed. Appx. 184.

No. 18–9801. LONG *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 906 F. 3d 720.

No. 18–9832. MURPHY *v.* COLLIER, EXECUTIVE DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 919 F. 3d 913.

No. 19–3. BEGAY *v.* NEW MEXICO. Ct. App. N. M. Certiorari denied.

No. 19–119. STAPLES, INC., ET AL. *v.* COMPTROLLER OF THE TREASURY OF MARYLAND. Ct. Sp. App. Md. Certiorari denied.

No. 19–138. FIRST STATE COMMUNITY ACTION AGENCY *v.* ROBINSON. C. A. 3d Cir. Certiorari denied. Reported below: 920 F. 3d 182.

No. 19–139. HARDY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 610.

No. 19–222. VALDERAS *v.* CITY OF LUBBOCK, TEXAS, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 937 F. 3d 384.

Page Proof Pending Publication

No. 19–230. PRADE *v.* OHIO. Ct. App. Ohio, 9th App. Dist., Summit County. Certiorari denied. Reported below: 2018-Ohio-3551, 107 N. E. 3d 1268.

No. 19–233. LUKE *v.* CPLACE FOREST PARK SNF, L. L. C., DBA NOTTINGHAM REGIONAL REHAB CENTER. C. A. 5th Cir. Certiorari denied. Reported below: 747 Fed. Appx. 978.

No. 19–237. LAFRIEDA ET AL. *v.* GILBERT. Sup. Ct. Nev. Certiorari denied. Reported below: 135 Nev. 674, 435 P. 3d 665.

No. 19–240. BALLARD *v.* BALLARD. Ct. App. Tenn. Certiorari denied.

No. 19–252. BOOTH *v.* NISSAN NORTH AMERICA, INC. C. A. 6th Cir. Certiorari denied. Reported below: 927 F. 3d 387.

No. 19–254. SHOPHAR *v.* KANSAS ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 723 Fed. Appx. 579.

No. 19–269. FLORES *v.* ENTERGY NUCLEAR OPERATIONS, INC. C. A. 2d Cir. Certiorari denied. Reported below: 768 Fed. Appx. 139.

No. 19–280. LONG *v.* ALAMEDA UNIFIED SCHOOL DISTRICT. C. A. 9th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 585.

No. 19–290. RENOBATO *v.* BUREAU OF THE FISCAL SERVICE. C. A. 5th Cir. Certiorari denied.

No. 19–297. H&M HENNES & MAURITZ, LP *v.* MALIBU TEXTILES, INC. C. A. 9th Cir. Certiorari denied. Reported below: 922 F. 3d 946.

No. 19–298. JUAREZ *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–306. CUSHMAN & WAKEFIELD, INC. *v.* RINSKY. C. A. 1st Cir. Certiorari denied. Reported below: 918 F. 3d 8.

No. 19–318. BOTTINI ET AL. *v.* CITY OF SAN DIEGO, CALIFORNIA, ET AL. Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied. Reported below: 27 Cal. App. 5th 281, 238 Cal. Rptr. 3d 260.

Page Proof Pending Publication

No. 19–324. TECHNOLOGY PROPERTIES LTD. LLC ET AL. *v.* HUAWEI TECHNOLOGIES CO., LTD., ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 750 Fed. Appx. 1003.

No. 19–346. MADURA ET UX. *v.* BAC HOME LOANS SERVICING, L. P., ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 1053.

No. 19–381. RAINBOW RIDGE RESORT, LLC, ET AL. *v.* BRANCH BANKING & TRUST CO. Ct. App. Tenn. Certiorari denied. Reported below: 582 S. W. 3d 221.

No. 19–393. STEIN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 828.

No. 19–394. MEJIA-DUARTE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 780 Fed. Appx. 730.

No. 19–398. LMP SERVICES, INC. *v.* CITY OF CHICAGO, ILLINOIS. Sup. Ct. Ill. Certiorari denied. Reported below: 2019 IL 123123, 160 N. E. 3d 822.

No. 19–412. CIANCHETTE ET AL. *v.* CIANCHETTE ET AL. Sup. Jud. Ct. Me. Certiorari denied. Reported below: 2019 ME 87, 209 A. 3d 745.

No. 19–427. BROCKETT ET AL. *v.* ORSO, AS RECEIVER FOR REX VENTURE GROUP, LLC, DBA ZEEKREWARDS.COM. C. A. 4th Cir. Certiorari denied. Reported below: 922 F. 3d 502.

No. 19–450. BRIGHAM & WOMEN'S HOSPITAL, INC., ET AL. *v.* PERRIGO CO. ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 761 Fed. Appx. 995.

No. 19–5010. NELSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 761 Fed. Appx. 917.

No. 19–5098. WHITE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 915 F. 3d 1195.

No. 19–5114. RODRIGUEZ *v.* UNITED STATES; and
No. 19–5172. HILARIO-BELLO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 761 Fed. Appx. 53.

No. 19–5312. BURKE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 746 Fed. Appx. 951.

No. 19–5343. DUPREE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 767 Fed. Appx. 181.

Page Proof Pending Publication

No. 19–5392. MYRIE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 19–5430. JACKSON *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 756 Fed. Appx. 418.

No. 19–5436. ARAIZA-JACOBO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 917 F. 3d 360.

No. 19–5662. STEPHENS *v.* GOMEZ ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 754 Fed. Appx. 597.

No. 19–5665. DOYLE *v.* BAUGHMAN, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 19–5707. NARCISO *v.* NARCISO. Ct. Civ. App. Ala. Certiorari denied. Reported below: 292 So. 3d 372.

No. 19–5708. PHILLIPS *v.* DEKALB COUNTY ASSISTANT PUBLIC DEFENDERS ET AL. Ct. App. Ga. Certiorari denied.

No. 19–5712. VASQUEZ *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 19–5713. OWENS *v.* SADDLERS ET AL. (three judgments). Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 295 So. 3d 1166 (first judgment); 292 So. 3d 439 (second judgment); 279 So. 3d 95 (third judgment).

No. 19–5716. DUPUY *v.* UNKNOWN. C. A. 4th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 315.

No. 19–5720. SCOTT *v.* MOON ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 138.

No. 19–5723. THOMPSON *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 19–5725. ROCHESTER *v.* FORTUNE SOCIETY. C. A. 2d Cir. Certiorari denied.

No. 19–5726. ROBINSON *v.* RAINTREE TOWER APARTMENTS ET AL. C. A. 5th Cir. Certiorari denied.

No. 19–5733. BOYD *v.* UNITED STATES (Reported below: 773 Fed. App. 702); BOYD *v.* SOUTH CAROLINA ET AL. (773 Fed. App. 678); and BOYD *v.* DIANGIKES (773 Fed. Appx. 689). C. A. 4th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–5734. WILLIAMS *v.* MILLARD, FORMER JUDGE, DISTRICT COURT OF TEXAS, HARRIS COUNTY. C. A. 5th Cir. Certiorari denied.

No. 19–5735. WILLIAMS *v.* REAGIN. C. A. 5th Cir. Certiorari denied.

No. 19–5736. AHADZADAH *v.* SUPERIOR COURT OF CALIFORNIA, CONTRA COSTA COUNTY. Ct. App. Cal., 1st App. Dist., Div. 3. Certiorari denied.

No. 19–5740. MILLER *v.* BRITTAIN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FRACKVILLE, ET AL. C. A. 3d Cir. Certiorari denied.

No. 19–5745. RYAN *v.* CONNELLY ET AL. Sup. Ct. R. I. Certiorari denied. Reported below: 206 A. 3d 127.

No. 19–5748. MITCHELL *v.* MACY'S, INC., ET AL. C. A. 2d Cir. Certiorari denied.

No. 19–5752. ANDERSON *v.* TEXAS. Ct. App. Tex., 7th Dist. Certiorari denied.

No. 19–5760. TOURE *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 169 App. Div. 3d 439, 91 N. Y. S. 3d 883.

No. 19–5762. JACKSON *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 272 So. 3d 1270.

No. 19–5764. DICKENS *v.* ILLINOIS ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 753 Fed. Appx. 390.

No. 19–5765. BROWN *v.* CALIFORNIA DEPARTMENT OF MOTOR VEHICLES ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–5769. WHITT *v.* BUCKNER, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 19–5773. KENNEY *v.* BRAZELTON, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 19–5775. SOLDAN *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 19–5776. SCHWARZ *v.* MEINBERG ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 761 Fed. Appx. 732.

Page Proof Pending Publication

No. 19–5779. RODRIGUEZ-LOPEZ *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 268 So. 3d 827.

No. 19–5783. TOWNSEND *v.* VASQUEZ. Ct. App. Tex., 1st Dist. Certiorari denied. Reported below: 569 S. W. 3d 796.

No. 19–5786. NOWLAND *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–5787. MILLAN-RODRIGUEZ *v.* BARR, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 434.

No. 19–5792. TURNER *v.* TENNESSEE. Sup. Ct. Tenn. Certiorari denied.

No. 19–5797. MARTIN *v.* TEXAS. Ct. App. Tex., 11th Dist. Certiorari denied. Reported below: 570 S. W. 3d 426.

No. 19–5799. CODDINGTON *v.* DAVIDS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–5800. DENSON *v.* ILLINOIS. App. Ct. Ill., 2d Dist. Certiorari denied.

No. 19–5803. JOHNSON *v.* STANLEY, SUPERINTENDENT, WARREN CORRECTIONAL INSTITUTION. C. A. 4th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 55.

No. 19–5809. DUBRY *v.* KANSAS. Sup. Ct. Kan. Certiorari denied. Reported below: 309 Kan. 1229, 444 P. 3d 328.

No. 19–5815. PARKER *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 19–5821. ROBINSON *v.* ARIZONA ET AL. Sup. Ct. Ariz. Certiorari denied.

No. 19–5823. ALSTON *v.* EASTMAN. C. A. 11th Cir. Certiorari denied.

No. 19–5824. KENNEDY *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–5826. PEREZ *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–5827. PELUSO *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 19–5828. BALL *v.* CITY OF MARION, ILLINOIS. App. Ct. Ill., 5th Dist. Certiorari denied.

No. 19–5830. DANIELSON *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 170 App. Div. 3d 1430, 96 N. Y. S. 3d 754.

No. 19–5832. DURAIN *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 268 So. 3d 706.

No. 19–5834. MCWATERS *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–5836. JOHNSON *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–5841. SHAKOURI *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 923 F. 3d 407.

No. 19–5846. TOWNLEY *v.* TEXAS. Ct. App. Tex., 2d Dist. Certiorari denied.

No. 19–5850. YAMANO *v.* HAWAII STATE JUDICIARY ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 198.

No. 19–5851. BROWN *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO. C. A. 6th Cir. Certiorari denied.

No. 19–5855. GREER *v.* MICHIGAN. Cir. Ct. Wayne County, Mich. Certiorari denied.

No. 19–5858. CRITTENDEN *v.* BUTTS, WARDEN. C. A. 7th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–5859. WESBY *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 262 So. 3d 818.

No. 19–5860. WASHINGTON *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–5868. BURGESS *v.* BOWERS ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 238.

No. 19–5882. CHACON *v.* NEVADA (Reported below: 135 Nev. 625); CHAVEZ *v.* NEVADA (135 Nev. 626); COOPER *v.* GENTRY, WARDEN (135 Nev. 631); and SALVA MERCADO *v.* NEVADA (135 Nev. 686). Ct. App. Nev. Certiorari denied.

No. 19–5898. HOWELL *v.* SOUTHERLAND ET AL. Ct. App. Tenn. Certiorari denied.

No. 19–5900. ISON *v.* BROWN, SUPERINTENDENT, WABASH VALLEY CORRECTIONAL FACILITY. C. A. 7th Cir. Certiorari denied.

No. 19–5904. DENNIS *v.* VANNOY, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 19–5910. CARPENTER *v.* GEORGIA. Sup. Ct. Ga. Certiorari denied. Reported below: 305 Ga. 725, 827 S. E. 2d 250.

No. 19–5920. POGUE *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 19–5930. BLAKE *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–5933. ALEJANDRO MENDEZ *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 7 Cal. 5th 680, 443 P. 3d 896.

No. 19–5954. IRIVE *v.* GENTRY, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 466.

No. 19–5966. HEARD *v.* TILDEN ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 985.

No. 19–5981. TRUESDALE *v.* FLORIDA. C. A. 11th Cir. Certiorari denied.

Pages Proof Pending Publication

No. 19–5986. WHITAKER *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 278 So. 3d 604.

No. 19–5992. CHATMAN *v.* DEMOURA. C. A. 1st Cir. Certiorari denied.

No. 19–5993. JAMES *v.* POLLARD, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 536.

No. 19–6029. JEFFS *v.* OVERMYER, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FOREST, ET AL. Sup. Ct. Pa. Certiorari denied.

No. 19–6041. THOMPSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 783 Fed. Appx. 360.

No. 19–6045. SUMMERHAYS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 19–6048. PILLIER *v.* MASSACHUSETTS. App. Ct. Mass. Certiorari denied. Reported below: 95 Mass. App. 1112, 125 N. E. 3d 799.

No. 19–6049. TYLER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 19–6050. VIZCARRONDO-CASANOVA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 19–6053. FERNANDEZ HANO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 922 F. 3d 1272.

No. 19–6057. PETERS *v.* ARNOLD, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 389.

No. 19–6058. PHILIPPE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–6059. ARNOLD *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 183.

No. 19–6060. MATHEWS *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 928 F. 3d 968.

No. 19–6065. FUSCO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 19–6067. SUAREZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 775 Fed. Appx. 542.

Page Proof Pending Publication

No. 19–6071. MORGAN *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 19–6073. JONES *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied. Reported below: 778 Fed. Appx. 626.

No. 19–6079. VEGA-BOTELLO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 201.

No. 19–6081. GILLMAN *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–6082. MATHENY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 198.

No. 19–6084. MENDOZA MONTOYA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 525.

No. 19–6088. MADERO-DIAZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 752 Fed. Appx. 537.

No. 19–6137. WIDMYER *v.* BALLARD, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 756 Fed. Appx. 324.

No. 19–6152. OWENS *v.* MICKENS, WARDEN, ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–6154. JOHNSON *v.* MISSOURI. Ct. App. Mo., Western Dist. Certiorari denied. Reported below: 576 S. W. 3d 205.

No. 19–6170. RITTERBUSH *v.* BENZON. C. A. 10th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 483.

No. 19–211. TIME WARNER CABLE, INC., ET AL. *v.* SPRINT COMMUNICATIONS CO., L. P. C. A. Fed. Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. Reported below: 760 Fed. Appx. 977.

No. 19–407. MILES *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 923 F. 3d 798.

No. 19–6477 (19A482). RHINES *v.* YOUNG, WARDEN. C. A. 8th Cir. Application for stay of execution of sentence of death, presented to JUSTICE GORSUCH, and by him referred to the Court, denied. Certiorari denied. Reported below: 941 F. 3d 894.

Page Proof Pending Publication

Statement of JUSTICE SOTOMAYOR respecting the denial of certiorari.

In 1993, a South Dakota jury sentenced petitioner Charles Rhines to death for murdering his co-worker. In order to assist them in preparing a state clemency application, Rhines' federal habeas attorneys retained medical experts to evaluate Rhines. State officials, as well as a state court, refused to grant the experts access to Rhines in prison. The Federal District Court below also denied Rhines' request for access. It reasoned, among other things, that the federal public defender statute, 18 U. S. C. § 3599, did not give it authority to "supervise or control a state's clemency process" and that South Dakota did not violate Rhines' due process rights by denying his experts access to the prison. 2018 WL 2390130, *9 (D SD, May 25, 2018).

The Court of Appeals for the Eighth Circuit did not address the bulk of Rhines' contentions. It instead dismissed the appeal, concluding that the expert-access issue was "either moot or . . . not . . . fully exhausted." 941 F. 3d 894, 896 (2019) (*per curiam*). In essence, because Rhines' execution was imminent and his clemency application pending before the Governor of South Dakota,

the court found that Rhines should have previously asked the Governor to allow his experts access to the prison—or that he could still do so. *Id.*, at 895–896. The Eighth Circuit reached that conclusion even though the anticipated expert report was, in Rhines' view, an important predicate for the clemency application itself.

It is unclear from this record whether an expert evaluation is necessary to Rhines' clemency application. Although Rhines' experts believed there were additional grounds for investigation—including traumatic events that Rhines suffered earlier in his life—Rhines, as the State notes, has already been evaluated by several psychiatric experts in a different context. For that reason, I do not dissent from the denial of certiorari. I write separately, however, to note that this Court's denial of certiorari does not represent an endorsement of the lower courts' opinions. I also write separately to emphasize that clemency is not "a matter of mercy alone," but rather is the "'fail safe' in our criminal justice system." *Harbison* v. *Bell*, 556 U. S. 180, 192 (2009) (quoting *Herrera* v. *Collins*, 506 U. S. 390, 415 (1993)). By closing the prison doors in this context, a State risks rendering this fundamental process an empty ritual.

Page Proof Pending Publication

Rehearing Denied

No. 18–8890. JONES *v.* SMITH, WARDEN, ET AL., 588 U. S. 911;

No. 18–8901. JONES *v.* GOODWIN, JUDGE, CRIMINAL COURT FOR SULLIVAN COUNTY, TENNESSEE, 588 U. S. 911;

No. 18–8972. JOINER *v.* SUTTON, WARDEN, 587 U. S. 1056;

No. 18–9024. LITTLES *v.* FLORIDA, 587 U. S. 1045;

No. 18–9389. SHIELDS *v.* KLEIN, 589 U. S. 1008; and

No. 19–5405. WILLIAMS *v.* UNITED STATES ET AL., 589 U. S. 1010. Petitions for rehearing denied.

NOVEMBER 5, 2019

Dismissal Under Rule 46

No. 19–6111. KHAN *v.* UNITED STATES. C. A. 11th Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 928 F. 3d 1264.

NOVEMBER 8, 2019

Certiorari Granted

No. 19–46. UNITED STATES PATENT AND TRADEMARK OFFICE ET AL. *v.* BOOKING.COM B. V. C. A. 4th Cir. Certiorari granted. Reported below: 915 F. 3d 171.

NOVEMBER 12, 2019

Certiorari Granted—Vacated and Remanded

No. 19–5501. WOODBERRY *v.* UNITED STATES. C. A. 4th 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 *Rehaif* v. *United States*, 588 U. S. 225 (2019). Reported below: 756 Fed. Appx. 319.

Certiorari Dismissed

No. 19–5863. BITON *v.* UNITED AIRLINES 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. Reported below: 771 Fed. Appx. 147.

No. 19–5881. ARMSTRONG *v.* VIRGINIA ET AL.;
No. 19–5886. ARMSTRONG *v.* NORTH CAROLINA ET AL.; and
No. 19–5887. ARMSTRONG *v.* DOE. C. A. 4th Cir. Motions of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

Page Proof Pending Publication

No. 19–5984. JONES *v.* BONNYMAN 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. 19–6138. WHITE *v.* UNITED STATES. 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. 19–6182. CATERBONE *v.* UNITED STATES. 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. 18–916. THRYV, INC., FKA DEX MEDIA, INC. *v.* CLICK-TO-CALL TECHNOLOGIES, LP, ET AL. [Certiorari granted *sub nom. Dex Media, Inc.* v. Click-To-Call Technologies, LP, 588 U. S. 905.] C. A. Fed. Cir. Motion of the Solicitor General for divided argument granted.

No. 18–1023. MAINE COMMUNITY HEALTH OPTIONS *v.* UNITED STATES;

No. 18–1028. MODA HEALTH PLAN, INC. *v.* UNITED STATES; and BLUE CROSS BLUE SHIELD OF NORTH CAROLINA *v.* UNITED STATES; and

No. 18–1038. LAND OF LINCOLN MUTUAL HEALTH INSURANCE CO. *v.* UNITED STATES. C. A. Fed. Cir. [Certiorari granted, 588 U. S. 905.] Motion of petitioners for enlargement of time for oral argument and for divided argument denied.

No. 18–1116. INTEL CORPORATION INVESTMENT POLICY COMMITTEE ET AL. *v.* SULYMA. C. A. 9th Cir. [Certiorari granted, 587 U. S. 1050.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 18–6943. BANISTER *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. [Certiorari granted, 588 U. S. 905.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 18–9730. LEPRE *v.* PENNSYLVANIA ET AL. C. A. 3d Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [589 U. S. 905] denied.

Page Proof Pending Publication

No. 18–9750. CURRY *v.* LOPEZ, ASSOCIATE JUDGE, CIRCUIT COURT OF ILLINOIS, COOK COUNTY, ET AL. C. A. 7th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [589 U. S. 913] denied.

No. 19–5843. RUBANG *v.* GALLAGHER BASSETT SERVICES, INC., ET AL. C. A. 9th Cir.; and

No. 19–5958. HELM *v.* HAUSER. Ct. App. Tex., 4th Dist. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until December 3, 2019, 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. 19–6317. IN RE SHIPMAN. Petition for writ of habeas corpus denied.

No. 19–449. IN RE EZOR;

No. 19–5873. IN RE KAUL;

No. 19–5901. IN RE HAMILTON;

No. 19–6121. IN RE STASZAK; and

No. 19–6227. IN RE WILLIAMS. Petitions for writs of mandamus denied.

No. 19–6258. IN RE CASTEEL. 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. 19–6169. IN RE BRAWNER. Petition for writ of mandamus and/or prohibition denied.

Certiorari Denied

No. 18–1139. BNSF RAILWAY CO. *v.* EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. C. A. 9th Cir. Certiorari denied. Reported below: 902 F. 3d 916.

No. 18–1400. E. V. *v.* ROBINSON, LIEUTENANT COLONEL, U. S. MARINE CORPS, MILITARY JUDGE. C. A. 9th Cir. Certiorari denied. Reported below: 906 F. 3d 1082.

No. 18–9424. EADY *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

Page Proof Pending Publication

No. 18–9532. BRAY *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 774.

No. 18–9692. WHITE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 757 Fed. Appx. 405.

No. 18–9794. VALLEJO *v.* TEXAS. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 19–23. ROCKWOOD CASUALTY INSURANCE CO. *v.* DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, DEPARTMENT OF LABOR, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 917 F. 3d 1198.

No. 19–99. NORTHERN KENTUCKY AREA DEVELOPMENT DISTRICT *v.* SNYDER. Sup. Ct. Ky. Certiorari denied. Reported below: 570 S. W. 3d 531.

No. 19–131. KNIGHTON *v.* CEDARVILLE RANCHERIA OF NORTHERN PAIUTE INDIANS ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 922 F. 3d 892.

No. 19–154. ZAFER CONSTRUCTION CO. *v.* ARMY CORPS OF ENGINEERS. C. A. Fed. Cir. Certiorari denied. Reported below: 753 Fed. Appx. 909.

No. 19–164. SAMARRIPA ET AL. *v.* KIZZIAH, WARDEN, ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 917 F. 3d 515.

No. 19–168. REMINGTON ARMS CO., LLC, ET AL. *v.* SOTO, ADMINISTRATRIX OF THE ESTATE OF SOTO, ET AL. Sup. Ct. Conn. Certiorari denied. Reported below: 331 Conn. 53, 202 A. 3d 262.

No. 19–178. LAUL *v.* LOS ALAMOS NATIONAL LABORATORIES. C. A. 10th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 434.

No. 19–191. PAGE *v.* HICKS ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 514.

No. 19–259. MARON PICTURES LTD. *v.* EIGEN ET AL. Ct. App. Cal., 2d App. Dist., Div. 8. Certiorari denied.

No. 19–299. G. D. P. *v.* N. G. P. Sup. Jud. Ct. Me. Certiorari denied.

Page Proof Pending Publication

No. 19–300. MAZE, CIRCUIT JUDGE *v.* KENTUCKY JUDICIAL CONDUCT COMMISSION. Sup. Ct. Ky. Certiorari denied. Reported below: 575 S. W. 3d 204.

No. 19–302. BORNEMANN *v.* KEKONA, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF KEKONA, DECEASED. Int. Ct. App. Haw. Certiorari denied.

No. 19–303. RODRIGUEZ BAUTISTA *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 19–314. CHIU *v.* JUI-CHIEN LIN. Ct. App. Cal., 2d App. Dist., Div. 2. Certiorari denied.

No. 19–317. GOKOOL *v.* OKLAHOMA CITY UNIVERSITY. C. A. 10th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 894.

No. 19–319. CRUICKSHANK-WALLACE ET VIR *v.* CNA FINANCIAL CORP. ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 769 Fed. Appx. 77.

No. 19–355. KOHLBERG VENTURES, LLC *v.* WOJCIECHOWSKI. C. A. 9th Cir. Certiorari denied. Reported below: 923 F. 3d 685.

No. 19–365. BARTH *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 19–378. LAM ET AL. *v.* CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA, ET AL.;

No. 19–379. LAM ET AL. *v.* CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA, ET AL.; and

No. 19–380. LAM ET AL. *v.* CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 763 Fed. Appx. 619.

No. 19–429. HUNTER *v.* UNITED STATES ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 329.

No. 19–437. PATERNO *v.* CITY OF NEW YORK ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 781 Fed. Appx. 15.

No. 19–456. BUNCICH *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 926 F. 3d 361.

Page Proof Pending Publication

No. 19–479. KAM *v.* PEYTON. C. A. 5th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 784.

No. 19–480. HANKINS ET AL. *v.* SEIFMAN ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 768 Fed. Appx. 304.

No. 19–5125. GALLEGOS-LOPEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 745 Fed. Appx. 679.

No. 19–5206. SAWICKY *v.* AMC NETWORKS INC. C. A. 9th Cir. Certiorari denied. Reported below: 753 Fed. Appx. 501.

No. 19–5460. ORTEGA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 730.

No. 19–5489. AQUART *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 912 F. 3d 1.

No. 19–5491. WOODS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 19–5493. TAYLOR *v.* OREGON. Sup. Ct. Ore. Certiorari denied. Reported below: 364 Ore. 364, 434 P. 3d 331.

No. 19–5737. BURNAM *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 195 A. 3d 1022.

No. 19–5839. MAYS *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 19–5845. THOMAS *v.* SLUSHER ET AL. C. A. 6th Cir. Certiorari denied.

No. 19–5849. ELYAS *v.* JOHNSTON ET AL. Ct. App. Mich. Certiorari denied.

No. 19–5862. ALBERTO RAMIREZ *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 756 Fed. Appx. 463.

No. 19–5864. JONES *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2018 IL App (1st) 160045–U.

No. 19–5867. KRASNY *v.* KRASNY. Super. Ct. N. J., Chan. Div. Certiorari denied.

No. 19–5885. COLLINS *v.* GONZALEZ ET AL. Ct. App. Cal., 2d App. Dist., Div. 5. Certiorari denied.

Page Proof Pending Publication

No. 19–5892. TITUS ET UX. *v.* ALAEDDIN ET AL. App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 2018 IL App (3d) 170400, 118 N. E. 3d 707.

No. 19–5893. PFEIFFER *v.* MASSACHUSETTS. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 482 Mass. 110, 121 N. E. 3d 1130.

No. 19–5894. BENTLEY *v.* HORTON, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–5896. DINNERSTEIN *v.* BURLINGTON COUNTY COLLEGE. C. A. 3d Cir. Certiorari denied. Reported below: 764 Fed. Appx. 214.

No. 19–5899. HOUSE ET UX. *v.* EGLAND ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–5902. MISTER *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. Sup. Ct. Ark. Certiorari denied. Reported below: 2019 Ark. 187, 575 S. W. 3d 410.

No. 19–5903. OGDEN *v.* DIGITAL INTELLIGENCE SYSTEMS. Ct. App. Ariz. Certiorari denied.

No. 19–5906. TAEBEL *v.* DUCEY, GOVERNOR OF ARIZONA, ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–5915. VARNAUSKAS *v.* ILLINOIS. App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 2018 IL App (3d) 150654, 117 N. E. 3d 424.

No. 19–5916. MATIAS TORRES *v.* DIAZ, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 19–5939. MONTERO *v.* TULSA AIRPORT IMPROVEMENTS TRUST. C. A. 10th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 439.

No. 19–5960. BANE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 119.

No. 19–5977. DALTON *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 7 Cal. 5th 166, 441 P. 3d 283.

No. 19–6005. MALONE *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 281.

Page Proof Pending Publication

No. 19–6017. CORDERO *v.* GUZMAN ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 784.

No. 19–6034. CASTILLO *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 772 Fed. Appx. 11.

No. 19–6036. DOMINGUEZ-CALDERON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 178.

No. 19–6038. BATEMAN *v.* MISSISSIPPI. Ct. App. Miss. Certiorari denied. Reported below: 267 So. 3d 793.

No. 19–6089. SIGNORE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 780 Fed. Appx. 685.

No. 19–6104. PEARSON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 687.

No. 19–6107. LEDBETTER *v.* UNITED STATES;
No. 19–6155. USSURY *v.* UNITED STATES; and
No. 19–6176. HARRIS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 929 F. 3d 338.

No. 19–6115. AGUIRRE-GANCEDA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 403.

No. 19–6116. EVANS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 924 F. 3d 21.

No. 19–6119. SAINMELUS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 786 Fed. Appx. 893.

No. 19–6123. GONZALES *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–6124. HILL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 195.

No. 19–6127. VILLALONA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–6128. MCCARTHREN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 707 Fed. Appx. 951.

No. 19–6131. ESTELL *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 924 F. 3d 1291.

Page Proof Pending Publication

No. 19–6132. CHAVEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 19–6135. TOWNSEND *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–6141. JOSE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 780 Fed. Appx. 464.

No. 19–6142. LEONE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 19–6143. SCOTT *v.* BEASLEY, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 19–6144. SMITH *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 921 F. 3d 708.

No. 19–6146. ROSARIO-RIVERA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 19–6149. WILLIAMS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 568.

No. 19–6150. CUTLER *v.* ILLINOIS. App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 2018 IL App (4th) 150846–U.

No. 19–6159. WOMACK *v.* WINDSOR ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 415.

No. 19–6162. TERRY *v.* SWIFT TRANSPORTATION. C. A. 4th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 245.

No. 19–6164. MCCAIN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 510.

No. 19–6177. FLORES *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 929 F. 3d 443.

No. 19–6178. GONZALEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 228.

No. 19–6179. FELIX-HERAS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 762 Fed. Appx. 404.

No. 19–6185. SMILEY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 750 Fed. Appx. 226.

No. 19–6187. KAISER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 441.

Page Proof Pending Publication

No. 19–6188. HERRIN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 19–6196. MONSEGUE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–6197. REYNOLDS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 19–6201. STERLING *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–6202. RODRIGUEZ-SANTANA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 19–6205. NAVARRETE-FELIX *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 775 Fed. Appx. 392.

No. 19–6208. LUSSIER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 19–6209. HUDSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 19–6217. HALL *v.* DEPARTMENT OF VETERANS AFFAIRS. C. A. 4th Cir. Certiorari denied. Reported below: 748 Fed. Appx. 572.

No. 19–6221. BROWN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 19–6224. PHILONG HUYNH *v.* BRENNAN, POSTMASTER GENERAL. C. A. D. C. Cir. Certiorari denied. Reported below: 773 Fed. Appx. 4.

No. 19–6225. HALL *v.* ANDREWS. C. A. 4th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 130.

No. 19–6232. NEIHEISEL *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 935.

No. 19–6234. MELTON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 761 Fed. Appx. 171.

No. 19–6238. TAYLOR *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 346.

No. 19–6240. NORRIS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–6241. PETRUK *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 929 F. 3d 952.

No. 19–6242. PINEDA PENALOZA *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 784 Fed. Appx. 341.

No. 19–6253. STREGE *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 19–6255. REDD *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 776 Fed. Appx. 112.

No. 19–6256. SIMON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 19–6266. JONES *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 781 Fed. Appx. 573.

No. 19–315. GLENN *v.* MOSS ET AL. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 760 Fed. Appx. 589.

No. 19–6189. BROWN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

Rehearing Denied

No. 18–9683. HANGO *v.* BARR, ATTORNEY GENERAL, 589 U. S. 959. Petition for rehearing denied.

No. 18–9111. NOSAIR *v.* UNITED STATES, 587 U. S. 1047. Motion for leave to file petition for rehearing denied.

NOVEMBER 13, 2019

Certiorari Denied

No. 19–6570 (19A520). CROMARTIE *v.* SHEALY 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, denied. Certiorari denied. Reported below: 941 F. 3d 1244.

No. 19–6604 (19A534). CROMARTIE *v.* FORD, 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. Reported below: 795 Fed. Appx. 663.

Page Proof Pending Publication

NOVEMBER 15, 2019

Dismissals Under Rule 46

No. 19–371. STEPHEN S. WISE TEMPLE *v.* SU. Ct. App. Cal., 2d App. Dist., Div. 3. Certiorari dismissed under this Court's Rule 46.1. Reported below: 32 Cal. App. 5th 1159, 244 Cal. Rptr. 3d 546.

No. 19–5579. ECCLESTON *v.* UNITED STATES. C. A. 10th Cir. Certiorari dismissed under this Court's Rule 46.

No. 19–5580. IN RE ECCLESTON. Petition for writ of mandamus dismissed under this Court's Rule 46.

Certiorari Granted

No. 19–373. WALKER *v.* UNITED STATES. C. A. 6th Cir. Certiorari granted. Reported below: 769 Fed. Appx. 195.

No. 18–956. GOOGLE LLC *v.* ORACLE AMERICA, INC. C. A. Fed. Cir. Motion of 78 Computer Scientists for leave to file brief

as *amici curiae* granted. Certiorari granted. Reported below: 886 F. 3d 1179.

No. 19–108. UNITED STATES *v.* BRIGGS; and

No. 19–184. UNITED STATES *v.* COLLINS; and UNITED STATES *v.* DANIELS. C. A. Armed Forces. Certiorari granted, cases consolidated, and a total of one hour is allotted for oral argument. Reported below: No. 19–108, 78 M. J. 289; No. 19–184, 78 M. J. 415 (first judgment) and 79 M. J. 199 (second judgment).

NOVEMBER 18, 2019

Certiorari Dismissed

No. 19–5940. PETERS *v.* YOUNG SUN KIM. C. A. 7th 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. 19M63. MOORE *v.* CARR, ATTORNEY GENERAL OF GEORGIA;

No. 19M64. WOJNAROWSKI *v.* MAHALLY, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT DALLAS, ET AL.; and

Page Proof Pending Publication

No. 19M65. MALACHOWSKI *v.* UNITED STATES. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 18–1109. MCKINNEY *v.* ARIZONA. Sup. Ct. Ariz. [Certiorari granted, 587 U. S. 1050.] Motion of Criminal Justice Legal Foundation for enlargement of time for oral argument, for leave to participate in oral argument as *amicus curiae*, and for divided argument denied.

No. 18–1323. JUNE MEDICAL SERVICES L. L. C. ET AL. *v.* GEE, SECRETARY, LOUISIANA DEPARTMENT OF HEALTH AND HOSPITALS; and

No. 18–1460. GEE, SECRETARY, LOUISIANA DEPARTMENT OF HEALTH AND HOSPITALS *v.* JUNE MEDICAL SERVICES L. L. C. ET AL. C. A. 5th Cir. [Certiorari granted, 588 U. S. 948.] Motion of petitioners for leave to file the joint appendix pursuant to this Court's Rule 33.2 with one volume under seal granted.

No. 19–5213. ARMSTRONG *v.* UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA. C. A. 3d Cir.

Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [589 U. S. 907] denied. JUSTICE ALITO took no part in the consideration or decision of this motion.

No. 19–5519. WEEKS *v.* LEWIS, WARDEN. C. A. 8th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [589 U. S. 909] denied.

No. 19–5967. THOMAS *v.* NEVADA. Sup. Ct. Nev. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until December 9, 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.

No. 19–5980. IN RE SANG HING WONG. Petition for writ of mandamus denied.

No. 18–9582. IN RE ZIMMERMANN. Petition for writ of mandamus and/or prohibition denied.

Certiorari Denied

Page Proof Pending Publication

No. 18–1424. THOMAS *v.* ANDERSON ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 912 F. 3d 971.

No. 18–9337. BARNES *v.* WORKERS' COMPENSATION APPEALS BOARD ET AL. C. A. 9th Cir. Certiorari denied.

No. 18–9665. HERNANDEZ-DELGADO *v.* CALIFORNIA. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 18–9687. LUCIO-GARZA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 762 Fed. Appx. 190.

No. 18–9744. QUINN *v.* VANNOY, WARDEN. Sup. Ct. La. Certiorari denied. Reported below: 2018–1103 (La. 3/18/19), 265 So. 3d 760.

No. 19–68. UNITY HEALTHCARE *v.* AZAR, SECRETARY OF HEALTH AND HUMAN SERVICES. C. A. 8th Cir. Certiorari denied. Reported below: 918 F. 3d 571.

No. 19–197. BEHM *v.* MONTANA-DAKOTA UTILITIES CO. Sup. Ct. N. D. Certiorari denied. Reported below: 2019 ND 139, 927 N. W. 2d 865.

No. 19–253. STRAIGHT PATH IP GROUP, LLC *v.* APPLE INC. ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 748 Fed. Appx. 1027.

No. 19–279. JOHNSON *v.* NEW DESTINY CHRISTIAN CENTER CHURCH, INC., ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 991.

No. 19–289. COUNTY OF SAN DIEGO, CALIFORNIA, ET AL. *v.* SOLER. C. A. 9th Cir. Certiorari denied. Reported below: 762 Fed. Appx. 383.

No. 19–332. DAVIS ET AL. *v.* BANK OF AMERICA CORP. ET AL. C. A. 7th Cir. Certiorari denied.

No. 19–335. CHAWLA *v.* APPEALS COURT OF MASSACHUSETTS. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 482 Mass. 1001, 120 N. E. 3d 326.

No. 19–339. SONNIER *v.* CATHOLIC FOUNDATION OF THE DIOCESE OF LAFAYETTE ET AL. Ct. App. La., 3d Cir. Certiorari denied. Reported below: 2018–289 (La. App. 3 Cir. 12/27/18), 261 So. 3d 965.

Page Proof Pending Publication

No. 19–340. EBERT *v.* DEJORIA ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 922 F. 3d 690.

No. 19–342. MCCAFFREY *v.* CHAPMAN ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 921 F. 3d 159.

No. 19–354. EASTERDAY *v.* ESTATE OF EASTERDAY. Sup. Ct. Pa. Certiorari denied. Reported below: 653 Pa. 143, 209 A. 3d 331.

No. 19–356. ROBINSON *v.* ROBINSON. Ct. App. Colo. Certiorari denied.

No. 19–362. JONES *v.* JONES. Ct. App. Cal., 5th App. Dist. Certiorari denied. Reported below: 18–589 (La. App. 5 Cir. 1/30/19), 265 So. 3d 957.

No. 19–363. NASH *v.* NASH ET AL. Ct. App. Ark. Certiorari denied. Reported below: 2019 Ark. App. 173, 574 S. W. 3d 171.

No. 19–375. NEWMAN *v.* YORK, AS PERSONAL REPRESENTATIVE, ET AL. Ct. App. Ind. Certiorari denied. Reported below: 119 N. E. 3d 238.

No. 19–383. RAIMONDO *v.* HOOD, CHIEF JUDGE, UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN, ET AL. C. A. 8th Cir. Certiorari denied.

No. 19–384. TAYLOR *v.* CITY OF SHERMAN, TEXAS, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 250.

No. 19–390. JAMES ET AL. *v.* HUNT ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 782 Fed. Appx. 968.

No. 19–396. SIMON *v.* DEPARTMENT OF JUSTICE ET AL. C. A. 1st Cir. Certiorari denied.

No. 19–397. LEVY *v.* BASF METALS LTD. ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 917 F. 3d 106 and 755 Fed. Appx. 29.

No. 19–408. NEHRKE *v.* WELLS FARGO BANK, N. A. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 273 So. 3d 998.

No. 19–424. JAMES *v.* MICHIGAN. Ct. App. Mich. Certiorari denied. Reported below: 326 Mich. App. 98, 931 N. W. 2d 50.

Page Proof Pending Publication

No. 19–443. KINNEY *v.* GUTIERREZ, JUDGE, UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA. C. A. 9th Cir. Certiorari denied.

No. 19–444. HOCH *v.* MBI ENERGY SERVICES. C. A. 8th Cir. Certiorari denied. Reported below: 929 F. 3d 506.

No. 19–489. HUTCHINS *v.* UNITED STATES. C. A. Armed Forces. Certiorari denied. Reported below: 78 M. J. 437.

No. 19–491. KUMAR *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 420.

No. 19–495. SHKRELI *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 779 Fed. Appx. 38.

No. 19–499. POSADA *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 930 F. 3d 881.

No. 19–535. FLOWERS *v.* CONNECTICUT LIGHT & POWER CO. C. A. 2d Cir. Certiorari denied. Reported below: 774 Fed. Appx. 33.

No. 19–5085. LEE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 777 Fed. Appx. 345.

No. 19–5089. GANDY *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 917 F. 3d 1333.

No. 19–5171. SALDANO *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 759 Fed. Appx. 276.

No. 19–5182. LOYOLA-VILLEGAS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 53.

No. 19–5512. GREEN *v.* BECKWITH, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 158.

No. 19–5553. ROY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 85.

No. 19–5570. BARTON *v.* STRANGE, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 19–5914. LASHER *v.* STAVIS ET AL. C. A. 2d Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–5925. RHODES *v.* SWARTH ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–5927. RIVERA *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 7 Cal. 5th 306, 441 P. 3d 359.

No. 19–5934. MERRYMAN *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 781 Fed. Appx. 325.

No. 19–5935. BROWN *v.* CIVIL SERVICE COMMISSION. Ct. App. Mich. Certiorari denied.

No. 19–5937. JOHNSON *v.* CREDIT ONE BANK ET AL. Cir. Ct. Prince George's County, Md. Certiorari denied.

No. 19–5945. SAMPSON *v.* GARRETT ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 917 F. 3d 880.

No. 19–5947. KENNEDY *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–5950. MEDINA-MARTINEZ *v.* ARIZONA. Ct. App. Ariz. Certiorari denied.

No. 19–5952. GORDON *v.* LEE ET AL. C. A. 5th Cir. Certiorari denied.

No. 19–5957. HAYNES *v.* RIVERSIDE PRESBYTERIAN APARTMENTS. Super. Ct. Pa. Certiorari denied. Reported below: 198 A. 3d 457.

No. 19–5965. HILL *v.* WASHINGTON. Ct. App. Wash. Certiorari denied. Reported below: 7 Wash. App. 2d 1027.

No. 19–5972. ROBINSON *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 19–5973. SHEPPARD *v.* TEXAS (two judgments). Ct. App. Tex., 3d Dist. Certiorari denied.

No. 19–5978. CHANCELLOR *v.* SELECT PORTFOLIO SERVICING, INC., ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 762 Fed. Appx. 336.

Page Proof Pending Publication

No. 19–5985. CARBALLO *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–5987. BROWN *v.* WASHINGTON. Sup. Ct. Wash. Certiorari denied. Reported below: 193 Wash. 2d 280, 440 P. 3d 962.

No. 19–5991. WHITE *v.* ARANAS ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 776.

No. 19–5994. BROWNLEE *v.* CALIFORNIA. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 19–5997. WILLIAMS *v.* MASSACHUSETTS. Super. Ct. Mass., Middlesex County. Certiorari denied.

No. 19–6000. KELLEY *v.* ILLINOIS. App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 2019 IL App (4th) 160598, 133 N. E. 3d 641.

No. 19–6001. PACKER *v.* CAPOZZA, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FAYETTE, ET AL. C. A. 3d Cir. Certiorari denied.

No. 19–6004. TAYLOR *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS. C. A. 5th Cir. Certiorari denied.

No. 19–6007. DELIMA *v.* MASSACHUSETTS ET AL. C. A. 1st Cir. Certiorari denied.

No. 19–6013. DANIEL *v.* T&M PROTECTION RESOURCES, LLC. C. A. 2d Cir. Certiorari denied. Reported below: 771 Fed. Appx. 123.

No. 19–6026. SIMON *v.* CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–6028. LANE *v.* NADING ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 927 F. 3d 1018.

No. 19–6040. WEEMS *v.* BAYLOR SCOTT & WHITE MEDICAL CENTER-HILLCREST. Sup. Ct. Tex. Certiorari denied. Reported below: 575 S. W. 3d 357.

No. 19–6051. WHITFIELD *v.* BROOKHART, WARDEN. C. A. 7th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–6080. MARCUS H. *v.* CONNECTICUT. App. Ct. Conn. Certiorari denied. Reported below: 190 Conn. App. 332, 210 A. 3d 607.

No. 19–6085. AMODEO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 916 F. 3d 967.

No. 19–6102. MOORE *v.* ASUNCION, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 19–6109. MATA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 19–6117. IGNACIO ESTRADA *v.* BITER, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 1041.

No. 19–6133. COCHRAN *v.* MARYLAND. Ct. Sp. App. Md. Certiorari denied. Reported below: 218 Md. App. 743.

No. 19–6160. CASWELL *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 171 App. Div. 3d 1572, 97 N. Y. S. 3d 546.

No. 19–6167. SAUNDERS *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 201 A. 3d 857.

No. 19–6211. CLARK *v.* GWYN ET AL. Ct. App. Tenn. Certiorari denied.

No. 19–6231. CHAPMAN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 708 Fed. Appx. 126.

No. 19–6243. PATRICK *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied.

No. 19–6244. WILLIAMS *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. Sup. Ct. Va. Certiorari denied.

No. 19–6254. SHANAHAN *v.* IDAHO. Sup. Ct. Idaho. Certiorari denied. Reported below: 165 Idaho 343, 445 P. 3d 152.

No. 19–6262. YOUNG *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 19–6267. GOYNES *v.* NEBRASKA. Sup. Ct. Neb. Certiorari denied. Reported below: 303 Neb. 129, 927 N. W. 2d 346.

Page Proof Pending Publication

No. 19–6268. GRIMON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 923 F. 3d 1302.

No. 19–6269. ROMERO MARTINEZ *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 712.

No. 19–6270. ODELL *v.* MINNESOTA. Sup. Ct. Minn. Certiorari denied. Reported below: 931 N. W. 2d 103.

No. 19–6272. LARA-BONILLA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 406.

No. 19–6275. JONES *v.* MASSACHUSETTS. Sup. Jud. Ct. Mass. Certiorari denied.

No. 19–6276. WILSON *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 4. Certiorari denied. Reported below: 33 Cal. App. 5th 559, 245 Cal. Rptr. 3d 256.

No. 19–6278. SPANGLE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 19–6280. SOTO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 472.

No. 19–6283. SCOTT *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied.

No. 19–6284. CABRERA-COSME *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 19–6292. MUHAMMAD *v.* TAYLOR ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 815.

No. 19–6295. FLORES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 107.

No. 19–6301. JENKINS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 19–6305. SORIANO NUNEZ *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 928 F. 3d 240.

No. 19–6307. ORECKINTO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 774 Fed. Appx. 698.

No. 19–6309. BAGWELL *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 899.

Page Proof Pending Publication

No. 19–6310. VELASQUEZ PEREZ *v.* DIAZ PALENCIA. C. A. 11th Cir. Certiorari denied. Reported below: 921 F. 3d 1333.

No. 19–6311. BOYLEN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 19–6312. SMITH *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–6313. SMITH *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 930 F. 3d 978.

No. 19–6315. STAHLMAN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 934 F. 3d 1199.

No. 19–6331. DELANCY *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 256 So. 3d 940.

No. 19–6334. ARELLANO-BANUELOS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 927 F. 3d 355.

No. 19–6335. BALAGIA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 19–6338. NELSON *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 2d Cir. Certiorari denied.

No. 19–6341. STAGNER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 782 Fed. Appx. 823.

No. 19–6353. BULUC, AKA CELIBI *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 930 F. 3d 383.

No. 19–6364. DUFFY, AKA DUFFY-CARRASCO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 947.

No. 19–6384. JACQUES *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 18–9201. AMERSON ET AL. *v.* UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF COLORADO. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 710 Fed. Appx. 789.

No. 19–16. PEITHMAN ET AL. *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 917 F. 3d 635.

Page Proof Pending Publication

JUSTICE SOTOMAYOR, dissenting.

In *Honeycutt* v. *United States*, 581 U. S. 443 (2017), this Court held that joint-and-several liability is not permitted under 98 Stat. 2045, 21 U. S. C. §853(a)(1), which mandates forfeiture of "'property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of'" certain drug crimes. 581 U. S., at 445. The Court of Appeals for the Third Circuit has since held that the reasoning of *Honeycutt* "appl[ies] with equal force" to 18 U. S. C. §981(a)(1)(C), which is worded almost identically to 21 U. S. C. §853(a)(1). *United States* v. *Gjeli*, 867 F. 3d 418, 428 (2017).

In this case, the Court of Appeals for the Eighth Circuit reached a contrary conclusion. 917 F. 3d 635, 652–653 (2019). It upheld a joint-and-several forfeiture order against petitioners under §981(a)(1)(C), reasoning that *Honeycutt* does not apply to that provision. See 917 F. 3d, at 652–653. The Government now concedes error. According to the Government, there is no "distinguishing 18 U. S. C. 981 from 21 U. S. C. 853 for purposes of joint and several liability." Brief in Opposition 6; see also *id.*, at 10 ("[T]he government has agreed that *Honeycutt*'s reasoning applies to Section 981(a)(1)(C)"). Nevertheless, the Government

maintains that there is an independent ground for the imposition of joint-and-several liability under § 981(a)(1)(C). See *id.*, at 6–9. The Eighth Circuit, however, never addressed that proffered alternative ground for affirmance.

Because the Government now concedes that the rationale of *Honeycutt* applies equally to § 981(a)(1)(C) as it does to § 853(a)(1), I would grant the petition for certiorari, vacate the judgment below, and remand the case to allow the Eighth Circuit to reconsider its decision in light of the Government's concession.

No. 19–239. BENZON, WARDEN *v.* KELL. C. A. 10th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 925 F. 3d 448.

No. 19–498. ROGERS *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 768 Fed. Appx. 862.

No. 19–5942. LAY *v.* OKLAHOMA DEPARTMENT OF CORRECTIONS ET AL. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 746 Fed. Appx. 777.

Not Yet Final Printing Publication

No. 19–6293. KNOWLES *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. JUSTICE KAVANAUGH took no part in the consideration or decision of this petition. Reported below: 921 F. 3d 263.

Rehearing Denied

No. 18–1536. COX *v.* OLD REPUBLIC NATIONAL TITLE INSURANCE CO. ET AL., 589 U. S. 925;

No. 18–9045. ROBINSON *v.* JOHNSON, ADMINISTRATOR, NEW JERSEY STATE PRISON, 589 U. S. 933;

No. 18–9246. BRYANT *v.* DEPARTMENT OF EDUCATION ET AL., 589 U. S. 939;

No. 18–9401. JONES *v.* KENTUCKY ET AL., 589 U. S. 945;

No. 18–9538. HEAD *v.* UNITED STATES, 589 U. S. 952;

No. 18–9561. IN RE STEWART, 589 U. S. 914;

No. 18–9829. WILMORE *v.* UNITED STATES, 589 U. S. 967;

No. 19–104. TAMEZ *v.* UNITED STATES, 589 U. S. 972;

No. 19–143. GOSSAGE *v.* MERIT SYSTEMS PROTECTION BOARD, 589 U. S. 974;

No. 19–5119. ARUCAN *v.* CAMBRIDGE EAST HEALTHCARE CENTER ET AL., 589 U. S. 983;

No. 19–5199. ROBERSON *v.* ROWLETT POLICE DEPARTMENT ET AL., 589 U. S. 988;

No. 19–5285. MEIER *v.* BERGER ET AL., 589 U. S. 992;

No. 19–5292. JOSEPH *v.* FLORIDA, 589 U. S. 993;

No. 19–5295. IN RE CHARLES, 589 U. S. 915;

No. 19–5416. WILSON *v.* APEX REPORTING GROUP, INC., ET AL., 589 U. S. 998; and

No. 19–5661. ROBINSON *v.* WARDEN, FEDERAL CORRECTIONAL INSTITUTION, FORT DIX, ET AL., 589 U. S. 1005. Petitions for rehearing denied.

No. 18–9255. RAM *v.* UNITED STATES, 587 U. S. 1068. Motion for leave to file petition for rehearing denied.

No. 18–9490. BROWN *v.* UNITED STATES, 589 U. S. 1009. Petition for rehearing denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

NOVEMBER 22, 2019

Certiorari Granted

Page Proof Pending Publication

No. 19–71. TANZIN ET AL. *v.* TANVIR ET AL. C. A. 2d Cir. Certiorari granted. Reported below: 894 F. 3d 449.

NOVEMBER 25, 2019

Certiorari Granted—Vacated and Remanded. (See also *Thompson* v. *Hebdon*, 589 U. S. 1 (2019) (*per curiam*).)

No. 19–151. UNITED STATES *v.* WALTON. C. A. 5th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Quarles* v. *United States*, 587 U. S. 645 (2019). Reported below: 743 Fed. Appx. 552.

No. 19–6016. CHANCE *v.* UNITED STATES. C. A. 11th 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 *United States* v. *Davis*, 588 U. S. 445 (2019). Reported below: 769 Fed. Appx. 893.

No. 19–6033. JOHNSON *v.* UNITED STATES. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case re-

manded for further consideration in light of *Rehaif* v. *United States*, 588 U. S. 225 (2019). Reported below: 920 F. 3d 628.

Certiorari Dismissed

No. 19–6193. SMITH *v.* UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA. 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: 770 Fed. Appx. 76.

No. 19–6401. VIOLA *v.* UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK. 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.

Miscellaneous Orders

No. 19A545. TRUMP ET AL. *v.* MAZARS USA, LLP, ET AL. Application for stay of mandate, presented to THE CHIEF JUSTICE, and by him referred to the Court, granted. Issuance of the mandate of the United States Court of Appeals for the District of Columbia Circuit, case No. 19–5142, is stayed pending the filing and disposition of a petition for writ of certiorari, if such petition is filed on or before December 5, 2019, by noon. 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 issuance of the judgment of this Court. If no petition for writ of certiorari is filed on or before December 5, 2019, by noon, the stay shall terminate.

Page Proof Pending Publication

No. 19M66. DOE *v.* UNITED STATES. Motion for leave to file petition for writ of certiorari with supplemental appendix under seal granted.

No. 19M67. LEVY GARDENS PARTNERS 2007, L. P. *v.* LEWIS TITLE CO., INC., ET AL.;

No. 19M68. JOHNSON *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.;

No. 19M69. XIAO QING LIU *v.* DECAGNA ET AL.; and

No. 19M70. KELLY *v.* UNITED STATES. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 19–5659. VIOLA *v.* TATE, WARDEN. C. A. 3d Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [589 U. S. 909] denied.

No. 19–6484. In re Steele. Petition for writ of habeas corpus denied.

No. 19–6358. In re Warren. Petition for writ of mandamus denied.

Certiorari Denied

No. 18–1592. Allstate Insurance Co. *v.* Rivera et al. C. A. 7th Cir. Certiorari denied. Reported below: 913 F. 3d 603.

No. 18–6852. Caldwell *v.* United States. C. A. 6th Cir. Certiorari denied. Reported below: 746 Fed. Appx. 518.

No. 18–9669. Chodosh et al. *v.* Palm Beach Park Assn. Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 18–9679. Harvey et ux. *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 738 Fed. Appx. 469.

No. 18–9710. Turner *v.* Louisiana. Sup. Ct. La. Certiorari denied. Reported below: 2016–1841 (La. 12/5/18), 263 So. 3d 337.

Public Proof Pending Publication

No. 18–9761. Givens *v.* Illinois. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2018 IL App (1st) 152031–U.

No. 18–9762. Insaidoo *v.* United States. C. A. 2d Cir. Certiorari denied. Reported below: 765 Fed. Appx. 522.

No. 18–9793. Gould *v.* United States. C. A. 5th Cir. Certiorari denied.

No. 19–153. Daniel, Individually and as Special Administrator of the Estate of Haughton *v.* Armslist, LLC, et al. Sup. Ct. Wis. Certiorari denied. Reported below: 2019 WI 47, 386 Wis. 2d 449, 926 N. W. 2d 710.

No. 19–169. Doe *v.* Iowa. Sup. Ct. Iowa. Certiorari denied. Reported below: 927 N. W. 2d 656.

No. 19–225. United States ex rel. Strubbe et al. *v.* Crawford County Memorial Hospital et al. C. A. 8th Cir. Certiorari denied. Reported below: 915 F. 3d 1158.

No. 19–227. Syed *v.* Maryland. Ct. App. Md. Certiorari denied. Reported below: 463 Md. 60, 204 A. 3d 139.

No. 19–228. UNITED STATES EX REL. PERRY *v.* HOOKER CREEK ASPHALT & PAVING, LLC, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 318.

No. 19–241. UMB BANK, N. A., ET AL. *v.* LANDMARK TOWERS ASSN., INC. Ct. App. Colo. Certiorari denied. Reported below: 436 P. 3d 1139.

No. 19–278. PFIZER INC. ET AL. *v.* SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES, ET AL. Ct. App. Cal., 2d App. Dist., Div. 5. Certiorari denied.

No. 19–345. JOHNSON *v.* CITY OF FERGUSON, MISSOURI, ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 926 F. 3d 504.

No. 19–360. KONIECZKO ET AL. *v.* ADVENTIST HEALTH SYSTEM/SUNBELT INC. ET AL. Sup. Ct. Fla. Certiorari denied.

No. 19–367. SMITH *v.* KANSA TECHNOLOGY, L. L. C. C. A. 5th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 143.

No. 19–370. SILVA-RAMIREZ *v.* HOSPITAL ESPANOL AUXILIO MUTUO DE PUERTO RICO, INC., ET AL. Sup. Ct. P. R. Certiorari denied.

Page Proof Pending Publication

No. 19–377. KAST *v.* ERICKSON PRODUCTIONS, INC., ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 482.

No. 19–382. TEETS *v.* GREAT-WEST LIFE & ANNUITY INSURANCE CO. C. A. 10th Cir. Certiorari denied. Reported below: 921 F. 3d 1200.

No. 19–388. KORMAN *v.* IGLESIAS. C. A. 11th Cir. Certiorari denied. Reported below: 778 Fed. Appx. 680.

No. 19–395. ALESSIO *v.* UNITED AIRLINES, INC. C. A. 6th Cir. Certiorari denied.

No. 19–405. SCHIANO, DBA HOTWIREMEDIA.COM, ET AL. *v.* FRIEDMAN ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 777 Fed. Appx. 324.

No. 19–413. ROBERT W. MAUTHE, M. D., P. C. *v.* OPTUM, INC., ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 925 F. 3d 129.

No. 19–415. Ernesto Melendez *v.* McAleenan, Acting Secretary of Homeland Security, et al. C. A. 5th Cir. Certiorari denied. Reported below: 928 F. 3d 425.

No. 19–420. Hamman *v.* University of Central Florida Board of Trustees. Sup. Ct. Fla. Certiorari denied.

No. 19–425. Ogunsula *v.* Barr, Attorney General, et al. C. A. 4th Cir. Certiorari denied. Reported below: 641 Fed. Appx. 260.

No. 19–445. Neology, Inc. *v.* International Trade Commission et al. C. A. Fed. Cir. Certiorari denied. Reported below: 767 Fed. Appx. 937.

No. 19–461. Corral Valenzuela *v.* United States. C. A. 7th Cir. Certiorari denied. Reported below: 931 F. 3d 605.

No. 19–472. City of East Cleveland, Ohio, et al. *v.* Hunt et al. Ct. App. Ohio, 8th App. Dist., Cuyahoga County. Certiorari denied. Reported below: 2019-Ohio-1115, 128 N. E. 3d 265.

Page Proof Pending Publication

No. 19–513. Mardosas *v.* Florida. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 257 So. 3d 540.

No. 19–528. Scantlebury et al. *v.* United States. C. A. D. C. Cir. Certiorari denied. Reported below: 921 F. 3d 241.

No. 19–553. Diarra *v.* City of New York, New York. C. A. 2d Cir. Certiorari denied. Reported below: 771 Fed. Appx. 69.

No. 19–5262. Knight *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 750 Fed. Appx. 604.

No. 19–5269. Gilbert *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 126.

No. 19–5274. Hill *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 915 F. 3d 669.

No. 19–5334. Valencia-Cortez *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 419.

No. 19–5351. Johnson *v.* Sperfslage. C. A. 8th Cir. Certiorari denied. Reported below: 768 Fed. Appx. 592.

No. 19–5429. BURWELL *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 763 Fed. Appx. 840.

No. 19–5437. ALEXOPOULOS *v.* GOLDSMITH, P. A., ET AL. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 264 So. 3d 163.

No. 19–5445. COLEMAN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 923 F. 3d 450.

No. 19–5645. POTTS *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 6 Cal. 5th 1012, 436 P. 3d 899.

No. 19–5676. JORDAN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 119.

No. 19–5678. BEYERS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 19–5699. GRAY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 685.

No. 19–5988. CHALMERS *v.* TENNESSEE. Ct. Crim. App. Tenn. Certiorari denied.

Page Proof Pending Publication

No. 19–5999. DELIMA *v.* YOUTUBE, INC., ET AL. C. A. 1st Cir. Certiorari denied.

No. 19–6002. MCCREA *v.* DEVAN ET AL. Ct. Sp. App. Md. Certiorari denied. Reported below: 240 Md. App. 728 and 737.

No. 19–6003. CHRISTIAN *v.* DADMUN ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 741.

No. 19–6012. ANDERSON *v.* GREENE ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 774 Fed. Appx. 694.

No. 19–6022. RODRIGUEZ *v.* HEIT ET AL. C. A. 2d Cir. Certiorari denied.

No. 19–6023. RINGLE *v.* JACKSON, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–6024. ROGERS *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 5. Certiorari denied.

No. 19–6032. LANGSTON *v.* MISSOURI BOARD OF PROBATION AND PAROLE. Ct. App. Mo., Western Dist. Certiorari denied. Reported below: 575 S. W. 3d 744.

No. 19–6043. CASH *v.* LAUGHLIN, WARDEN. Sup. Ct. Ga. Certiorari denied.

No. 19–6044. STEVENSON *v.* TND HOMES I LLC. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 482 Mass. 1006, 120 N. E. 3d 1181.

No. 19–6046. SANDERS *v.* BECK ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–6047. STOMPINGBEAR *v.* BROWN ET AL. C. A. 8th Cir. Certiorari denied.

No. 19–6061. JONES *v.* OHIO. Ct. App. Ohio, 9th App. Dist., Summit County. Certiorari denied. Reported below: 2019-Ohio-289.

No. 19–6068. SITES *v.* WEST VIRGINIA. Sup. Ct. App. W. Va. Certiorari denied. Reported below: 241 W. Va. 430, 825 S. E. 2d 758.

No. 19–6069. SKAGGS *v.* BAKER, WARDEN, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 421.

Page Proof Pending Publication

No. 19–6070. MCCLENON *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–6072. EPPELSHEIMER *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–6074. NELSON *v.* AMALGAMATED TRANSIT UNION LOCAL 1181–1061, AFL–CIO, ET AL. C. A. 2d Cir. Certiorari denied.

No. 19–6075. KELLY *v.* BISHOP, WARDEN, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 741 Fed. Appx. 939.

No. 19–6077. MORENO HERRERA *v.* DIAZ, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION. C. A. 9th Cir. Certiorari denied.

No. 19–6083. MOLINARO *v.* MOLINARO. Ct. App. Cal., 2d App. Dist., Div. 3. Certiorari denied. Reported below: 33 Cal. App. 5th 824, 245 Cal. Rptr. 3d 402.

No. 19–6101. JOHNSON *v.* SHARP, INTERIM WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 918 F. 3d 895.

No. 19–6140. GANT *v.* U. S. BANK TRUST ET AL. Super. Ct. N. J., App. Div. Certiorari denied.

No. 19–6207. HENDERSON *v.* BOTTOM, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–6279. SANCHEZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 940 F. 3d 526.

No. 19–6288. WHITLEY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 781 Fed. Appx. 176.

No. 19–6294. MATTEI *v.* MEDEIROS, SUPERINTENDENT, MASSACHUSETTS CORRECTIONAL INSTITUTION AT NORFOLK. C. A. 1st Cir. Certiorari denied.

No. 19–6297. GRAY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 780 Fed. Appx. 141.

No. 19–6308. WINDER *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 926 F. 3d 1251.

Page Proof Pending Publication

No. 19–6314. SAVOIE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 19–6316. SHELTON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 19–6318. LOCKE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 715.

No. 19–6322. MILES *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 19–6332. GLENN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 931 F. 3d 424.

No. 19–6333. ANGULO-CABRERA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 19–6340. NEUHARD *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 251.

No. 19–6345. LUCY *v.* COOKS. C. A. 11th Cir. Certiorari denied.

No. 19–6347. ALVARADO *v.* LAWRENCE, WARDEN. App. Ct. Ill., 5th Dist. Certiorari denied. Reported below: 2018 IL App (5th) 170278–U.

No. 19–6348. GRIFFIN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 329.

No. 19–6352. COON *v.* NOOTH, SUPERINTENDENT, SNAKE RIVER CORRECTIONAL INSTITUTION. C. A. 9th Cir. Certiorari denied.

No. 19–6356. LAROCK *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 794.

No. 19–6357. TURNER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 856.

No. 19–6360. PUGH *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 273 So. 3d 941.

No. 19–6362. NUNEZ *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 201 A. 3d 879.

Page Proof Pending Publication

No. 19–6368. KALINOWSKI *v.* ILLINOIS. App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 2018 IL App (4th) 170823–U.

No. 19–6373. PEPPIN *v.* WASHINGTON. Ct. App. Wash. Certiorari denied. Reported below: 4 Wash. App. 2d 1066.

No. 19–6375. GIAM NGUYEN ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 921 F. 3d 452.

No. 19–6376. SOLIS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 784 Fed. Appx. 202.

No. 19–6377. GASKIN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 782 Fed. Appx. 434.

No. 19–6378. GENTILE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 782 Fed. Appx. 559.

No. 19–6393. GAMARRA *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 940 F. 3d 1315.

No. 19–6402. VILLARREAL SILVA *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 931 F. 3d 330.

No. 19–6414. VEGA-TORRES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 783 Fed. Appx. 356.

No. 19–6419. WILSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 715.

No. 19–6455. NEDD *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 281.

No. 17–8830. PAUL *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 718 Fed. Appx. 360.

Statement of JUSTICE KAVANAUGH respecting the denial of certiorari.

I agree with the denial of certiorari because this case ultimately raises the same statutory interpretation issue that the Court resolved last Term in *Gundy* v. *United States*, 588 U. S. 128 (2019). I write separately because JUSTICE GORSUCH's scholarly analysis of the Constitution's nondelegation doctrine in his *Gundy* dissent may warrant further consideration in future cases. JUSTICE GORSUCH's opinion built on views expressed by then-Justice Rehnquist some 40 years ago in *Industrial Union Dept., AFL–CIO* v. *American Petroleum Institute*, 448 U. S. 607, 685–686 (1980) (Rehnquist, J., concurring in judgment). In that case, Justice Rehnquist opined that major national policy decisions must be made by Congress and the President in the legislative process, not delegated by Congress to the Executive Branch.

Page Proof Pending Publication

In the wake of Justice Rehnquist's opinion, the Court has not adopted a nondelegation principle for major questions. But the Court has applied a closely related statutory interpretation doctrine: In order for an executive or independent agency to exercise regulatory authority over a major policy question of great economic and political importance, Congress must either: (i) expressly and specifically decide the major policy question itself and delegate to the agency the authority to regulate and enforce; or (ii) expressly and specifically delegate to the agency the authority both to decide the major policy question and to regulate and enforce. See, *e. g.*, *Utility Air Regulatory Group* v. *EPA*, 573 U. S. 302 (2014); *FDA* v. *Brown & Williamson Tobacco Corp.*, 529 U. S. 120 (2000); *MCI Telecommunications Corp.* v. *American Telephone & Telegraph Co.*, 512 U. S. 218 (1994); Breyer, Judicial

Review of Questions of Law and Policy, 38 Admin. L. Rev. 363, 370 (1986).

The opinions of Justice Rehnquist and JUSTICE GORSUCH would not allow that second category—congressional delegations to agencies of authority to decide major policy questions—even if Congress expressly and specifically delegates that authority. Under their approach, Congress could delegate to agencies the authority to decide less-major or fill-up-the-details decisions.

Like Justice Rehnquist's opinion 40 years ago, JUSTICE GORSUCH's thoughtful *Gundy* opinion raised important points that may warrant further consideration in future cases.

No. 18–1451. NATIONAL REVIEW, INC. *v.* MANN; and

No. 18–1477. COMPETITIVE ENTERPRISE INSTITUTE ET AL. *v.* MANN. Ct. App. D. C. Motions of Southeastern Legal Foundation for leave to file briefs as *amicus curiae* granted. Certiorari denied.

JUSTICE ALITO, dissenting.

The petition in this case presents questions that go to the very heart of the constitutional guarantee of freedom of speech and freedom of the press: the protection afforded to journalists and others who use harsh language in criticizing opposing advocacy on one of the most important public issues of the day. If the Court is serious about protecting freedom of expression, we should grant review.

Page Proof Pending Publication

I

Penn State professor Michael Mann is internationally known for his academic work and advocacy on the contentious subject of climate change. As part of this work, Mann and two colleagues produced what has been dubbed the "hockey stick" graph, which depicts a slight dip in temperatures between the years 1050 and 1900, followed by a sharp rise in temperature over the last century. Because thermometer readings for most of this period are not available, Mann attempted to ascertain temperatures for the earlier years based on other data such as growth rings of ancient trees and corals, ice cores from glaciers, and cave sediment cores. The hockey stick graph has been prominently cited as proof that human activity has led to global warming. Particularly after emails from the University of East Anglia's Climate Research Unit were made public, the quality of Mann's work was called into question in some quarters.

Columnists Rand Simberg and Mark Steyn criticized Mann, the hockey stick graph, and an investigation conducted by Penn State into allegations of wrongdoing by Mann. Simberg's and Steyn's comments, which appeared in blogs hosted by the Competitive Enterprise Institute and National Review Online, employed pungent language, accusing Mann of, among other things, "misconduct," "wrongdoing," and the "manipulation" and "tortur[e]" of data. App. to Pet. for Cert. in No. 18–1451, pp. 94a, 98a (App.).

Mann responded by filing a defamation suit in the District of Columbia's Superior Court. Petitioners moved for dismissal, relying in part on the District's anti-SLAPP statute, D. C. Code § 16–5502(b) (2012), which requires dismissal of a defamation claim if it is based on speech made "in furtherance of the right of advocacy on issues of public interest" and the plaintiff cannot show that the claim is likely to succeed on the merits. The Superior Court denied the motion, and the D. C. Court of Appeals affirmed. 150 A. 3d 1213, 1247, 1249 (2016). The petition now before us presents two questions: (1) whether a court or jury must determine if a factual connotation is "provably false" and (2) whether the First Amendment permits defamation liability for expressing a subjective opinion about a matter of scientific or political controversy. Both questions merit our review.

Case Pleat Pending Publication

II

The first question is important and has divided the lower courts. See 1 R. Smolla, Law of Defamation §§ 6.61, 6.62, 6.63 (2d ed. 2019); 1 R. Sack, Defamation § 4:3.7 (5th ed. 2019). Federal courts have held that "[w]hether a communication is actionable because it contained a provably false statement of fact is a question of law." *Chambers* v. *Travelers Cos.*, 668 F. 3d 559, 564 (CA8 2012); see also, *e. g.*, *Madison* v. *Frazier*, 539 F. 3d 646, 654 (CA7 2008); *Gray* v. *St. Martin's Press, Inc.*, 221 F. 3d 243, 248 (CA1 2000); *Moldea* v. *New York Times Co.*, 15 F. 3d 1137, 1142 (CADC 1994). Some state courts, on the other hand, have held that "it is for the jury to determine whether an ordinary reader would have understood [expression] as a factual assertion." *Good Govt. Group of Seal Beach, Inc.* v. *Superior Ct. of Los Angeles Cty.*, 22 Cal. 3d 672, 682, 586 P. 2d 572, 576 (1978); see also, *e. g.*, *Aldoupolis* v. *Globe Newspaper Co.*, 398 Mass. 731, 734, 500 N. E. 2d 794, 797 (2014); *Caron* v. *Bangor Publishing Co.*, 470 A. 2d 782, 784 (Me. 1984). In this case, it appears that the D. C. Court

of Appeals has joined the latter camp, leaving it for a jury to decide whether it can be proved as a matter of fact that Mann improperly treated the data in question. See App. 29a, 52a–53a, 65a, n. 46.

Respondent does not deny the existence of a conflict in the decisions of the lower courts. See Brief in Opposition 30. Nor does he dispute the importance of the question. Instead, he argues that the D. C. Court of Appeals followed the federal rule,* but the D. C. Court of Appeals' opinion repeatedly stated otherwise. See App. 29a (asking what "a jury properly instructed on the applicable legal and constitutional standards could reasonably find"); *id.*, at 52a–53a (repeatedly describing what a jury "could find"); *id.*, at 65a, n. 46 (stating that in a case like this one, involving what it characterized as a claim of "'ordinary libel,'" "the standard is 'whether a reasonable jury *could find* that the challenged statements were false'" (emphasis in original)). This last statement is especially revealing because it appears in a footnote that was revised in response to petitioners' petition for rehearing, see *id.*, at 1a, n. *, which disputed the correctness of the standard that asks what a jury *could* find, see *id.*, at 65a, n. 46. We therefore have before us a decision on an indisputably important question of constitutional law on which there is an acknowledged split in the decisions of the lower courts. A question of this nature deserves a place on our docket.

Not for Commercial Publication

This question—whether the courts or juries should decide whether an allegedly defamatory statement can be shown to be untrue—is delicate and sensitive and has serious implications for the right to freedom of expression. And two factors make the question especially important in the present case.

First, the question that the jury will apparently be asked to decide—whether petitioners' assertions about Mann's use of scientific data can be shown to be factually false—is highly technical. Whether an academic's use and presentation of data falls within the range deemed reasonable by those in the field is not an easy matter for lay jurors to assess.

---

*Respondent's lead argument in opposition to certiorari is that we lack jurisdiction under 28 U. S. C. § 1257, see Brief in Opposition 27–30, but petitioners have a strong argument that we have jurisdiction under *Cox Broadcasting Corp.* v. *Cohn*, 420 U. S. 469 (1975). If the Court has doubts on this score, the question of jurisdiction can be considered together with the merits.

Second, the controversial nature of the whole subject of climate change exacerbates the risk that the jurors' determination will be colored by their preconceptions on the matter. When allegedly defamatory speech concerns a political or social issue that arouses intense feelings, selecting an impartial jury presents special difficulties. And when, as is often the case, allegedly defamatory speech is disseminated nationally, a plaintiff may be able to bring suit in whichever jurisdiction seems likely to have the highest percentage of jurors who are sympathetic to the plaintiff's point of view. See *Keeton* v. *Hustler Magazine, Inc.*, 465 U. S. 770, 781 (1984) (regular circulation of magazines in forum State sufficient to support jurisdiction in defamation action). For these reasons, the first question presented in the petition calls out for review.

III

The second question may be even more important. The constitutional guarantee of freedom of expression serves many purposes, but its most important role is protection of robust and uninhibited debate on important political and social issues. See *Snyder* v. *Phelps*, 562 U. S. 443, 451–452 (2011); *New York Times Co.* v. *Sullivan*, 376 U. S. 254, 270 (1964). If citizens cannot speak freely and without fear about the most important issues of the day, real self-government is not possible. See *Garrison* v. *Louisiana*, 379 U. S. 64, 74–75 (1964) ("[S]peech concerning public affairs is more than self-expression; it is the essence of self-government"). To ensure that our democracy is preserved and is permitted to flourish, this Court must closely scrutinize any restrictions on the statements that can be made on important public policy issues. Otherwise, such restrictions can easily be used to silence the expression of unpopular views.

At issue in this case is the line between, on the one hand, a pungently phrased expression of opinion regarding one of the most hotly debated issues of the day and, on the other, a statement that is worded as an expression of opinion but actually asserts a fact that can be proven in court to be false. *Milkovich* v. *Lorain Journal Co.*, 497 U. S. 1 (1990). Under *Milkovich*, statements in the first category are protected by the First Amendment, but those in the latter are not. *Id.*, at 19–20, 22. And *Milkovich* provided examples of statements that fall into each category. As explained by the Court, a defamation claim could be asserted based on the statement: "In my opinion John Jones

is a liar." *Id.*, at 18. This statement, the Court noted, implied knowledge that Jones had made particular factual statements that could be shown to be false. *Ibid.* As for a statement that could not provide the basis for a valid defamation claim, the Court gave this example: "In my opinion Mayor Jones shows his abysmal ignorance by accepting the teachings of Marx and Lenin." *Id.*, at 20.

When an allegedly defamatory statement is couched as an expression of opinion on the quality of a work of scholarship relating to an issue of public concern, on which side of the *Milkovich* line does it fall? This is a very important question that would greatly benefit from clarification by this Court. Although *Milkovich* asserted that its hypothetical statement about the teachings of Marx and Lenin would not be actionable, it did not explain precisely why this was so. Was it the lack of specificity or the nature of statements about economic theories or all scholarly theories or perhaps something else?

In recent years, the Court has made a point of vigilantly enforcing the Free Speech Clause even when the speech at issue made no great contribution to public debate. For example, last Term, in *Iancu* v. *Brunetti*, 588 U. S. 388 (2019), we upheld the right of a manufacturer of jeans to register the trademark "F-U-C-T." Two years before, in *Matal* v. *Tam*, 582 U. S. 218 (2017), we held that a rock group called "The Slants" had the right to register its name.

Page Proof Pending Publication

In earlier cases, the Court went even further. In *United States* v. *Alvarez*, 567 U. S. 709 (2012), the Court held that the First Amendment protected a man's false claim that he had won the Congressional Medal of Honor. In *Snyder*, the successful party had viciously denigrated a deceased soldier outside a church during his funeral. 562 U. S., at 448–449. In *United States* v. *Stevens*, 559 U. S. 460, 466 (2010), the First Amendment claimant had sold videos of dog fights.

If the speech in all these cases had been held to be unprotected, our Nation's system of self-government would not have been seriously threatened. But as I noted in *Brunetti*, 588 U. S., at 399 (concurring opinion), the protection of even speech as trivial as a naughty trademark for jeans can serve an important purpose: It can demonstrate that this Court is deadly serious about protecting freedom of speech. Our decisions protecting the

speech at issue in that case and the others just noted can serve as a promise that we will be vigilant when the freedom of speech and the press are most seriously implicated, that is, in cases involving disfavored speech on important political or social issues.

This is just such a case. Climate change has staked a place at the very center of this Nation's public discourse. Politicians, journalists, academics, and ordinary Americans discuss and debate various aspects of climate change daily—its causes, extent, urgency, consequences, and the appropriate policies for addressing it. The core purpose of the constitutional protection of freedom of expression is to ensure that all opinions on such issues have a chance to be heard and considered.

I do not suggest that speech that touches on an important and controversial issue is always immune from challenge under state defamation law, and I express no opinion on whether the speech at issue in this case is or is not entitled to First Amendment protection. But the standard to be applied in a case like this is immensely important. Political debate frequently involves claims and counterclaims about the validity of academic studies, and today it is something of an understatement to say that our public discourse is often "uninhibited, robust, and wide-open." *New York Times Co.*, 376 U. S., at 270.

Page Proof Pending Publication

I recognize that the decision now before us is interlocutory and that the case may be reviewed later if the ultimate outcome below is adverse to petitioners. But requiring a free speech claimant to undergo a trial after a ruling that may be constitutionally flawed is no small burden. See *Cox Broadcasting Corp.* v. *Cohn*, 420 U. S. 469, 485 (1975) (observing that "there should be no trial at all" if the statute at issue offended the First Amendment). A journalist who prevails after trial in a defamation case will still have been required to shoulder all the burdens of difficult litigation and may be faced with hefty attorney's fees. Those prospects may deter the uninhibited expression of views that would contribute to healthy public debate.

For these reasons, I would grant the petition in this case, and I respectfully dissent from the denial of certiorari.

No. 18–9517. ISOM *v.* ARKANSAS. Sup. Ct. Ark. Certiorari denied. Reported below: 2018 Ark. 368, 563 S. W. 3d 533.

Statement of JUSTICE SOTOMAYOR respecting the denial of certiorari.

Petitioner Kenneth Isom was thrice charged with burglary and theft offenses by Drew County, Arkansas, prosecutor Sam Pope. Isom was acquitted on two of those occasions, but was convicted on the third. After Isom was granted parole three years into his sentence, Prosecutor Pope met with the Office of the Governor to express his concern and to inquire whether Isom could somehow be returned to prison, but to no avail.

Seven years later, a jury convicted Isom of capital murder in a case presided over by Pope himself—now a Drew County judge. Isom sought postconviction relief, which was denied, also by Judge Pope. The Arkansas Supreme Court later granted Isom leave to file a writ of *coram nobis* to challenge the State's suppression of critical evidence under *Brady* v. *Maryland*, 373 U. S. 83 (1963). That suppressed evidence pertained to, among other things, a suggestive photo identification and the inconsistent testimony of a state witness.

Again, Judge Pope presided. Isom filed a recusal motion, alleging that Pope's prior efforts to prosecute Isom (and to rescind his parole) created, at the very least, an appearance of bias requiring recusal under the Due Process Clause. Judge Pope denied the motion. After crediting testimony that supported his original photo-identification ruling, and after limiting discovery relevant to the inconsistent-testimony issue, Judge Pope also denied *coram nobis* relief.

Page Proof Pending Publication

The Arkansas Supreme Court affirmed. 2018 Ark. 368, 563 S. W. 3d 533. Justices Hart and Wood dissented, concluding that there was at least an appearance of bias that required recusal. Justice Hart reasoned that the unusual *coram nobis* posture presented an especially compelling case for recusal, because Judge Pope was in the "untenable position" of evaluating his own prior findings about whether the photo identification should have been suppressed. *Id.*, at 550. Justice Hart also considered it significant that, after a state witness appeared to become confused during cross-examination, Judge Pope rehabilitated the witness and ordered a recess, after which the witness testified that his prior statements were mistaken. *Id.*, at 551. Justice Wood, in turn, found it difficult to afford Judge Pope the usual deference extended to the close, discretionary decisions of circuit court judges, given his "extensive history" with Isom. *Id.*, at 552.

Our precedents require recusal where the "'probability of actual bias on the part of the judge or decisionmaker is too high to be constitutionally tolerable.'" *Rippo* v. *Baker*, 580 U. S. 285, 287 (2017) (*per curiam*) (quoting *Withrow* v. *Larkin*, 421 U. S. 35, 47 (1975)). The operative inquiry is objective: whether, "considering all the circumstances alleged," *Rippo*, 580 U. S., at 287, "the average judge in [the same] position is likely to be neutral, or whether there is an unconstitutional potential for bias," *Williams* v. *Pennsylvania*, 579 U. S. 1, 8 (2016) (internal quotation marks omitted). This Court has "not set forth a specific test" or required recusal as a matter of course when a judge has had prior involvement with a defendant in his role as a prosecutor. Cf. *ibid.* Nor has it found that "opinions formed by the judge on the basis of facts introduced or events occurring in the course of . . . prior proceedings" constitute a basis for recusal in the ordinary case. *Liteky* v. *United States*, 510 U. S. 540, 555 (1994). Indeed, "it may be necessary and prudent to permit judges to preside over successive causes involving the same parties or issues." *Id.*, at 562 (Kennedy, J., concurring).

Page Proof Pending Publication

At the same time, the Court has acknowledged that "[a]llowing a decisionmaker to review and evaluate his own prior decisions raises problems," *Withrow*, 421 U. S., at 58, n. 25, perhaps because of the risk that a judge might "'be so psychologically wedded' to his or her previous position" that he or she will "'consciously or unconsciously avoid the appearance of having erred or changed position.'" *Williams*, 579 U. S., at 9 (quoting *Withrow*, 421 U. S., at 57). And it has warned that a judge's "personal knowledge and impression" of a case may sometimes outweigh the parties' arguments. *In re Murchison*, 349 U. S. 133, 138 (1955).

The allegations of bias presented to the Arkansas Supreme Court are concerning. But they are complicated by the fact that Isom did not raise the issue of Judge Pope's prior involvement in his prosecutions, either at his capital trial or for nearly 15 years thereafter during his postconviction proceedings. Although the Arkansas Supreme Court did not base its recusal decision on this point, it is a consideration in evaluating whether there was an "unconstitutional potential for bias" in this case sufficient to warrant the grant of certiorari. *Williams*, 579 U. S., at 8 (internal quotation marks omitted). I therefore do not dissent from the denial of certiorari. I write, however, to encourage vigilance about the risk of bias that may arise when trial judges peculiarly

familiar with a party sit in judgment of themselves. The Due Process Clause's guarantee of a neutral decisionmaker will mean little if this form of partiality is overlooked or underestimated.

No. 19–234. LIBERTARIAN NATIONAL COMMITTEE INC. *v.* FEDERAL ELECTION COMMISSION. C. A. D. C. Cir. Certiorari denied. JUSTICE KAVANAUGH took no part in the consideration or decision of this petition. Reported below: 924 F. 3d 533.

No. 19–418. BROOKENS *v.* PIZZELLA, ACTING SECRETARY OF LABOR. C. A. D. C. Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

Rehearing Denied

No. 18–1374. JAYE *v.* OAK KNOLL VILLAGE CONDOMINIUM OWNERS ASSN., INC., ET AL., 589 U. S. 918;

No. 18–1407. BARROW *v.* WILLIS ET AL., 589 U. S. 919;

No. 18–1427. LAVENTURE ET AL. *v.* UNITED NATIONS ET AL., 589 U. S. 920;

No. 18–1444. SOTO NIEVES ET AL. *v.* DEPARTMENT OF THE FAMILY OF THE COMMONWEALTH OF PUERTO RICO ET AL., 589 U. S. 921;

Page Proof Pending Publication

No. 18–1473. RIVAS *v.* NEW YORK STATE LOTTERY, 589 U. S. 922;

No. 18–1499. KAUSHAL *v.* INDIANA, 589 U. S. 924;

No. 18–8191. BURKE, MOTHER OF CAUDLE, DECEASED *v.* RAVEN ELECTRIC, INC., ET AL., 589 U. S. 929;

No. 18–8930. GURVEY *v.* COWAN, LIEBOWITZ & LATMAN, P. C., ET AL., 589 U. S. 931;

No. 18–9009. ADELMAN *v.* ROOT ET AL., 589 U. S. 932;

No. 18–9115. ARUNACHALAM *v.* PAZUNIAK LAW OFFICE, LLC, ET AL., 589 U. S. 935;

No. 18–9138. GULLETT-EL *v.* CORRIGAN ET AL., 589 U. S. 935;

No. 18–9346. ARUNACHALAM *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA ET AL., 589 U. S. 942;

No. 18–9355. ROBINSON *v.* RENTAL MAINTENANCE, INC., 589 U. S. 943;

No. 18–9369. WEBB *v.* COUNTY OF PIMA, ARIZONA, ET AL., 589 U. S. 943;

No. 18–9386. ARUNACHALAM *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA ET AL., 589 U. S. 944;

No. 18–9480. ROBERTS *v.* INSERVCO INSURANCE SERVICES, 589 U. S. 948;

No. 18–9660. WINDSOR *v.* DELAWARE, 589 U. S. 958;

No. 19–26. COLLINS ET AL. *v.* DANIELS ET AL., 589 U. S. 969;

No. 19–31. KAM *v.* DALLAS COUNTY, TEXAS, ET AL., 589 U. S. 969;

No. 19–132. FEJOKWU *v.* COMMODITY FUTURES TRADING COMMISSION, 589 U. S. 974;

No. 19–133. SAGAR *v.* MNUCHIN, SECRETARY OF THE TREASURY, 589 U. S. 974;

No. 19–172. HARSAY *v.* UNIVERSITY OF KANSAS, 589 U. S. 975;

No. 19–5033. ARUNACHALAM *v.* INTERNATIONAL BUSINESS MACHINES CORP. ET AL., 589 U. S. 979;

No. 19–5065. CRANK *v.* BRACY, WARDEN, 589 U. S. 980;

No. 19–5151. MAEHR *v.* UNITED STATES, 589 U. S. 985;

No. 19–5173. KIRKLAND *v.* HUNTINGTON INGALLS, INC., 589 U. S. 987;

Page Proof Pending Publication

No. 19–5252. WRIGHT *v.* WEST VIRGINIA, 589 U. S. 990; and

No. 19–5562. KOUYATE *v.* UNITED STATES CUSTOMS AND BORDER PROTECTION, 589 U. S. 1002. Petitions for rehearing denied.

No. 17–6086. GUNDY *v.* UNITED STATES, 588 U. S. 128. Petition for rehearing denied. JUSTICE KAVANAUGH took no part in the consideration or decision of this petition.

DECEMBER 5, 2019

Miscellaneous Order

No. 19–6860 (19A626). IN RE HALL. Application for stay of execution of sentence of death, presented to JUSTICE SOTOMAYOR, and by her referred to the Court, denied. Petition for writ of habeas corpus denied.

DECEMBER 6, 2019

Miscellaneous Order

No. 19A615. BARR, ATTORNEY GENERAL, ET AL. *v.* ROANE ET AL. C. A. D. C. CIR. Application for stay or vacatur, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied.

We expect that the Court of Appeals for the District of Columbia Circuit will render its decision with appropriate dispatch.

Statement of JUSTICE ALITO, with whom JUSTICE GORSUCH and JUSTICE KAVANAUGH join, respecting the denial of stay or vacatur.

The District Court for the District of Columbia has preliminarily enjoined the Federal Government from carrying out the execution of four prisoners who were convicted in federal court more than 15 years ago for exceptionally heinous murders. In this action, none of the four is contesting his guilt or his sentence, but the District Court enjoined the Bureau of Prisons (BOP) from carrying out these executions based on its interpretation of a statute, 18 U. S. C. §3596(a), directing that federal executions be implemented "in the manner prescribed by the law of the State in which the sentence is imposed." This means, the Government contends, that the mode of execution (*i.e.*, by lethal injection, electrocution, etc.) must be the same as that called for under the law of the State in question, but the District Court held instead that a federal execution must follow all the procedures that would be used in an execution in that State—down to the selection of the way a catheter is inserted.

Page Proof Pending Publication

The Government has shown that it is very likely to prevail when this question is ultimately decided. The centerpiece of the District Court's reasoning was that Congress referred to the "manner" and not the "method" of execution, but there is strong evidence that this reading is not supported either by the ordinary meaning of these two terms or by the use of the term "manner" in prior federal death penalty statutes. Moreover, the District Court's interpretation would lead to results that Congress is unlikely to have intended. It would require the BOP to follow procedures that have been attacked as less safe than the ones the BOP has devised (after extensive study); it would demand that the BOP pointlessly copy minor details of a State's protocol; and it could well make it impossible to carry out executions of prisoners sentenced in some States.

Vacating the stay issued by the District Court for the District of Columbia would not necessarily mean that the prisoners in question would be executed before the merits of their Administrative Procedure Act claim is adjudicated. They remain free to seek review on other grounds. Nevertheless, in light of what is

at stake, it would be preferable for the District Court's decision to be reviewed on the merits by the Court of Appeals for the District of Columbia Circuit before the executions are carried out.

The Court has expressed the hope that the Court of Appeals will proceed with "appropriate dispatch," and I see no reason why the Court of Appeals should not be able to decide this case, one way or the other, within the next 60 days. The question, though important, is straightforward and has already been very ably briefed in considerable detail by both the Solicitor General and by the prisoners' 17-attorney legal team. For these reasons, I would state expressly in the order issued today that the denial of the application to vacate is without prejudice to the filing of a renewed application if the injunction is still in place 60 days from now.

Certiorari Granted

No. 19–309. CARNEY, GOVERNOR OF DELAWARE *v.* ADAMS. C. A. 3d Cir. Certiorari granted. In addition to the questions presented by the petition, the parties are directed to brief and argue the following question: "Whether respondent has demonstrated Article III standing." Reported below: 922 F. 3d 166.

Page Proof Pending Publication

DECEMBER 9, 2019

Certiorari Granted—Vacated and Remanded

No. 19–5804. LEWIS *v.* UNITED STATES. C. A. 11th 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 *United States* v. *Davis*, 588 U. S. 445 (2019). Reported below: 762 Fed. Appx. 786.

No. 19–5852. COOPER *v.* UNITED STATES. C. A. 11th 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 *Rehaif* v. *United States*, 588 U. S. 225 (2019). Reported below: 777 Fed. Appx. 371.

Certiorari Dismissed

No. 19–6158. WHITE *v.* SLOOP ET AL. C. A. 7th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 772 Fed. Appx. 334.

Miscellaneous Orders

No. 19A21. GEIMAH *v.* BARR, ATTORNEY GENERAL. Application for stay, addressed to JUSTICE GINSBURG and referred to the Court, denied.

No. D–3051. IN RE DISBARMENT OF LANG. Disbarment entered. [For earlier order herein, see 588 U. S. 934.]

No. 19M71. MCINTOSH *v.* KIRBY, WARDEN, ET AL. Motion to direct the Clerk to file petition for writ of certiorari out of time denied. JUSTICE ALITO took no part in the consideration or decision of this motion.

No. 19M72. SHARBUTT *v.* VASQUEZ, WARDEN;
No. 19M73. CARSWELL ET AL. *v.* E. PIHL & SON ET AL.; and
No. 19M74. JOHNSON *v.* COURT OF CLAIMS OF ILLINOIS. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 19M75. WHITE *v.* UNITED STATES. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

Page Proof Pending Publication

No. 19M76. UPSHAW *v.* UNITED STATES. Motion for leave to proceed as a veteran denied.

No. 151, Orig. ARIZONA *v.* SACKLER ET AL. Motion for leave to file bill of complaint denied.

No. 17–1268. OPATI, IN HER OWN RIGHT, AND AS EXECUTRIX OF THE ESTATE OF OPATI, DECEASED, ET AL. *v.* REPUBLIC OF SUDAN ET AL. C. A. D. C. Cir. [Certiorari granted, 588 U. S. 919.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted. JUSTICE KAVANAUGH took no part in the consideration or decision of this motion.

No. 17–1712. THOLE ET AL. *v.* U. S. BANK N. A. ET AL. C. A. 8th Cir. [Certiorari granted, 588 U. S. 919.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 18–1048. GE ENERGY POWER CONVERSION FRANCE SAS, CORP., FKA CONVERTEAM SAS *v.* OUTOKUMPU STAINLESS USA, LLC, ET AL. C. A. 11th Cir. [Certiorari granted, 588 U. S. 918.]

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

No. 18–1195. ESPINOZA ET AL. *v.* MONTANA DEPARTMENT OF REVENUE ET AL. Sup. Ct. Mont. [Certiorari granted, 588 U. S. 920.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 18–9412. RASHID *v.* UNITED STATES. C. A. 3d Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [589 U. S. 904] denied. JUSTICE ALITO took no part in the consideration or decision of this motion.

No. 18–9706. PETERS *v.* ILLINOIS. Sup. Ct. Ill. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [589 U. S. 905] denied.

No. 19–7. SEILA LAW LLC *v.* CONSUMER FINANCIAL PROTECTION BUREAU. C. A. 9th Cir. [Certiorari granted, 589 U. S. 1031.] Motion of petitioner to dispense with printing joint appendix granted.

Page Proof Pending Publication

No. 19–277. HSBC HOLDINGS PLC ET AL. *v.* PICARD ET AL. C. A. 2d Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 19–5632. T. A. ET AL. *v.* LEFF ET AL.; and KRAMER ET AL. *v.* DANE ET AL. C. A. 2d Cir. Motion of petitioners for reconsideration of order denying leave to proceed *in forma pauperis* [589 U. S. 1032] denied.

No. 19–6172. RAJAPAKSE *v.* CREDIT ACCEPTANCE CORP. ET AL. C. A. 6th Cir.;

No. 19–6191. K. N. ET UX. *v.* MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES. Sup. Ct. Mont.;

No. 19–6198. RUBANG *v.* UNITED AIRLINES, INC., ET AL. C. A. 9th Cir.; and

No. 19–6214. FUQUEN *v.* EVERITT. Ct. Sp. App. Md. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until December 30, 2019, 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. 19–6591. IN RE UNCAPHER; and
No. 19–6645. IN RE ARMSTRONG. Petitions for writs of habeas corpus denied.

No. 19–359. IN RE LAW OFFICES OF NINA RINGGOLD ET AL.;
No. 19–410. IN RE FIELDS;
No. 19–481. IN RE LUSSY;
No. 19–5721. IN RE SCHAFER; and
No. 19–6112. IN RE POUNCY. Petitions for writs of mandamus denied.

Certiorari Denied

No. 18–1519. CORREA *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 908 F. 3d 208.

No. 18–1538. CHERK ET AL. *v.* MARIN COUNTY, CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 1. Certiorari denied.

No. 18–1552. ALFANO ET AL. *v.* UNITED STATES; and
No. 18–1581. LOWRY ET AL. *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 913 F. 3d 332.

Page Proof Pending Publication

No. 18–1572. PRISET *v.* PENNSYLVANIA. C. A. 3d Cir. Certiorari denied.

No. 18–1586. GIBSON, AKA LYNN *v.* COLLIER ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 920 F. 3d 212.

No. 18–9263. FELIPE VALENCIA *v.* UNITED STATES; and
No. 18–9328. PORTOCARRERO VALENCIA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 915 F. 3d 717.

No. 19–4. JACKSON NATIONAL LIFE INSURANCE CO. *v.* LINDENBURG, INDIVIDUALLY AND AS NATURAL GUARDIAN OF HER MINOR CHILDREN ZTL ET AL.; and
No. 19–13. TENNESSEE *v.* LINDENBURG, INDIVIDUALLY AND AS NATURAL GUARDIAN OF HER MINOR CHILDREN ZTL ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 912 F. 3d 348.

No. 19–47. MORGAN *v.* SCHOTT ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 914 F. 3d 1115.

No. 19–109. MONTIJO-DOMINGUEZ *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 870.

No. 19–152. AMARIN PHARMA, INC., ET AL. *v.* INTERNATIONAL TRADE COMMISSION ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 923 F. 3d 959.

No. 19–158. TURNER ET AL. *v.* HINES ET AL. Ct. App. D. C. Certiorari denied. Reported below: 201 A. 3d 578.

No. 19–159. TAPIA *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. Reported below: 33 N. Y. 3d 257, 124 N. E. 3d 210.

No. 19–248. JAMMAL ET AL. *v.* AMERICAN FAMILY INSURANCE CO. ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 914 F. 3d 449.

No. 19–263. ROSS *v.* ROCHELL. C. A. 8th Cir. Certiorari denied. Reported below: 768 Fed. Appx. 588.

No. 19–276. LUIS GARZA ET AL. *v.* CITY OF DONNA, TEXAS. C. A. 5th Cir. Certiorari denied. Reported below: 922 F. 3d 626.

No. 19–283. CITY OF TRINIDAD, COLORADO *v.* HAMER. C. A. 10th Cir. Certiorari denied. Reported below: 924 F. 3d 1093.

Page Proof Pending Publication

No. 19–285. BUTLER *v.* BOARD OF COUNTY COMMISSIONERS FOR SAN MIGUEL COUNTY ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 920 F. 3d 651.

No. 19–286. CRANSTON POLICE RETIREES ACTION COMMITTEE *v.* CITY OF CRANSTON, RHODE ISLAND. Sup. Ct. R. I. Certiorari denied. Reported below: 208 A. 3d 557.

No. 19–287. MEDINA *v.* BARR, ATTORNEY GENERAL. C. A. D. C. Cir. Certiorari denied. Reported below: 913 F. 3d 152.

No. 19–291. BLOCK *v.* WASHINGTON STATE BAR ASSN. ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 761 Fed. Appx. 729.

No. 19–293. TKC AEROSPACE INC. *v.* MUHS. C. A. 4th Cir. Certiorari denied. Reported below: 923 F. 3d 377.

No. 19–304. RANGER AMERICAN OF THE V. I., INC., ET AL. *v.* BALBONI. Sup. Ct. V. I. Certiorari denied. Reported below: 70 V. I. 1048.

No. 19–406. TOUMA *v.* GENERAL COUNSEL OF THE REGENTS OF THE UNIVERSITY OF CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–417. EMW Women's Surgical Center, P. S. C., et al. *v.* Meier. C. A. 6th Cir. Certiorari denied. Reported below: 920 F. 3d 421.

No. 19–436. T. R. C. *v.* Wisconsin. Ct. App. Wis. Certiorari denied. Reported below: 2019 WI App 26, 387 Wis. 2d 686, 928 N. W. 2d 809.

No. 19–439. CTIA–The Wireless Assn. *v.* City of Berkeley, California, et al. C. A. 9th Cir. Certiorari denied. Reported below: 928 F. 3d 832.

No. 19–448. Plourde *v.* Doe. Sup. Jud. Ct. Me. Certiorari denied. Reported below: 2019 ME 109, 211 A. 3d 1153.

No. 19–451. Arnold *v.* McCord, Commissioner, Tennessee Department of Labor and Workforce Development. C. A. 6th Cir. Certiorari denied.

No. 19–452. Clark *v.* Clark. C. A. 8th Cir. Certiorari denied. Reported below: 926 F. 3d 972.

No. 19–457. Xia Bi et al. *v.* McAuliffe et al. C. A. 4th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–458. Schickel et al. *v.* Troutman et al. C. A. 6th Cir. Certiorari denied. Reported below: 925 F. 3d 858.

No. 19–459. Texas Brine Co., LLC *v.* Florida Gas Transmission Co., LLC; Texas Brine Co., LLC *v.* Pontchartrain Natural Gas System et al.; Texas Brine Co., LLC *v.* Crosstex Energy Services, LP, et al.; Texas Brine Co., LLC *v.* Florida Gas Transmission Co., LLC; and Texas Brine Co., LLC *v.* Florida Gas Transmission Co., LLC. Ct. App. La., 1st Cir. Certiorari denied.

No. 19–460. Usenko, Derivatively on Behalf of the SunEdison Semiconductor Ltd. Retirement Savings Plan *v.* MEMC LLC et al. C. A. 8th Cir. Certiorari denied. Reported below: 926 F. 3d 468.

No. 19–463. Wilbur-Ellis Co. LLC *v.* United States District Court for the Eastern District of Missouri et al. C. A. 8th Cir. Certiorari denied.

No. 19–467. Pavel *v.* University of Oregon et al. C. A. 9th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 1022.

No. 19–468. FRYE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 137.

No. 19–474. RESPECT WASHINGTON *v.* GLOBAL NEIGHBORHOOD ET AL. Ct. App. Wash. Certiorari denied. Reported below: 7 Wash. App. 2d 354, 434 P. 3d 1024.

No. 19–478. SOWE *v.* PALL CORP. C. A. 2d Cir. Certiorari denied. Reported below: 778 Fed. Appx. 20.

No. 19–482. ASAP COPY AND PRINT ET AL. *v.* CANON SOLUTIONS AMERICA, INC. Ct. App. Cal., 2d App. Dist., Div. 2. Certiorari denied.

No. 19–485. PEREZ ET AL. *v.* CITY OF SWEETWATER, FLORIDA. C. A. 11th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 967.

No. 19–492. ADAME-HERNANDEZ *v.* BARR, ATTORNEY GENERAL. C. A. 8th Cir. Certiorari denied. Reported below: 929 F. 3d 1020.

No. 19–501. RUTLAND *v.* WARDEN, SMITH STATE PRISON. C. A. 11th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 581.

Page Proof Pending Publication

No. 19–530. SCHLOSSER *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 749 Fed. Appx. 145.

No. 19–533. RIVER BIRCH, INC., ET AL. *v.* WASTE MANAGEMENT OF LOUISIANA, L. L. C. C. A. 5th Cir. Certiorari denied. Reported below: 920 F. 3d 958.

No. 19–536. BOCILLA ISLAND SEAPORT, INC., FKA HIGHPOINT TOWER TECHNOLOGY, INC. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 11th Cir. Certiorari denied. Reported below: 931 F. 3d 1050.

No. 19–538. HEE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 19–571. INTEL CORP. ET AL. *v.* CONTINENTAL CIRCUITS LLC. C. A. Fed. Cir. Certiorari denied. Reported below: 915 F. 3d 788.

No. 19–576. INTERIOR GLASS SYSTEMS, INC. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 927 F. 3d 1081.

No. 19–579. Boateng *v.* BP, P. L. C., et al. C. A. 5th Cir. Certiorari denied. Reported below: 779 Fed. Appx. 217.

No. 19–585. Stoltz *v.* Virginia. Sup. Ct. Va. Certiorari denied. Reported below: 297 Va. 529, 831 S. E. 2d 164.

No. 19–594. Thiam *v.* United States. C. A. 2d Cir. Certiorari denied. Reported below: 934 F. 3d 89.

No. 19–612. Abpikar *v.* United States. C. A. 9th Cir. Certiorari denied.

No. 19–613. W&T Offshore, Inc. *v.* Apache Deepwater, L. L. C. C. A. 5th Cir. Certiorari denied. Reported below: 930 F. 3d 647.

No. 19–5391. McCarthan *v.* United States. C. A. 11th Cir. Certiorari denied.

No. 19–5643. Wright *v.* United States. C. A. 3d Cir. Certiorari denied. Reported below: 913 F. 3d 364.

No. 19–5693. Hutchinson *v.* Louisiana. Ct. App. La., 3d Cir. Certiorari denied. Reported below: 2018–445 (La. App. 3 Cir. 12/12/18), 261 So. 3d 927.

Pagination Pending Publication

No. 19–6090. Wells *v.* Inch, Secretary, Florida Department of Corrections, et al. C. A. 11th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 885.

No. 19–6091. Toney *v.* Dickson et al. C. A. 8th Cir. Certiorari denied.

No. 19–6092. Prather *v.* Gilmore, Superintendent, State Correctional Institution at Greene, et al. C. A. 3d Cir. Certiorari denied.

No. 19–6096. Simmons *v.* Vannoy, Warden. C. A. 5th Cir. Certiorari denied.

No. 19–6097. Reynolds *v.* Virginia et al. C. A. 4th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 151.

No. 19–6098. Rosado-Sanchez *v.* Puerto Rico Department of Education et al. C. A. 1st Cir. Certiorari denied.

No. 19–6099. Stafford *v.* New Jersey. Super. Ct. N. J., App. Div. Certiorari denied.

No. 19–6103. Popal *v.* New York. Ct. App. N. Y. Certiorari denied. Reported below: 34 N. Y. 3d 936, 133 N. E. 3d 422.

No. 19–6105. Perry *v.* JPMorgan Chase Bank, N. A., et al. C. A. 9th Cir. Certiorari denied. Reported below: 734 Fed. Appx. 533.

No. 19–6106. Johnson *v.* Davis, Director, Texas Department of Criminal Justice, Correctional Institutions Division. C. A. 5th Cir. Certiorari denied.

No. 19–6118. Brent *v.* Workman. Ct. App. Mich. Certiorari denied.

No. 19–6122. Stevenson *v.* Woods, Warden. C. A. 6th Cir. Certiorari denied.

No. 19–6126. Youssef *v.* Schuette et al. C. A. 6th Cir. Certiorari denied.

No. 19–6129. Guzman Pena *v.* Barr, Attorney General. C. A. 2d Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–6130. Fisher *v.* Mermelstein et al. C. A. 8th Cir. Certiorari denied.

No. 19–6136. Bias *v.* Martin, Warden. C. A. 10th Cir. Certiorari denied. Reported below: 779 Fed. Appx. 549.

No. 19–6139. Stevenson *v.* Horton, Warden. Ct. App. Mich. Certiorari denied.

No. 19–6145. Smith *v.* Virginia. Sup. Ct. Va. Certiorari denied.

No. 19–6147. Sardakowski *v.* Romero, Warden. C. A. 10th Cir. Certiorari denied. Reported below: 776 Fed. Appx. 979.

No. 19–6153. Nelson *v.* Burt, Warden. C. A. 6th Cir. Certiorari denied.

No. 19–6161. Connolly *v.* Florida. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 288 So. 3d 638.

No. 19–6163. Olivares Polanco *v.* Lincoln Community Healthcare. C. A. 4th Cir. Certiorari denied. Reported below: 775 Fed. Appx. 131.

No. 19–6165. DAVIS *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 19–6166. STRANDBERG *v.* PALMER, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–6168. ROBINSON *v.* BURTON, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–6171. SANCHEZ-RODRIGUEZ *v.* LOUISIANA. Ct. App. La., 4th Cir. Certiorari denied. Reported below: 2018–0578 (La. App. 4 Cir. 12/12/18).

No. 19–6174. LEE *v.* VANNOY, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 19–6175. K. S. *v.* CONTRA COSTA COUNTY CHILDREN AND FAMILY SERVICES BUREAU. Ct. App. Cal., 1st App. Dist., Div. 4. Certiorari denied.

No. 19–6180. FARNUM *v.* FRAUENHEIM, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 768 Fed. Appx. 680.

Page Proof Pending Publication

No. 19–6181. ROBERTSON *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 763 Fed. Appx. 378.

No. 19–6183. CHATMAN *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 254 So. 3d 328.

No. 19–6184. JOHNSON *v.* SEVERSON, WARDEN, ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–6192. JUNIOUS *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 201 A. 3d 895.

No. 19–6194. SNEED *v.* WETZEL, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 3d Cir. Certiorari denied.

No. 19–6203. BARRASS *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 766 Fed. Appx. 760.

No. 19–6204. BIELA *v.* NEVADA. Sup. Ct. Nev. Certiorari denied. Reported below: 135 Nev. 615, 439 P. 3d 396.

No. 19–6206. DAVENPORT *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. Sup. Ct. Fla. Certiorari denied.

No. 19–6210. JACKSON *v.* NAGY, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–6212. EDWARDS *v.* ATTORNEY GRIEVANCE COMMISSION. Sup. Ct. Mich. Certiorari denied. Reported below: 504 Mich. 949, 931 N. W. 2d 333.

No. 19–6215. HAYNES *v.* ASSETS PROTECTION, INC. Super. Ct. Pa. Certiorari denied. Reported below: 200 A. 3d 558.

No. 19–6216. HERRING *v.* MCEWEN, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 19–6218. BOONE *v.* MARYLAND. Ct. Sp. App. Md. Certiorari denied. Reported below: 227 Md. App. 778.

No. 19–6219. C. B. *v.* FISCHGRUND. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 264 So. 3d 152.

No. 19–6222. HEARNS *v.* HARRINGTON, WARDEN. C. A. 9th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–6223. HARRIS *v.* BRACY, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–6226. ACKBAR *v.* CONNOR ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 776 Fed. Appx. 141.

No. 19–6235. ERSKINE *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 7 Cal. 5th 279, 440 P. 3d 1112.

No. 19–6246. JONES *v.* WISCONSIN. Ct. App. Wis. Certiorari denied.

No. 19–6260. CROSS *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 277 So. 3d 94.

No. 19–6261. MARION *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied.

No. 19–6263. VELASQUEZ *v.* UTAH ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 775 Fed. Appx. 420.

No. 19–6274. KOVALEV *v.* CITY OF PHILADELPHIA, PENNSYLVANIA, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 775 Fed. Appx. 72.

No. 19–6299. LOPEZ *v.* STERLING CORRECTIONAL FACILITY ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 745 Fed. Appx. 91.

No. 19–6302. DOUGLAS *v.* GILBERT, SUPERINTENDENT, STAFFORD CREEK CORRECTIONS CENTER. C. A. 9th Cir. Certiorari denied.

No. 19–6303. COOPER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 926 F. 3d 718.

No. 19–6323. TAFFARO *v.* NEW JERSEY. Super. Ct. N. J., App. Div. Certiorari denied.

No. 19–6344. ALTSCHULER *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 277 So. 3d 109.

No. 19–6350. DOBSON-EL *v.* MICHIGAN. Sup. Ct. Mich. Certiorari denied. Reported below: 504 Mich. 948, 931 N. W. 2d 307.

No. 19–6351. ELKINGTON *v.* CLARK, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ALBION, ET AL. C. A. 3d Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–6366. CURTISS *v.* NORTH DAKOTA. Sup. Ct. N. D. Certiorari denied. Reported below: 2019 ND 120, 926 N. W. 2d 707.

No. 19–6367. KEISER *v.* FOXWELL, WARDEN, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 740.

No. 19–6371. JEFFERSON *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION, ET AL. C. A. 8th Cir. Certiorari denied.

No. 19–6380. BEVERLY *v.* BURT, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–6383. KESOYAN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 782 Fed. Appx. 576.

No. 19–6385. GRENNING *v.* KEY, SUPERINTENDENT, AIRWAY HEIGHTS CORRECTIONS CENTER. C. A. 9th Cir. Certiorari denied.

No. 19–6390. COLLINS *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–6391. CHIN *v.* CAPOZZA, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FAYETTE, ET AL. C. A. 3d Cir. Certiorari denied.

No. 19–6392. EVERS *v.* FOSTER, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 19–6394. VILLAFANA *v.* PADRICK. C. A. 4th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 314.

No. 19–6397. GOMEZ-AGUILAR *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 412.

No. 19–6400. WAZNEY *v.* JPMORGAN CHASE BANK, N. A. Sup. Ct. S. C. Certiorari denied.

No. 19–6404. CURTIS *v.* HOOKS, SECRETARY, NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY. C. A. 4th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 752.

No. 19–6408. STREGE *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–6415. NAVA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 190.

No. 19–6418. MORRIS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 19–6420. HEATH *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 778 Fed. Appx. 170.

No. 19–6421. FOX *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 926 F. 3d 1275.

No. 19–6423. UHURU *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 932 F. 3d 242.

No. 19–6424. STOKES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 932 F. 3d 242.

No. 19–6433. TORRES *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 497.

No. 19–6436. PADMANABHAN *v.* DRUG ENFORCEMENT ADMINISTRATION. C. A. D. C. Cir. Certiorari denied. Reported below: 762 Fed. Appx. 6.

No. 19–6444. HARRIS *v.* MOYER, SECRETARY, MARYLAND DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, ET AL. C. A. 4th Cir. Certiorari denied.

No. 19–6445. COX *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 757 Fed. Appx. 527.

No. 19–6448. DOOR *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 753 Fed. Appx. 520.

No. 19–6450. MAHMOUD *v.* TEXAS. Ct. App. Tex., 9th Dist. Certiorari denied.

No. 19–6456. BAGGETT *v.* SPEARMAN, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 19–6461. COLLINS *v.* MARYLAND. Ct. Sp. App. Md. Certiorari denied. Reported below: 240 Md. App. 726.

No. 19–6471. LOZANO-PEREZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 776 Fed. Appx. 459.

No. 19–6474. TANK *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

Page Proof Pending Publication

No. 19–6476. BLUNT *v.* CAMPBELL, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–6478. GARBA ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 923 F. 3d 565 and 770 Fed. Appx. 342.

No. 19–6481. ROTTE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–6485. STEVENSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 19–6486. BANGIYEV *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 328.

No. 19–6487. DONAHUE *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied.

No. 19–6489. WALLACE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 223.

No. 19–6490. AL-MAQABLH *v.* KENTUCKY. Cir. Ct. Trimble County, Ky. Certiorari denied.

No. 19–6491. SHAFFER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 781 Fed. Appx. 404.

No. 19–6494. STATEN *v.* D. R. HORTON INC. C. A. 11th Cir. Certiorari denied.

No. 19–6497. MORILLO-CRUZ *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 774 Fed. Appx. 103.

No. 19–6503. MORENO-GARCIA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 218.

No. 19–6505. INGRAM *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 932 F. 3d 1084.

No. 19–6509. GAUDET *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 933 F. 3d 11.

No. 19–6511. DEL CARPIO FRESCAS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 932 F. 3d 324.

Page Proof Pending Publication

No. 19–6515. ANDERSON *v.* JANSSEN, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 19–6525. BARNES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 777 Fed. Appx. 62.

No. 19–6527. VALDES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 19–6529. TYSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 154.

No. 19–6530. WILLIAMS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 19–6533. BASEY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 784 Fed. Appx. 497.

No. 19–6538. GRIFFIN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 783 Fed. Appx. 881.

No. 19–6539. HAIZLIP *v.* VALLIERE. C. A. 4th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 157.

No. 19–6540. GRANT *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 740 Fed. Appx. 412.

No. 19–6541. FORTES *v.* TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES ET AL. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 19–6547. STERLING *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 763 Fed. Appx. 63.

No. 19–6549. SALGADO *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 933 F. 3d 20.

No. 19–6550. GIESEKE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 19–6551. AHO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 779 Fed. Appx. 613.

No. 19–6552. ATKINSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 164.

No. 19–6554. LEAL *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 933 F. 3d 426.

Page Proof Pending Publication

No. 19–6555. JOHNSON *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 776 Fed. Appx. 72.

No. 19–6557. NYGREN *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 933 F. 3d 76.

No. 19–6560. LUCIO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 781 Fed. Appx. 348.

No. 19–6569. CARRAWAY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 251.

No. 19–6571. ILLARRAMENDI *v.* CARNEY ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 768 Fed. Appx. 88.

No. 19–6572. HILLS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 19–6573. GONZALEZ *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 19–6576. REED *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 305.

No. 19–6583. KILLEN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 567.

No. 19–6584. WILLIAMS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 787 Fed. Appx. 8.

No. 19–6587. HELGUERA-DEL RIO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 775 Fed. Appx. 838.

No. 19–6597. GALITSA *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 758 Fed. Appx. 224.

No. 18–8341. SCHEXNAYDER *v.* VANNOY, WARDEN. C. A. 5th Cir. Certiorari denied.

Statement of JUSTICE SOTOMAYOR respecting the denial of certiorari.

In 2007, a former employee of Louisiana's Fifth Circuit Court of Appeal shot himself in his courthouse office. The employee left a suicide note claiming that he had been tormented by his involvement in that Court of Appeal's secret, 13-year policy of summarily denying *pro se* appeals. Purpura, Fifth Circuit Ordered To Review Appeals; Due Process Denied, Supreme Court Says, New Orleans, La., Times-Picayune, Oct. 7, 2008, p. B1. The note reportedly stated that no judge had reviewed a habeas application filed by a *pro se* inmate during that time; instead, courthouse staff prepared rulings that judges signed "without so much as a glance" at the underlying petitions or any review of the applications' merits. *Johnson* v. *Parish of Jefferson*, 2009 WL 1808718, *4 (ED La., June 19, 2009).

Page Proof Pending Publication

In response to this revelation, the Louisiana Supreme Court approved a procedure whereby a three-judge panel—drawn from the same pool of Court of Appeal judges who had allegedly summarily rejected *pro se* filings—would re-review hundreds of *pro se* submissions that had been dismissed without consideration. *State* v. *Cordero*, 2008–1717 (La. 10/3/08), 993 So. 2d 203. Justice John L. Weimer dissented from that decision, arguing that the cases should be assigned to judges sitting on other courts of appeal to "avoid any appearance of impropriety." *Id.*, at 214.

Petitioner's case, which primarily challenges the effectiveness of his counsel and various trial errors, was one of the many matters swept up in the Louisiana Court of Appeal's original review process and the re-review remedy ordered by the Louisi-

ana Supreme Court. After the state courts dismissed his claims, petitioner filed for federal habeas relief. He argued that the Louisiana courts did not fairly review his filings on the merits—either originally or through the re-review process—and so he was entitled to *de novo* federal review without any of the deference ordinarily afforded to state-court rulings under the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA). The Magistrate Judge dismissed the habeas petition after applying AEDPA deference.

Petitioner, who was *pro se* during various stages of the lower court proceedings, did not clearly set forth his claim that he was entitled to habeas review without AEDPA deference when he sought a certificate of appealability from the District Court and, later, the United States Court of Appeals for the Fifth Circuit. Accordingly, the Court of Appeals was not fairly presented with the opportunity to resolve the issue that petitioner now presents to this Court. For this reason, I do not dissent from this Court's denial of certiorari. The re-review procedure adopted by the Louisiana courts, however, raises serious due process concerns. I expect that lower federal courts will examine the issue of what deference is due to these decisions when it is properly raised.

Pages Proof Pending Publication

No. 18–8862. WHITE *v.* LOUISIANA. Ct. App. La., 1st Cir. Motion of National Association of Criminal Defense Lawyers for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 2017–1256 (La. App. 1 Cir. 2/16/18), 243 So. 3d 12.

No. 18–9261. COTTIER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 908 F. 3d 1141.

Statement of JUSTICE SOTOMAYOR respecting the denial of certiorari.

For his alleged role in a group beating, petitioner Calmer Cottier was charged with, among other things, second-degree murder by an Indian in Indian country. Two other participants accepted plea deals with the Government; as part of their pleas, the participants signed statements—known as factual-basis statements—that implicated Cottier in the murder. A federal prosecutor also signed those inculpatory statements to vouch for their veracity. Then, that same prosecutor offered those same incriminating statements as evidence at Cottier's trial.

On appeal, the Court of Appeals for the Eighth Circuit observed that the court in which Cottier was prosecuted "routinely"

sends unredacted factual-basis statements into the jury room. 908 F. 3d 1141, 1149 (2018). I agree with the Eighth Circuit that this practice is "troubling." *Ibid.* By presenting the jury with a factual-basis statement signed by the Government, the prosecution improperly expresses its "'personal belief'" in the truth of the witness' statements—a stamp of approval, an assurance from the Government itself, that the witness is to be believed. *United States* v. *Young*, 470 U. S. 1, 7–8 (1985). In this case, however, Cottier's attorney did not object to the statements' admission and used them as part of Cottier's defense. For that reason and others expressed by the Eighth Circuit in affirming Cottier's convictions, I do not dissent from the denial of certiorari but instead echo its admonition that the admission of such statements "is not a favored practice." 908 F. 3d, at 1149.

No. 19–257. California Trout et al. *v.* Hoopa Valley Tribe et al. C. A. D. C. Cir. Certiorari denied. Justice Kavanaugh took no part in the consideration or decision of this petition. Reported below: 913 F. 3d 1099.

No. 19–426. Pennsylvania *v.* Hicks. Sup. Ct. Pa. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 652 Pa. 353, 208 A. 3d 916.

Page Proof Pending Publication

No. 19–432. All American Check Cashing, Inc., et al. *v.* Consumer Financial Protection Bureau. C. A. 5th Cir. Certiorari before judgment denied.

No. 19–470. Jones *v.* Department of Justice et al. C. A. D. C. Cir. Certiorari denied. Justice Kavanaugh took no part in the consideration or decision of this petition.

No. 19–560. Nicassio *v.* Viacom International, Inc., et al. C. A. 3d Cir. Certiorari denied. Justice Breyer took no part in the consideration or decision of this petition. Reported below: 776 Fed. Appx. 761.

Rehearing Denied

No. 18–9014. McNeil *v.* Nebraska et al., 589 U. S. 932;

No. 18–9017. Myles *v.* United States, 587 U. S. 1045;

No. 18–9090. Howard *v.* San Diego County Counsel et al., 589 U. S. 934;

No. 18–9190. Smith *v.* Inch, Secretary, Florida Department of Corrections, et al., 589 U. S. 938;

No. 18–9209. H. F. *v.* Board of Education of the Township of Teaneck, 589 U. S. 938;

No. 18–9254. Rubin *v.* Sanchez et al., 589 U. S. 939;

No. 18–9283. Russell *v.* First Resolution Investment Corp., 589 U. S. 940;

No. 18–9354. Reddick *v.* United States, 589 U. S. 943;

No. 18–9374. Walton *v.* Ray, Warden, 589 U. S. 944;

No. 18–9390. Aranoff *v.* Aranoff, 589 U. S. 944;

No. 18–9426. Duriso *v.* West Gulf Maritime Assn. et al., 589 U. S. 946;

No. 18–9631. Campbell *v.* United States, 589 U. S. 957;

No. 18–9709. Walker *v.* United States, 589 U. S. 960;

No. 18–9713. Brende *v.* Young, Warden, et al., 589 U. S. 961;

No. 18–9800. Adams *v.* United States, 589 U. S. 965;

No. 19–163. Norton *v.* Colgate Palmolive Co., 589 U. S. 1016;

No. 19–174. Rich, Representative for Depuis-Mays, an Incapacitated Person *v.* Palko et al., 589 U. S. 1016;

No. 19–215. Nevels *v.* Piggly Wiggly Corp. et al., 589 U. S. 1034;

Page Proof Pending Publication

No. 19–261. Waltner et al. *v.* Commissioner of Internal Revenue, 589 U. S. 1017;

No. 19–262. Xiao-Ying Yu *v.* Neall, Secretary, Maryland Department of Health, et al., 589 U. S. 1034;

No. 19–323. Schneider *v.* Commissioner of Internal Revenue, 589 U. S. 1018;

No. 19–5040. Lu *v.* Stanford University, 589 U. S. 979;

No. 19–5047. Toole *v.* Wilkie, Secretary of Veterans Affairs, et al., 589 U. S. 979;

No. 19–5059. Viera *v.* Florida, 589 U. S. 980;

No. 19–5066. Dongarra *v.* United States, 589 U. S. 980;

No. 19–5072. Bridges *v.* Davis, Director, Texas Department of Criminal Justice, Correctional Institutions Division, 589 U. S. 981;

No. 19–5090. Du Ju *v.* Washington et al., 589 U. S. 982;

No. 19–5156. Logan *v.* Town of Windsor, New York, et al., 589 U. S. 986;

No. 19–5179. Pattishall *v.* Cerf et al., 589 U. S. 987;

No. 19–5190. Williams *v.* National Railroad Passenger Corporation et al., 589 U. S. 988;

No. 19–5200. In re Roman, 589 U. S. 914;
No. 19–5211. Anyanwu *v.* Barr, Attorney General, 589 U. S. 989;
No. 19–5225. In re Brunson, 589 U. S. 914;
No. 19–5265. Schreiber *v.* Ludwick et al., 589 U. S. 991;
No. 19–5313. Kahlow *v.* Florida, 589 U. S. 993;
No. 19–5413. Rooney *v.* Georgia, 589 U. S. 1018;
No. 19–5510. Fortune *v.* Virginia, 589 U. S. 1001;
No. 19–5587. In re Spence, 589 U. S. 914;
No. 19–5657. Rogero et al. *v.* Azar, Secretary of Health and Human Services, 589 U. S. 1023;
No. 19–5664. Sheppard *v.* Texas (two judgments), 589 U. S. 1036;
No. 19–5756. In re Bryant, 589 U. S. 914;
No. 19–5816. Maalouf *v.* Praetorian Insurance Co., 589 U. S. 1026;
No. 19–5822. Tuttle *v.* United States, 589 U. S. 1026; and
No. 19–5931. Allen *v.* Pennsylvania, 589 U. S. 1029. Petitions for rehearing denied.

Page Proof Pending Publication

December 10, 2019

Dismissal Under Rule 46

No. 19–221. Valent *v.* Saul, Commissioner of Social Security. C. A. 6th Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 918 F. 3d 516.

December 11, 2019

Certiorari Denied

No. 19–6875 (19A639). Runnels *v.* Texas. Ct. Crim. App. Tex. Application for stay of execution of sentence of death, presented to Justice Alito, and by him referred to the Court, denied. Certiorari denied.

December 13, 2019

Certiorari Granted

No. 18–9526. McGirt *v.* Oklahoma. Ct. Crim. App. Okla. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted.

No. 19–177. Agency for International Development et al. *v.* Alliance for Open Society International, Inc.,

ET AL. C. A. 2d Cir. Certiorari granted. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 911 F. 3d 104.

No. 19–635. TRUMP *v.* VANCE, DISTRICT ATTORNEY OF THE COUNTY OF NEW YORK, ET AL. C. A. 2d Cir. Certiorari granted. Case will be set for argument in the March 2020 argument session. Reported below: 941 F. 3d 631.

No. 19–715. TRUMP ET AL. *v.* MAZARS USA, LLP, ET AL. C. A. D. C. Cir.; and

No. 19–760 (19A640). TRUMP ET AL. *v.* DEUTSCHE BANK AG ET AL. C. A. 2d Cir. Certiorari in No. 19–715 granted. Application (19A640) for stay, presented to JUSTICE GINSBURG, and by her referred to the Court, granted, and it is ordered that the mandate of the United States Court of Appeals for the Second Circuit, case No. 19–1540, is hereby stayed pending further order of the Court. In addition, the application is treated as a petition for writ of certiorari, and certiorari is granted. Cases consolidated, and a total of one hour is allotted for oral argument. Cases will be set for argument in the March 2020 argument session. Reported below: No. 19–715, 940 F. 3d 710; No. 19–760, 943 F. 3d 627.

Page Proof Pending Publication

DECEMBER 16, 2019

Certiorari Dismissed

No. 19–6228. CHI *v.* STOVER 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. 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: 706 Fed. Appx. 835.

No. 19–6237. WATSON *v.* GODERT, WARDEN. 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.

Miscellaneous Orders

No. 19M77. WASSON *v.* UNITED STATES ET AL.;

No. 19M79. ROBINSON *v.* DORE; and

No. 19M80. KEITA *v.* UNITED STATES ET AL.; KEITA *v.* CITIBANK N. A. ET AL.; and KEITA *v.* IBM ET AL. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 19M78. GUERRERO HERNANDEZ *v.* UNITED STATES. Motion for leave to file petition for writ of certiorari with supplemental appendix under seal denied.

No. 18–1059. KELLY *v.* UNITED STATES ET AL. C. A. 3d Cir. [Certiorari granted, 588 U. S. 919.] Motion of respondent William Baroni for divided argument granted.

No. 19–373. WALKER *v.* UNITED STATES. C. A. 6th Cir. [Certiorari granted, 589 U. S. 1066.] Motion of petitioner to dispense with printing joint appendix granted.

No. 19–655. IN RE PATTERSON. Petition for writ of habeas corpus denied.

No. 19–6248. IN RE PARKS; and

No. 19–6441. IN RE LYNCH. Petitions for writs of mandamus denied.

Page Proof Pending Publication

Certiorari Denied

No. 19–181. PATTERSON *v.* INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION. Ct. App. Ind. Certiorari denied. Reported below: 119 N. E. 3d 99.

No. 19–202. MCLEMORE *v.* CITY OF SHORELINE, WASHINGTON. Sup. Ct. Wash. Certiorari denied. Reported below: 193 Wash. 2d 225, 438 P. 3d 1161.

No. 19–235. JORDAN ET AL. *v.* VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 921 F. 3d 180.

No. 19–247. CITY OF BOISE, IDAHO *v.* MARTIN ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 920 F. 3d 584.

No. 19–281. CAPITAL ASSOCIATED INDUSTRIES, INC. *v.* STEIN, ATTORNEY GENERAL OF NORTH CAROLINA, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 922 F. 3d 198.

No. 19–462. A TOP NEW CASTING INC. *v.* BODUM USA, INC. C. A. 7th Cir. Certiorari denied. Reported below: 927 F. 3d 486.

No. 19–469. HSU *v.* CITY OF BERKELEY, CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 5. Certiorari denied.

No. 19–471. FERMIN *v.* PRIEST OF SAINT MARY-MARFA, TEXAS, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 775 Fed. Appx. 162.

No. 19–473. DASLER *v.* DASLER. Sup. Ct. Vt. Certiorari denied.

No. 19–476. JAIN ET VIR *v.* BARKER ET AL. (Reported below: 265 So. 3d 633); and JAIN, AS TRUSTEE, AND ITS SUCCESSORS OR SUCCESSOR TRUSTEES UNDER THE MANOHAR JAIN TRUST DATED JULY 1, 2000, ET AL. *v.* BAY HILL PROPERTY OWNERS ASSN., INC. (268 So. 3d 142). Dist. Ct. App. Fla., 5th Dist. Certiorari denied.

No. 19–477. KUROWSKI *v.* ESTATE OF KUROWSKI ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 649.

No. 19–483. MARINO *v.* NADEL, DBA LAW OFFICES OF JEFFREY NADEL, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 763 Fed. Appx. 305.

Page Proof Pending Publication

No. 19–496. DISH NETWORK L. L. C. *v.* KRAKAUER, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED. C. A. 4th Cir. Certiorari denied. Reported below: 925 F. 3d 643.

No. 19–504. BOWES *v.* MELITO ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 923 F. 3d 85.

No. 19–519. PSARA ENERGY LTD. *v.* ST SHIPPING & TRANSPORT PTE. LTD. ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 771 Fed. Appx. 45.

No. 19–524. DE LA FUENTE *v.* PADILLA, CALIFORNIA SECRETARY OF STATE, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 930 F. 3d 1101.

No. 19–540. JENKINS *v.* CITY OF CLEVELAND, OHIO. Ct. App. Ohio, 8th App. Dist., Cuyahoga County. Certiorari denied. Reported below: 2019-Ohio-458.

No. 19–545. COULTER *v.* PAULISICK ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 778 Fed. Appx. 180.

No. 19–614. VIZCARRA ET AL. *v.* ORTIZ, INDIVIDUALLY AND AS CO-SUCCESSOR IN INTEREST TO DECEDENT PENA, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 450.

No. 19–617. SUPERVILLE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 771 Fed. Appx. 28.

No. 19–621. SWEENEY *v.* MERIT SYSTEMS PROTECTION BOARD. C. A. 4th Cir. Certiorari denied. Reported below: 776 Fed. Appx. 788.

No. 19–644. FORD *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 19–5574. WELCH *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 762 Fed. Appx. 188.

No. 19–6157. BROCKINGTON *v.* SAUL, COMMISSIONER OF SOCIAL SECURITY. C. A. 4th Cir. Certiorari denied. Reported below: 740 Fed. Appx. 332.

No. 19–6239. LAWS *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–6245. WILKINS, AKA BROWN *v.* STANISLAUS COUNTY, CALIFORNIA, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 768 Fed. Appx. 739.

No. 19–6250. FATHER *v.* MATERNAL GRANDPARENTS. Ct. App. Ohio, 8th App. Dist., Cuyahoga County. Certiorari denied. Reported below: 2017-Ohio-9165.

No. 19–6257. LOVETT *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 19–6259. CHRICHLOW *v.* METZGER, WARDEN, ET AL. C. A. 3d Cir. Certiorari denied.

No. 19–6281. SANDERS *v.* OBAMA ET AL. C. A. 2d Cir. Certiorari denied.

No. 19–6411. BAREFIELD *v.* ARKANSAS. Sup. Ct. Ark. Certiorari denied. Reported below: 2019 Ark. 149, 574 S. W. 3d 142.

No. 19–6438. TAPIA-FIERRO *v.* BARR, ATTORNEY GENERAL, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 754 Fed. Appx. 634.

No. 19–6442. YEAGER *v.* NATIONAL PUBLIC RADIO ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 1030.

No. 19–6581. LEON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 924 F. 3d 1021.

No. 19–6600. DAVIS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 19–6601. BATTLE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 927 F. 3d 160.

No. 19–6602. ACKIES *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 918 F. 3d 190.

No. 19–6606. ROOT *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 777 Fed. Appx. 536.

No. 19–6610. ALBERTO RUBI *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 775 Fed. Appx. 865.

No. 19–6615. JOHNSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–6616. MAGI *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 775 Fed. Appx. 324.

No. 19–6619. WHITTED *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 785 Fed. Appx. 948.

No. 19–6620. WALDRIP *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 783 Fed. Appx. 369.

No. 19–6621. WALTERS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 775 Fed. Appx. 25.

No. 19–6623. FULTZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 923 F. 3d 1192.

No. 19–6626. DODSON *v.* UNITED STATES (Reported below: 775 Fed. Appx. 442); SIX *v.* UNITED STATES (775 Fed. Appx. 443); WILLIAMS *v.* UNITED STATES (775 Fed. Appx. 449); GIBSON, AKA WORTH *v.* UNITED STATES (775 Fed. Appx. 446); BOLDUAN *v.* UNITED STATES (775 Fed. Appx. 455); and ENGLEHART *v.* UNITED STATES (772 Fed. Appx. 722). C. A. 10th Cir. Certiorari denied.

No. 19–6627. WILLIAMSON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 19–6635. BOROWSKI *v.* BECHELLI ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 338.

No. 19–6639. ANDREWS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 759 Fed. Appx. 197.

No. 19–6640. BRADLEY *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 924 F. 3d 476.

No. 19–6641. CLAYTON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 937 F. 3d 630.

No. 19–6643. FORREST *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 934 F. 3d 775.

No. 19–6665. KINGSBURY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 783 Fed. Appx. 680.

No. 19–223. SMYTH *v.* CONSERVATION COMMISSION OF FALMOUTH ET AL. App. Ct. Mass. Motion of National Federation of Independent Business Small Business Legal Center et al. for leave to file brief as *amici curiae* granted. Certiorari denied. Reported below: 94 Mass. App. 790, 119 N. E. 3d 1188.

Page Proof Pending Publication

No. 19–5282. BAXTER *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. JUSTICE KAVANAUGH took no part in the consideration or decision of this petition.

Rehearing Denied

No. 18–1461. DELEBREAU *v.* DANFORTH ET AL., 589 U. S. 922;
No. 18–1472. IN RE HADSELL, 589 U. S. 914;
No. 18–1573. PETKO ET AL. *v.* CARELTON COURTYARD, 589 U. S. 928;
No. 18–1583. CARTER *v.* UNITED STATES, 589 U. S. 928;
No. 18–9018. WILSON *v.* CITY OF CHESAPEAKE, VIRGINIA, 589 U. S. 932;
No. 18–9134. CLOPTON *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 589 U. S. 935;
No. 18–9147. FLINT *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 589 U. S. 936;

No. 18–9489. Bressi *v.* Gembic et al., 589 U. S. 949;

No. 18–9540. Harvin *v.* Davis, Director, Texas Department of Criminal Justice, Correctional Institutions Division, 589 U. S. 952;

No. 18–9593. Hayes *v.* Gorman et al., 589 U. S. 954;

No. 19–236. Ammiyhuwd *v.* Pompeo, Secretary of State, et al., 589 U. S. 1034;

No. 19–5007. Sikes *v.* Davis, Director, Texas Department of Criminal Justice, Correctional Institutions Division, 589 U. S. 977;

No. 19–5253. Wright *v.* Holley, Acting Commissioner of the West Virginia Department of Motor Vehicles, 589 U. S. 991;

No. 19–5278. Chaney *v.* United States, 589 U. S. 992;

No. 19–5302. Williams *v.* Inch, Secretary, Florida Department of Corrections, 589 U. S. 993;

No. 19–5409. Daniel *v.* Davis, Director, Texas Department of Criminal Justice, Correctional Institutions Division, 589 U. S. 998;

No. 19–5459. Carter *v.* Davis, Director, Texas Department of Criminal Justice, Correctional Institutions Division, 589 U. S. 1019;

Preliminary Prior to Publication

No. 19–5722. Shepard *v.* United States, 589 U. S. 1006; and

No. 19–5808. Donahue *v.* Pennsylvania, 589 U. S. 1026. Petitions for rehearing denied.

No. 18–9783. Ghelichkhani *v.* United States, 589 U. S. 1009. Petition for rehearing denied. Justice Kagan took no part in the consideration or decision of this petition.

December 18, 2019

Certiorari Granted

No. 19–292. Torres *v.* Madrid et al. C. A. 10th Cir. Certiorari granted. Reported below: 769 Fed. Appx. 654.

No. 19–357. City of Chicago, Illinois *v.* Fulton et al. C. A. 7th Cir. Certiorari granted. Reported below: 926 F. 3d 916.

No. 19–438. Pereida *v.* Barr, Attorney General. C. A. 8th Cir. Certiorari granted. Reported below: 916 F. 3d 1128.

No. 19–267. Our Lady of Guadalupe School *v.* Morrissey-Berru; and

No. 19–348. St. James School *v.* Biel, as Personal Representative of the Estate of Biel. C. A. 9th Cir. Certiorari granted, cases consolidated, and a total of one hour is allotted for oral argument. Reported below: No. 19–267, 769 Fed. Appx. 460; No. 19–348, 911 F. 3d 603.

January 10, 2020

Certiorari Granted

No. 18–540. Rutledge, Attorney General of Arkansas *v.* Pharmaceutical Care Management Assn. C. A. 8th Cir. Certiorari granted. Reported below: 891 F. 3d 1109.

No. 19–199. Salinas *v.* United States Railroad Retirement Board. C. A. 5th Cir. Certiorari granted. Reported below: 765 Fed. Appx. 79.

No. 19–631. Barr, Attorney General, et al. *v.* American Association of Political Consultants, Inc., et al. C. A. 4th Cir. Certiorari granted. Reported below: 923 F. 3d 159.

January 13, 2020

Page Proof Pending Publication

Certiorari Granted—Vacated and Remanded

No. 17–1529. Clearstream Banking S. A. *v.* Peterson et al.;

No. 17–1530. Banca UBAE, S. p. A. *v.* Peterson et al.; and

No. 17–1534. Bank Markazi, aka Central Bank of Iran *v.* Peterson et al. C. A. 2d Cir. Certiorari granted, judgment vacated, and cases remanded for further consideration in light of the National Defense Authorization Act for Fiscal Year 2020, 133 Stat. 1198. Reported below: 876 F. 3d 63.

No. 18–9325. Jefferson *v.* United States. C. A. 10th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for the court to consider the First Step Act of 2018, 132 Stat. 5194. Reported below: 911 F. 3d 1290.

Certiorari Dismissed

No. 19–6285. Linh Thi Minh Tran *v.* Stan the Hot Water Man. Ct. App. Ore. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this

Court's Rule 39.8. Reported below: 294 Ore. App. 512, 429 P. 3d 450.

No. 19–6291. MUA *v.* O'NEAL FIRM, LLP. Ct. App. D. C. 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. 19–6435. ODUOK *v.* FULTON DEKALB HOSPITAL AUTHORITY, DBA GRADY MEMORIAL HOSPITAL, ET AL. Sup. Ct. Ga. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 19–6516. VETETO *v.* GRIFFIN, JUDGE, CIRCUIT COURT OF ALABAMA, MONTGOMERY COUNTY, 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.

Page Proof Pending Publication

No. 19–6544. CUNNINGHAM *v.* COLUMBIA PICTURES INDUSTRIES, 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. Reported below: 765 Fed. Appx. 395.

No. 19–6545. CUNNINGHAM *v.* WASHINGTON COUNTY, OREGON, 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. 19–6629. KING *v.* DISTRICT OF COLUMBIA ET AL. Ct. App. D. C. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 203 A. 3d 767.

No. 19–6631. DREVALEVA *v.* APPELLATE DIVISION OF THE SUPERIOR COURT OF CALIFORNIA, SAN MATEO COUNTY, ET AL. Ct. App. Cal., 1st App. Dist., Div. 1. 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–3054. IN RE DISCIPLINE OF HANOVER. Sean Regan Hanover, of Fairfax, Va., 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–3055. IN RE DISCIPLINE OF FRANK. Barry N. Frank, of Ridgefield, 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–3056. IN RE DISCIPLINE OF JAMES. Michael L. James, of Louisville, Ky., 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–3057. IN RE DISCIPLINE OF BLAHER. Neal Jonathan Blaher, of Orlando, Fla., 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.

Page Proof Pending Publication

No. D–3058. IN RE DISCIPLINE OF ROMERO. Douglas L. Romero, of Denver, Colo., 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. 19M81. FENSTERMAKER *v.* HALVORSON, WARDEN;

No. 19M83. ROACH *v.* WASHINGTON;

No. 19M84. HARRIS *v.* CENTRAL STATES, SOUTHEAST AND SOUTHWEST AREAS HEALTH AND WELFARE PENSION FUNDS;

No. 19M85. CONNER *v.* UNITED STATES;

No. 19M86. MARR *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS;

No. 19M87. MONTGOMERY *v.* WALGREEN CO.; and

No. 19M89. LLOYD *v.* PRESBY'S INSPIRED LIFE ET AL. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 19M82. MORROW *v.* WEST CENTRAL GEORGIA WORKFORCE DEVELOPMENT CORPORATION. Motion to direct the Clerk to file

petition for writ of certiorari out of time under this Court's Rule 14.5 denied.

No. 19M88. LONGMIRE *v.* WARSHAW BURSTEIN COHEN SCHLESINGER & KUH, LLP. Motion for leave to file petition for writ of certiorari with supplemental appendix under seal denied.

No. 141, Orig. TEXAS *v.* NEW MEXICO ET AL. Second Interim Report of the Special Master on the motion of Nathan Boyd Estate et al. for leave to intervene received and ordered filed. Motion of Nathan Boyd Estate et al. for leave to intervene denied. [For earlier order herein, see, *e. g.*, 587 U. S. 1061.]

No. 18–1195. ESPINOZA ET AL. *v.* MONTANA DEPARTMENT OF REVENUE ET AL. Sup. Ct. Mont. [Certiorari granted, 588 U. S. 920.] Motion of Agudath Israel of America for leave to file brief as *amicus curiae* out of time denied.

No. 18–9546. WILLS *v.* VANNOY, WARDEN. C. A. 5th Cir. Motion for leave to file an amended petition for writ of certiorari denied.

Page Proof Pending Publication

No. 18–9751. NESBITT *v.* FRAKES, DIRECTOR, NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES. C. A. 8th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [589 U. S. 906] denied.

No. 19–71. TANZIN ET AL. *v.* TANVIR ET AL. C. A. 2d Cir. [Certiorari granted, 589 U. S. 1078.] Motion of petitioners to dispense with printing joint appendix granted.

No. 19–108. UNITED STATES *v.* BRIGGS; and

No. 19–184. UNITED STATES *v.* COLLINS; and UNITED STATES *v.* DANIELS. C. A. Armed Forces. [Certiorari granted, 589 U. S. 1067.] Motion of petitioner to dispense with printing joint appendix granted.

No. 19–416. NESTLE USA, INC. *v.* DOE ET AL.; and

No. 19–453. CARGILL, INC. *v.* DOE 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. 19–638. N. B. D. *v.* KENTUCKY CABINET FOR HEALTH AND FAMILY SERVICES. Sup. Ct. Ky. Motion of Nelida Maribel Diaz Juarez for leave to intervene as petitioner granted. The Solicitor

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

No. 19–6447. DONELSON *v.* HARDY ET AL. C. A. 7th Cir.; and
No. 19–6593. FORD *v.* WHITE ET AL. C. A. 9th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until February 3, 2020, 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. 19–6831. IN RE WROTEN;
No. 19–6854. IN RE PALOMAREZ;
No. 19–6887. IN RE EDMONDS;
No. 19–6889. IN RE LAW; and
No. 19–6993. IN RE LUNDY. Petitions for writs of habeas corpus denied.

No. 19–6946. IN RE REYNOLDS. 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*).

Page Proof Pending Publication

No. 19–544. IN RE BANK;
No. 19–6556. IN RE WIMBUSH ET VIR; and
No. 19–6580. IN RE SIMPSON. Petitions for writs of mandamus denied.

No. 19–6564. IN RE WEI ZHOU. 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. 19–6526. IN RE WORTHINGTON. Petition for writ of mandamus and/or prohibition denied.

No. 19–6659. IN RE RODRIGUEZ ORNALEZ. Petition for writ of prohibition denied.

Certiorari Denied

No. 18–415. HP INC., FKA HEWLETT-PACKARD CO. *v.* BERKHEIMER. C. A. Fed. Cir. Certiorari denied. Reported below: 881 F. 3d 1360.

No. 18–817. HIKMA PHARMACEUTICALS USA INC. ET AL. *v.* VANDA PHARMACEUTICALS INC. C. A. Fed. Cir. Certiorari denied. Reported below: 887 F. 3d 1117.

No. 18–926. PUTNAM INVESTMENTS, LLC, ET AL. *v.* BROTHERSTON, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED, ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 907 F. 3d 17.

No. 18–1140. AVCO CORP. *v.* SIKKELEE, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF SIKKELEE, DECEASED, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 907 F. 3d 701.

Page Proof Pending Publication

No. 18–1222. VIALVA *v.* UNITED STATES; and

No. 18–6992. BERNARD *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 904 F. 3d 356.

No. 18–9495. JONES *v.* UNDERWOOD, WARDEN. C. A. 5th Cir. Certiorari denied. Reported below: 768 Fed. Appx. 293.

No. 18–9645. BLACK *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 902 F. 3d 541.

No. 18–9750. CURRY *v.* LOPEZ, ASSOCIATE JUDGE, CIRCUIT COURT OF ILLINOIS, COOK COUNTY, ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 756 Fed. Appx. 649.

No. 19–35. MOJICA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–43. POWER ANALYTICS CORP. *v.* OPERATION TECHNOLOGY, INC., ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 748 Fed. Appx. 334.

No. 19–44. DEOCAMPO *v.* BARR, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied. Reported below: 766 Fed. Appx. 555.

No. 19–51. BRANCH ET AL. *v.* MASSACHUSETTS DEPARTMENT OF LABOR RELATIONS ET AL. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 481 Mass. 810, 120 N. E. 3d 1163.

No. 19–52. WALKER *v.* ENGLISH, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 430.

No. 19–61. MARITIME LIFE CARIBBEAN LTD. *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 913 F. 3d 1027.

No. 19–62. CARTER *v.* MASSACHUSETTS. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 481 Mass. 352, 115 N. E. 3d 559.

No. 19–64. LILLEY ET AL. *v.* NEW HAMPSHIRE. Sup. Ct. N. H. Certiorari denied. Reported below: 171 N. H. 766, 204 A. 3d 198.

No. 19–102. BACA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 761 Fed. Appx. 724.

No. 19–125. ZAMORE *v.* DEUTSCHE BANK NATIONAL TRUST CO., INDIVIDUALLY AND AS TRUSTEE FOR JP MORGAN MORTGAGE ACQUISITION TRUST 2007–CH5 ASSET BACKED PASS-THROUGH CERTIFICATES SERIES 2007–CH5, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 762 Fed. Appx. 996.

Page Proof Pending Publication

No. 19–156. ISLAS *v.* TEXAS. Ct. App. Tex., 14th Dist. Certiorari denied. Reported below: 562 S. W. 3d 191.

No. 19–208. BECKHAM *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 917 F. 3d 1059.

No. 19–224. STROTHER *v.* BALDWIN, ADJUTANT GENERAL, CALIFORNIA ARMY NATIONAL GUARD, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 1016.

No. 19–268. PARK PROPERTIES ASSOCIATES, L. P., ET AL. *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 916 F. 3d 998.

No. 19–288. SANCHEZ ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 760 Fed. Appx. 533.

No. 19–312. EKHLASSI *v.* NATIONAL LLOYDS INSURANCE CO. C. A. 5th Cir. Certiorari denied. Reported below: 926 F. 3d 130.

No. 19–329. WINSTON-SALEM INDUSTRIES FOR THE BLIND *v.* PDS CONSULTANTS, INC., ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 907 F. 3d 1345.

No. 19–331. SEQUOIA CAPITAL OPERATIONS, LLC *v.* GINGRAS ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 922 F. 3d 112.

No. 19–337. REGENTS OF THE UNIVERSITY OF MINNESOTA *v.* LSI CORP. ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 926 F. 3d 1327.

No. 19–343. NEW YORK REPUBLICAN STATE COMMITTEE *v.* SECURITIES AND EXCHANGE COMMISSION. C. A. D. C. Cir. Certiorari denied. Reported below: 927 F. 3d 499.

No. 19–352. BRINDLE ET AL. *v.* DELTA AIRLINES, INC., ET AL. Sup. Ct. R. I. Certiorari denied. Reported below: 211 A. 3d 930.

No. 19–358. PEREZ-CAZUN ET AL. *v.* BARR, ATTORNEY GENERAL. C. A. 8th Cir. Certiorari denied. Reported below: 763 Fed. Appx. 591.

Page Proof Pending Publication

No. 19–361. SMITH ET AL. *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 928 F. 3d 1215.

No. 19–376. THOMPSON *v.* SAUL, COMMISSIONER OF SOCIAL SECURITY. C. A. 8th Cir. Certiorari denied. Reported below: 919 F. 3d 1033.

No. 19–385. QORANE *v.* BARR, ATTORNEY GENERAL. C. A. 5th Cir. Certiorari denied. Reported below: 919 F. 3d 904.

No. 19–386. MONROE COUNTY COMMISSION *v.* A. A. NETTLES, SR. PROPERTIES LTD., ET AL. Sup. Ct. Ala. Certiorari denied. Reported below: 288 So. 3d 452.

No. 19–387. AMBAC ASSURANCE CORP. *v.* FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 927 F. 3d 597.

No. 19–391. ASSURED GUARANTY CORP. ET AL. *v.* FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 919 F. 3d 121.

No. 19–400. GARMIN USA, INC., ET AL. *v.* CELLSPIN SOFT, INC. C. A. Fed. Cir. Certiorari denied. Reported below: 927 F. 3d 1306.

No. 19–403. Alabama-Coushatta Tribe of Texas *v.* Texas. C. A. 5th Cir. Certiorari denied. Reported below: 918 F. 3d 440.

No. 19–409. City of Cleveland, Ohio, et al. *v.* Jackson et al. C. A. 6th Cir. Certiorari denied. Reported below: 925 F. 3d 793.

No. 19–428. Courtade *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 929 F. 3d 186.

No. 19–430. Athena Diagnostics, Inc., et al. *v.* Mayo Collaborative Services, LLC, dba Mayo Medical Laboratories, et al. C. A. Fed. Cir. Certiorari denied. Reported below: 915 F. 3d 743.

No. 19–435. SIH Partners LLLP, Explorer Corp. *v.* Commissioner of Internal Revenue. C. A. 3d Cir. Certiorari denied. Reported below: 923 F. 3d 296.

No. 19–464. Veterans Contracting Group, Inc. *v.* United States. C. A. Fed. Cir. Certiorari denied. Reported below: 920 F. 3d 801.

Page Proof Pending Publication

No. 19–490. Metcalf *v.* Fitzgerald et al. Sup. Ct. Conn. Certiorari denied. Reported below: 333 Conn. 1, 214 A. 3d 361.

No. 19–493. Maksimuk *v.* Connor Sport Court International, LLC. C. A. Fed. Cir. Certiorari denied. Reported below: 771 Fed. Appx. 1001.

No. 19–502. Baatz et al. *v.* Columbia Gas Transmission, LLC. C. A. 6th Cir. Certiorari denied. Reported below: 929 F. 3d 767.

No. 19–503. Apache Corp. *v.* Rhea. C. A. 10th Cir. Certiorari denied.

No. 19–505. Rupert *v.* Bond et al. C. A. 9th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 777.

No. 19–509. Doe *v.* Dardanelle School District. C. A. 8th Cir. Certiorari denied. Reported below: 928 F. 3d 722.

No. 19–523. Williams *v.* Baptist Health, dba Baptist Health Medical Center, et al. C. A. 8th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 781.

No. 19–525. COOLEY ET AL. *v.* NATIONAL ABORTION FEDERATION. C. A. 9th Cir. Certiorari denied. Reported below: 926 F. 3d 534.

No. 19–526. EDWARDS, DBA EDWARDS LAND AND CATTLE *v.* GENEX COOPERATIVE, INC. C. A. 4th Cir. Certiorari denied. Reported below: 777 Fed. Appx. 613.

No. 19–529. TURNER *v.* THOMAS ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 930 F. 3d 640.

No. 19–531. LEVIN *v.* JPMORGAN CHASE BANK, N. A., ET AL. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 161 App. Div. 3d 966, 77 N. Y. S. 3d 437.

No. 19–537. THOMAS *v.* SOLOMON ET AL. Ct. App. Cal., 2d App. Dist., Div. 8. Certiorari denied.

No. 19–539. OFFICE OF RECOVERY SERVICES *v.* LATHAM. Sup. Ct. Utah. Certiorari denied. Reported below: 2019 UT 51, 448 P. 3d 1241.

No. 19–542. JARRETT *v.* STATE BAR OF CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

Page Proof Pending Publication

No. 19–543. LUSK, INDIVIDUALLY AND AS EXECUTOR OF THE ESTATE OF LUSK, DECEASED *v.* CROWN POINTE CARE CENTER ET AL. Ct. App. Ohio, 10th App. Dist., Franklin County. Certiorari denied. Reported below: 2019-Ohio-1326, 135 N. E. 3d 414.

No. 19–548. MULLINS *v.* CORCORAN ET AL. App. Ct. Mass. Certiorari denied. Reported below: 95 Mass. App. 1107, 124 N. E. 3d 706.

No. 19–552. SALZWEDEL *v.* CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 165.

No. 19–554. 50 MURRAY STREET ACQUISITION LLC *v.* KUZMICH ET AL. Ct. App. N. Y. Certiorari denied. Reported below: 34 N. Y. 3d 84, 132 N. E. 3d 624.

No. 19–555. FULMER *v.* FIFTH THIRD EQUIPMENT FINANCE CO. ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 931 F. 3d 730.

No. 19–556. NEWNAM *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 209 A. 3d 530.

No. 19–558. MONTVILLE TOWNSHIP BOARD OF EDUCATION *v.* ZURICH AMERICAN INSURANCE CO. C. A. 3d Cir. Certiorari denied. Reported below: 783 Fed. Appx. 235.

No. 19–559. REARDON *v.* HILLMAN ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 773 Fed. Appx. 658.

No. 19–561. ROSIER *v.* STROBEL. Ct. App. Ariz. Certiorari denied.

No. 19–562. BURKE *v.* NEW YORK CITY TRANSIT AUTHORITY ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 758 Fed. Appx. 192.

No. 19–565. PASSARO *v.* VIRGINIA ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 935 F. 3d 243.

No. 19–567. PIERRE *v.* MACY'S, INC., ET AL. C. A. 2d Cir. Certiorari denied.

No. 19–570. ELOFSON *v.* BIVENS ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 409.

No. 19–577. LAMPRELL *v.* STUCKEY. Ct. App. N. M. Certiorari denied.

Page Proof Pending Publication

No. 19–578. HALE *v.* UNITED STATES ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 216.

No. 19–580. JUN XIAO *v.* REGENTS OF THE UNIVERSITY OF MINNESOTA ET AL. Ct. App. Minn. Certiorari denied.

No. 19–581. DOVIN ET UX. *v.* SWEITZER ET AL. Commw. Ct. Pa. Certiorari denied.

No. 19–583. ESTATE OF CUNNINGHAM ET AL. *v.* MCGUIRE. C. A. 1st Cir. Certiorari denied. Reported below: 923 F. 3d 240.

No. 19–584. NUVO PHARMACEUTICALS (IRELAND) DESIGNATED ACTIVITY CO. ET AL. *v.* DR. REDDY'S LABORATORIES INC. ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 923 F. 3d 1368.

No. 19–588. MADDEN-GRAMMER *v.* INDUSTRIAL CLAIM APPEALS OFFICE ET AL. Ct. App. Colo. Certiorari denied.

No. 19–589. RIMINI STREET, INC. *v.* ORACLE USA, INC., ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 783 Fed. Appx. 707.

No. 19–590. DEEM *v.* COLANGELO ET AL. Ct. App. N. Y. Certiorari denied. Reported below: 33 N. Y. 3d 1039, 126 N. E. 3d 1052.

No. 19–591. CHESTNUT HILL SOUND INC. *v.* APPLE INC. ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 774 Fed. Appx. 676.

No. 19–593. CITY OF CAMDEN, NEW JERSEY *v.* FORREST. C. A. 3d Cir. Certiorari denied. Reported below: 930 F. 3d 93.

No. 19–596. HALE *v.* UNITED STATES ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 213.

No. 19–598. SPURR *v.* POPE, CHIEF JUDGE, TRIBAL COURT OF THE NOTTAWASEPPI HURON BAND OF POTAWATOMI, ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 936 F. 3d 478.

No. 19–599. MOHORNE *v.* BEAL BANK ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 846.

No. 19–602. SAUNDERS *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–606. UKRAINE *v.* PAO TATNEFT. C. A. D. C. Cir. Certiorari denied. Reported below: 771 Fed. Appx. 9.

No. 19–610. MUSHKIN, INC. *v.* ANZA TECHNOLOGY, INC. C. A. Fed. Cir. Certiorari denied. Reported below: 934 F. 3d 1359.

No. 19–615. WARD *v.* CITY OF NEW YORK, NEW YORK, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 777 Fed. Appx. 540.

No. 19–620. NARKIEWICZ-LAINE *v.* DOYLE ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 930 F. 3d 897.

No. 19–625. GUERRERO, INDIVIDUALLY AND AS THE SPECIAL ADMINISTRATOR OF THE ESTATE OF GUERRERO *v.* BNSF RAILWAY CO. C. A. 7th Cir. Certiorari denied. Reported below: 929 F. 3d 926.

No. 19–628. MICHAEL CETTA, INC., DBA SPARKS RESTAURANT *v.* NATIONAL LABOR RELATIONS BOARD. C. A. D. C. Cir. Certiorari denied. Reported below: 805 Fed. Appx. 2.

No. 19–630. HURST, PERSONAL REPRESENTATIVE OF THE ESTATE OF HURST AND ON BEHALF OF THE ESTATE OF HURST DECEASED AND THE STATUTORY WRONGFUL DEATH SURVIVOR OF HURST *v.* UNITED STATES ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 782 Fed. Appx. 978.

No. 19–641. COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT, DIVISION OF WORKERS' COMPENSATION *v.* DAMI HOSPITALITY, LLC; and

No. 19–719. DAMI HOSPITALITY, LLC *v.* COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT, DIVISION OF WORKERS' COMPENSATION. Sup. Ct. Colo. Certiorari denied. Reported below: 442 P. 3d 94.

No. 19–647. CORBETT *v.* TRANSPORTATION SECURITY ADMINISTRATION. C. A. 11th Cir. Certiorari denied. Reported below: 930 F. 3d 1225.

No. 19–652. COX *v.* MONEY SOURCE, INC. Super. Ct. N. J., App. Div. Certiorari denied.

No. 19–653. ORTLOFF *v.* TRIMMER ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 903.

Page Proof Pending Publication

No. 19–657. BREWER *v.* MYERS. C. A. 10th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 1032.

No. 19–662. SANDER *v.* CITY OF DICKINSON, NORTH DAKOTA, ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 331.

No. 19–663. WILSON *v.* STATE BAR OF TEXAS. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 19–664. WILLIAMS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 776 Fed. Appx. 238.

No. 19–665. DOE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 932 F. 3d 279.

No. 19–668. BIRD *v.* HAWAII ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 935 F. 3d 738.

No. 19–671. GROVER *v.* OFFICE OF PERSONNEL MANAGEMENT. C. A. Fed. Cir. Certiorari denied. Reported below: 768 Fed. Appx. 1011.

No. 19–686. SNODGRASS-KING PEDIATRIC DENTAL ASSOCIATES, P. C., ET AL. *v.* DENTAQUEST USA INSURANCE CO., INC. C. A. 6th Cir. Certiorari denied. Reported below: 780 Fed. Appx. 197.

No. 19–709. MAKO ONE CORP. ET AL. *v.* CEDAR RAPIDS BANK & TRUST CO. C. A. 8th Cir. Certiorari denied. Reported below: 919 F. 3d 529.

No. 19–727. KEEPERS, INC. *v.* CITY OF MILFORD, CONNECTICUT. C. A. 2d Cir. Certiorari denied. Reported below: 776 Fed. Appx. 734.

No. 19–733. METRO-NORTH COMMUTER RAILROAD CO. *v.* MURPHY. Sup. Ct. Conn. Certiorari denied. Reported below: 332 Conn. 244, 210 A. 3d 56.

No. 19–742. BAILEY-SNYDER *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 923 F. 3d 289.

No. 19–776. AMONETT *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

Page Proof Pending Publication

No. 19–5129. STARKS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–5154. QUARY *v.* ENGLISH, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 759 Fed. Appx. 681.

No. 19–5241. DYAB *v.* ENGLISH, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 552.

No. 19–5384. ROTHENBERG *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 923 F. 3d 1309.

No. 19–5458. WINTER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 72.

No. 19–5490. MIGUEL ACEITUNO *v.* BARR, ATTORNEY GENERAL. C. A. 2d Cir. Certiorari denied.

No. 19–5526. LAKE *v.* WILKIE, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. Certiorari denied. Reported below: 759 Fed. Appx. 972.

No. 19–5582. TUAN DUC LAM *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 805.

No. 19–5596. LATHAM *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 763 Fed. Appx. 428.

No. 19–5633. JOHNSON *v.* TISCHNER, DIRECTOR, COURT SERVICES AND OFFENDER SUPERVISION AGENCY, ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 767 Fed. Appx. 10.

No. 19–5653. BUSBY *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 925 F. 3d 699.

No. 19–5671. LYLE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 919 F. 3d 716.

No. 19–5697. VINAGRE-HERNANDEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 925 F. 3d 761.

No. 19–5719. RAY *v.* COLORADO. Sup. Ct. Colo. Certiorari denied. Reported below: 440 P. 3d 412.

No. 19–5806. BRADHAM *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 777 Fed. Appx. 294.

Page Proof Pending Publication

No. 19–5817. TAYLOR *v.* LOUISIANA. Ct. App. La., 1st Cir. Certiorari denied. Reported below: 2018–1279 (La. App. 1 Cir. 11/9/18).

No. 19–5820. RABY *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 925 F. 3d 749.

No. 19–5848. HARRIS *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 206 A. 3d 273.

No. 19–5924. HENNESSEE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 932 F. 3d 437.

No. 19–5929. RAMIREZ-ANGUIANO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 758 Fed. Appx. 364.

No. 19–5936. LOPEZ-RAMOS *v.* MINNESOTA. Sup. Ct. Minn. Certiorari denied. Reported below: 929 N. W. 2d 414.

No. 19–5948. VALDEZ-ARAIZA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 780 Fed. Appx. 444.

No. 19–5949. MARTINEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 777 Fed. Appx. 709.

No. 19–5958. HELM *v.* HAUSER. Ct. App. Tex., 4th Dist. Certiorari denied.

No. 19–5967. THOMAS *v.* NEVADA. Sup. Ct. Nev. Certiorari denied. Reported below: 135 Nev. 726, 432 P. 3d 759.

No. 19–5968. CUESTA-RODRIGUEZ *v.* CARPENTER, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 916 F. 3d 885.

No. 19–5998. FREIN *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied. Reported below: 651 Pa. 635, 206 A. 3d 1049.

No. 19–6039. LANDAZURI VARGAS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 781 Fed. Appx. 815.

No. 19–6054. HEMBY *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–6056. HERNANDEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 779 Fed. Appx. 195.

No. 19–6076. LEE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 919 F. 3d 340.

No. 19–6100. SPROWSON *v.* NEVADA. Sup. Ct. Nev. Certiorari denied. Reported below: 135 Nev. 720.

No. 19–6108. KIDD *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 929 F. 3d 578.

No. 19–6120. RODRIGUEZ *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 770 Fed. Appx. 18.

No. 19–6125. HERNANDEZ *v.* DAVIS, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 923 F. 3d 544.

No. 19–6190. COOK ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 345.

No. 19–6195. MARTINEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 19–6233. POWELL *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 774 Fed. Appx. 728.

No. 19–6271. LEWIS *v.* MICHIGAN. Sup. Ct. Mich. Certiorari denied. Reported below: 503 Mich. 1028, 926 N. W. 2d 579.

No. 19–6273. LUCAS *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 276 So. 3d 925.

No. 19–6286. BIRAPAKA *v.* UNITED STATES ARMY RESEARCH LABORATORY ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 754 Fed. Appx. 495.

No. 19–6287. MARTINEZ *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 766.

No. 19–6298. GARDNER *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 779 Fed. Appx. 187.

No. 19–6300. STOKES ET UX. *v.* LSF 8 MASTER PARTICIPATION TRUST. C. A. 9th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–6304. NAVA LARA *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 19–6319. BOGAN *v.* GERMAN ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 297.

No. 19–6321. PRANCE *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–6324. TAENG YANG *v.* MCNEILL ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 750 Fed. Appx. 516.

No. 19–6325. BARNES *v.* SENTRY MANAGEMENT, INC., ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 776.

No. 19–6326. VERBLE *v.* CITY OF SAN DIEGO, CALIFORNIA. C. A. 9th Cir. Certiorari denied.

No. 19–6327. LORTA *v.* SHERMAN, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 19–6328. BROWN *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–6329. BOYD *v.* MONROE ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 92.

No. 19–6330. CORONA *v.* GASPARYAN. Ct. App. Cal., 2d App. Dist., Div. 7. Certiorari denied.

No. 19–6337. BIRCH-MIN *v.* MIDDLESEX COUNTY BOARD OF SOCIAL SERVICES ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 761 Fed. Appx. 118.

No. 19–6339. MILES *v.* AZAR, SECRETARY OF HEALTH AND HUMAN SERVICES. C. A. Fed. Cir. Certiorari denied. Reported below: 769 Fed. Appx. 925.

No. 19–6342. SHAVERS *v.* SHARP, DEPUTY WARDEN, ET AL. C. A. 6th Cir. Certiorari denied.

No. 19–6346. MALONE *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–6349. BRINKLEY *v.* REWERTS, WARDEN. Ct. App. Mich. Certiorari denied.

No. 19–6359. NIVENS *v.* MARYLAND. Ct. App. Md. Certiorari denied. Reported below: 463 Md. 157, 204 A. 3d 195.

No. 19–6365. DAVIS *v.* MACLAREN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–6369. DUTTON *v.* AMERICAN BANKERS INSURANCE CO. Super. Ct. Pa. Certiorari denied. Reported below: 195 A. 3d 1016.

No. 19–6374. MOSS *v.* MICHIGAN. Cir. Ct. Wayne County, Mich. Certiorari denied.

No. 19–6381. BROWN *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 19–6382. MARTINEZ-COVARRUBIAS *v.* BARR, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied. Reported below: 775 Fed. Appx. 869.

No. 19–6386. XUE JIE HE *v.* GUTTENBERG NEW JERSEY POLICE ET AL. Ct. App. N. Y. Certiorari denied. Reported below: 33 N. Y. 3d 1063, 127 N. E. 3d 314.

No. 19–6387. GRIFFIN *v.* AMERICAN ZURICH INSURANCE CO. ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 697 Fed. Appx. 793.

No. 19–6388. VANDERMEULEN *v.* RYAN ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 443.

No. 19–6395. V. A. C. *v.* J. L. W. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 19–6396. JORDAN *v.* MAGILL ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 18.

No. 19–6398. TOWNSEND *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 11th Cir. Certiorari denied.

No. 19–6399. ZAMMIELLO *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–6403. CRENSHAW *v.* TEXAS. Ct. App. Tex., 2d Dist. Certiorari denied.

No. 19–6406. RUSH *v.* NEBRASKA. Sup. Ct. Neb. Certiorari denied. Reported below: 303 Neb. xvii.

No. 19–6407. SMILEY *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 1. Certiorari denied.

No. 19–6409. REILLY *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 277 So. 3d 1009.

No. 19–6412. JONES *v.* ARIZONA. Ct. App. Ariz. Certiorari denied.

No. 19–6416. KADAMOVAS *v.* CARAWAY, WARDEN, ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 775 Fed. Appx. 242.

No. 19–6417. WALKER *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 19–6422. BURNS *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 277 So. 3d 563.

No. 19–6425. SANTANA *v.* SUPERIOR COURT OF CALIFORNIA, LOS ANGELES COUNTY, ET AL. Sup. Ct. Cal. Certiorari denied.

No. 19–6427. SMITH *v.* CHAPDELAINE, WARDEN, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 468.

No. 19–6430. BLAKE *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–6434. TYLER *v.* FEDERAL BUREAU OF PRISONS ET AL. C. A. D. C. Cir. Certiorari denied.

No. 19–6437. PEYTON *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 19–6439. LOPEZ *v.* MUFG UNION BANK, N. A., ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 396.

No. 19–6440. LUDY *v.* MILLS ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 863.

Page Proof Pending Publication

No. 19–6443. ELANSARI *v.* UNIVERSITY OF PENNSYLVANIA. C. A. 3d Cir. Certiorari denied. Reported below: 779 Fed. Appx. 1006.

No. 19–6446. EDWARDS *v.* TEXAS. Ct. App. Tex., 11th Dist. Certiorari denied.

No. 19–6449. BEALER *v.* KERN VALLEY STATE PRISON. C. A. 9th Cir. Certiorari denied.

No. 19–6451. ZARLENGA *v.* RHODE ISLAND DEPARTMENT OF BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND HOSPITALS. Sup. Ct. R. I. Certiorari denied. Reported below: 208 A. 3d 242.

No. 19–6452. MORAN *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied.

No. 19–6453. LANG *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied.

No. 19–6454. MORRIS *v.* JOHNSON, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 770 Fed. Appx. 601.

No. 19–6457. D. B. *v.* Texas Department of Family and Protective Services. Ct. App. Tex., 2d Dist. Certiorari denied.

No. 19–6458. Davis *v.* Arizona. Ct. App. Ariz. Certiorari denied.

No. 19–6459. DuVall *v.* Hernandez, Superintendent, Avery Mitchell Correctional Institution. C. A. 4th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 331.

No. 19–6460. Copple *v.* Hall, Commissioner, Mississippi Department of Corrections. C. A. 5th Cir. Certiorari denied.

No. 19–6462. Bush *v.* Gray, Warden, et al. C. A. 6th Cir. Certiorari denied.

No. 19–6463. Albert *v.* New York. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied.

No. 19–6467. Pulley *v.* Paramo, Warden, et al. C. A. 9th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–6468. Olson *v.* McCloud. C. A. 9th Cir. Certiorari denied.

No. 19–6469. McFall *v.* Indiana. Ct. App. Ind. Certiorari denied. Reported below: 126 N. E. 3d 35.

No. 19–6470. Marshall *v.* Steeh et al. C. A. 6th Cir. Certiorari denied.

No. 19–6472. Lopez *v.* California. Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 19–6473. Topa *v.* Melendez et al. C. A. 11th Cir. Certiorari denied.

No. 19–6475. Kahn *v.* Ripley. C. A. 5th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 141.

No. 19–6480. Rodriguez *v.* Scott et al. C. A. 11th Cir. Certiorari denied. Reported below: 775 Fed. Appx. 599.

No. 19–6483. Robinson *v.* Mason, Superintendent, State Correctional Institution at Retreat. C. A. 3d Cir. Certiorari denied.

No. 19–6488. YEBRA *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–6493. SCANLAN *v.* WASHINGTON. Sup. Ct. Wash. Certiorari denied. Reported below: 193 Wash. 2d 753, 445 P. 3d 960.

No. 19–6495. SCHWERTZ *v.* JENNINGS, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 19–6498. TOOTLE *v.* BEAUX ART INSTITUTE OF PLASTIC SURGERY ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 738 Fed. Appx. 792.

No. 19–6499. BERMAN *v.* MODELL. Ct. App. Cal., 1st App. Dist., Div. 4. Certiorari denied.

No. 19–6506. WHITE *v.* NOOTH, SUPERINTENDENT, SNAKE RIVER CORRECTIONAL INSTITUTION. C. A. 9th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 412.

No. 19–6507. SMITH *v.* SMITH, NKA GRAHAM. Sup. Ct. Mont. Certiorari denied. Reported below: 397 Mont. 553, 455 P. 3d 444.

Page Proof Pending Publication

No. 19–6512. CHANNEL *v.* BRINKER ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–6513. HARRIS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 19–6514. LESCHYSHYN *v.* PATEL ET AL. Ct. App. Ariz. Certiorari denied.

No. 19–6518. BURGIE *v.* ARKANSAS. Sup. Ct. Ark. Certiorari denied. Reported below: 2019 Ark. 185, 575 S. W. 3d 127.

No. 19–6519. RAY *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied.

No. 19–6520. MCMURRY *v.* NEVADA. Sup. Ct. Nev. Certiorari denied. Reported below: 135 Nev. 685, 443 P. 3d 1125.

No. 19–6522. SMITH *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Reported below: 499 S. W. 3d 1.

No. 19–6523. MCMURRY *v.* NEVADA. Sup. Ct. Nev. Certiorari denied. Reported below: 135 Nev. 685, 444 P. 3d 458.

No. 19–6524. BENSON *v.* SMITH, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 19–6528. GOUVEIA *v.* ESPINDA, DIRECTOR, HAWAII DEPARTMENT OF PUBLIC SAFETY, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 926 F. 3d 1102.

No. 19–6532. AMARO *v.* BALDERAS, ATTORNEY GENERAL OF NEW MEXICO, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 781 Fed. Appx. 693.

No. 19–6534. BAHODA *v.* CAMPBELL, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–6535. FRY *v.* OHIO. Ct. App. Ohio, 9th App. Dist., Summit County. Certiorari denied. Reported below: 2019-Ohio-958.

No. 19–6536. MCGUIRE *v.* ST. LOUIS COUNTY, MISSOURI, ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 779 Fed. Appx. 417.

No. 19–6537. EVERSON *v.* LANTZ ET AL. C. A. 2d Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–6542. HALL *v.* AUTHOR SOLUTIONS ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 670.

No. 19–6543. GAKUBA *v.* NEESE. C. A. 7th Cir. Certiorari denied.

No. 19–6553. CORONA *v.* CITY OF LOS ANGELES, CALIFORNIA, ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–6558. MELTON *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 803.

No. 19–6559. JOHNSON *v.* SAUL, COMMISSIONER OF SOCIAL SECURITY. C. A. 2d Cir. Certiorari denied. Reported below: 776 Fed. Appx. 744.

No. 19–6561. JOSEPH *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–6563. WAZNEY *v.* SOUTH CAROLINA. C. A. 4th Cir. Certiorari denied. Reported below: 767 Fed. Appx. 562.

No. 19–6565. WILLIAMS *v.* UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK. C. A. 2d Cir. Certiorari denied.

No. 19–6566. KATES *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied.

No. 19–6567. HILL *v.* OHIO. Ct. App. Ohio, 11th App. Dist., Trumbull County. Certiorari denied. Reported below: 2018-Ohio-4800, 125 N. E. 3d 158.

No. 19–6568. BOYD *v.* TEXAS DEPARTMENT OF CRIMINAL JUSTICE. C. A. 5th Cir. Certiorari denied. Reported below: 780 Fed. Appx. 145.

No. 19–6574. GONZALEZ *v.* PANDA RESTAURANT GROUP, INC. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 19–6575. ELLIOTT *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied.

No. 19–6577. SMITH *v.* HAYNES. C. A. 9th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–6578. SMITH *v.* WASHINGTON. Sup. Ct. Wash. Certiorari denied.

No. 19–6579. SMITH *v.* NORTH CAROLINA ET AL. C. A. 4th Cir. Certiorari denied.

No. 19–6592. GEORGE *v.* METZGER, WARDEN. C. A. 3d Cir. Certiorari denied.

No. 19–6594. INGRAHAM *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 277 So. 3d 243.

No. 19–6595. HOLMES *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–6599. FAIRLEY *v.* KENT, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 19–6603. BROWN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 929 F. 3d 1030.

No. 19–6605. DONAHUE *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied.

No. 19–6607. STANFORD *v.* CLAYTON. C. A. D. C. Cir. Certiorari denied. Reported below: 771 Fed. Appx. 2.

No. 19–6608. ROMERO *v.* MCDONALD, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 775 Fed. Appx. 319.

No. 19–6611. SEVERS *v.* GREWAL, ATTORNEY GENERAL OF NEW JERSEY, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 793 Fed. Appx. 72.

No. 19–6612. SMALL *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 203 A. 3d 360.

No. 19–6614. MARSHALL *v.* WETZEL, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 3d Cir. Certiorari denied.

No. 19–6617. MORTON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 776 Fed. Appx. 395.

No. 19–6622. WILLIAMS *v.* PRECKWINKLE ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 782 Fed. Appx. 493.

No. 19–6624. LEE *v.* LOUISIANA. Sup. Ct. La. Certiorari denied. Reported below: 2018–1499 (La. 8/12/19), 279 So. 3d 356.

Page Proof Pending Publication

No. 19–6628. DONAHUE *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied.

No. 19–6632. CLARK *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 784 Fed. Appx. 190.

No. 19–6634. MARKLE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 910.

No. 19–6636. WILLIAMS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 784 Fed. Appx. 694.

No. 19–6637. COOPER *v.* POOLE ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 776 Fed. Appx. 105.

No. 19–6638. ARIAS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–6644. FREEZE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 784 Fed. Appx. 203.

No. 19–6648. BARENZ *v.* ALASKA. Ct. App. Alaska. Certiorari denied.

No. 19–6649. BROOKS *v.* BORDERS, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 19–6650. RIOS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 1004.

No. 19–6651. THOMPSON *v.* MCGINLEY, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT COAL TOWNSHIP. C. A. 3d Cir. Certiorari denied.

No. 19–6653. JACKSON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 775 Fed. Appx. 311.

No. 19–6654. JOHNSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 932 F. 3d 965.

No. 19–6656. QUINTELA-GALINDO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 896.

No. 19–6663. HERNANDEZ-MARTINEZ ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 933 F. 3d 1126.

Please Proof Before Publication

No. 19–6664. KLIKNO *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 928 F. 3d 539.

No. 19–6666. THORNTON *v.* COYNE-FAGUE, DIRECTOR, RHODE ISLAND DEPARTMENT OF CORRECTIONS. C. A. 1st Cir. Certiorari denied.

No. 19–6667. BROWN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 19–6669. BERRY *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 19–6673. BROWNING *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 928 F. 3d 539.

No. 19–6674. MORA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 915.

No. 19–6676. WAGUESPACK *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 935 F. 3d 322.

No. 19–6678. VAN SACH *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 928 F. 3d 539.

No. 19–6680. LIPSCOMB *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 928 F. 3d 539.

No. 19–6682. ZHAOPENG CHEN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 768 Fed. Appx. 779.

No. 19–6692. SIMPSON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 932 F. 3d 1154.

No. 19–6698. MTAZA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 19–6700. NASEER *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 775 Fed. Appx. 28.

No. 19–6703. ARCENEAUX *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 19–6704. MCAFEE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 249.

No. 19–6706. MALEK *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–6707. TYNDALL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 776 Fed. Appx. 121.

No. 19–6708. WERT *v.* HOLT, WARDEN. C. A. 3d Cir. Certiorari denied. Reported below: 781 Fed. Appx. 51.

No. 19–6709. ACOSTA *v.* COLORADO. Ct. App. Colo. Certiorari denied.

No. 19–6711. DIAZ-CONTRERAS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 775 Fed. Appx. 172.

No. 19–6712. CAWARD *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 19–6715. INGRAM *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 297.

No. 19–6716. ISBELL *v.* MERLAK, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–6717. GREEN *v.* MISSISSIPPI. Ct. App. Miss. Certiorari denied. Reported below: 362 So. 3d 1134.

No. 19–6718. PRIDGEN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 19–6719. CASTANEDA PALACIO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 19–6721. PARRISH *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 339.

No. 19–6723. T. B. *v.* COLORADO. Sup. Ct. Colo. Certiorari denied. Reported below: 445 P. 3d 1049.

No. 19–6725. WELLBELOVED-STONE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 777 Fed. Appx. 605.

No. 19–6729. GRAY *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 976.

No. 19–6739. SIMON *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 937 F. 3d 820.

No. 19–6746. MITCHELL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 764 Fed. Appx. 362.

Page Proof Pending Publication

No. 19–6748. ADAMS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 934 F. 3d 720.

No. 19–6752. WALKER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 793 Fed. Appx. 865.

No. 19–6753. MOODY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 931 F. 3d 366.

No. 19–6756. TORRES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 19–6758. ANDERSON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 926 F. 3d 954.

No. 19–6760. KHAN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 780 Fed. Appx. 63.

No. 19–6761. KABBAJ *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 19–6764. MCCREA *v.* DISTRICT OF COLUMBIA POLICE AND FIREFIGHTERS RETIREMENT AND RELIEF BOARD. Ct. App. D. C. Certiorari denied.

No. 19–6766. NICHOLS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 786 Fed. Appx. 624.

No. 19–6774. ALLEN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 19–6775. BUTCHEE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 775 Fed. Appx. 265.

No. 19–6776. DAWSON *v.* WELLS. C. A. 4th Cir. Certiorari denied. Reported below: 780 Fed. Appx. 69.

No. 19–6778. BLACKBURN *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 785 Fed. Appx. 539.

No. 19–6784. WHYTE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 928 F. 3d 1317.

No. 19–6790. GERTH *v.* WARDEN, ALLEN OAKWOOD CORRECTIONAL INSTITUTION. C. A. 6th Cir. Certiorari denied. Reported below: 938 F. 3d 821.

No. 19–6791. BURNETT *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 721.

Page Proof Pending Publication

No. 19–6793. HERNDON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 342.

No. 19–6797. KREITMAN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 1073.

No. 19–6798. GILL *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 19–6799. HAFIZ-THOMPSON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 19–6802. JACKSON *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 19–6806. STOKES *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 277 So. 3d 583.

No. 19–6809. STRUBBERG *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 929 F. 3d 969.

No. 19–6813. ALBERT *v.* STATE BAR OF CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 19–6819. OVIES *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 783 Fed. Appx. 704.

No. 19–6820. LEONER-AGUIRRE *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 939 F. 3d 310.

No. 19–6824. HOLCOMBE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 883 F. 3d 12.

No. 19–6826. CASTRO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 928 F. 3d 1317.

No. 19–6828. SHAW *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 775 Fed. Appx. 139.

No. 19–6830. WILSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 767 Fed. Appx. 517.

No. 19–6834. HOPE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 938 F. 3d 790.

No. 19–6837. BROWN *v.* METZGER, WARDEN, ET AL. C. A. 3d Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–6838. SMITH *v.* BUTLER, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–6840. ANTONIO SEVERINO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 786 Fed. Appx. 881.

No. 19–6841. SCOTT *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 788 Fed. Appx. 168.

No. 19–6842. SHAH *v.* HOLMES. C. A. 7th Cir. Certiorari denied.

No. 19–6843. RICE *v.* JACKSON-MITCHELL, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 786 Fed. Appx. 32.

No. 19–6848. WITTAL *v.* MONTANA. Sup. Ct. Mont. Certiorari denied. Reported below: 397 Mont. 155, 447 P. 3d 1039.

No. 19–6849. WILLIAMS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 221.

No. 19–6850. TYLER *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 780 Fed. Appx. 360.

No. 19–6859. GREEN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 929 F. 3d 989.

No. 19–6864. MARTIN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 19–6865. LUNN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 786 Fed. Appx. 545.

No. 19–6868. LEPON *v.* IOWA. Ct. App. Iowa. Certiorari denied. Reported below: 928 N. W. 2d 873.

No. 19–6880. BARTUNEK *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 19–6881. TORRES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 776 Fed. Appx. 855.

No. 19–6883. WINBERG ET UX. *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 786 Fed. Appx. 753.

No. 19–6885. ESCOBAR *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 786 Fed. Appx. 439.

Page Proof Pending Publication

No. 19–6896. ANTONIO *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 936 F. 3d 1117.

No. 19–6898. THOMAS *v.* MILLER-STOUT, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 776 Fed. Appx. 524.

No. 19–6899. MEZA-LOPEZ *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 929 F. 3d 1041.

No. 19–6902. BENAMOR *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 937 F. 3d 1182.

No. 19–6907. HENDRICKS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 921 F. 3d 320.

No. 19–6921. JONES *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 739 Fed. Appx. 376.

No. 18–9506. GADSDEN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 742 Fed. Appx. 758.

JUSTICE SOTOMAYOR, with whom JUSTICE GINSBURG joins, dissenting.

I dissent for the reasons set out in *Brown* v. *United States*, 586 U. S. 953 (2018) (SOTOMAYOR, J., dissenting from denial of certiorari).

No. 18–9807. WILSON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 19–266. MORRIS *v.* MEKDESSIE ET AL. C. A. 5th Cir. Motion of TASC, Inc., for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 768 Fed. Appx. 299.

No. 19–414. MEDTRONIC, INC. *v.* BARRY. C. A. Fed. Cir. Motion of R Street Institute for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 914 F. 3d 1310.

No. 19–516. ESPINDA, DIRECTOR, HAWAII DEPARTMENT OF PUBLIC SAFETY, ET AL. *v.* GOUVEIA. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 926 F. 3d 1102.

No. 19–634. REPUBLIC OF SUDAN ET AL. *v.* OWENS ET AL. C. A. D. C. Cir. Certiorari denied. JUSTICE KAVANAUGH took no part in the consideration or decision of this petition. Reported below: 924 F. 3d 1256.

Page Proof Pending Publication

No. 19–5219. PULLEN *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 913 F. 3d 1270.

JUSTICE SOTOMAYOR, with whom JUSTICE GINSBURG joins, dissenting.

I dissent for the reasons set out in *Brown* v. *United States*, 586 U. S. 953 (2018) (SOTOMAYOR, J., dissenting from denial of certiorari).

No. 19–5307. BRIGMAN *v.* UNITED STATES (Reported below: 762 Fed. App. 548); GRAHAM *v.* UNITED STATES (769 Fed. Appx. 669); GRAHAM *v.* UNITED STATES (769 Fed. Appx. 629); GUZMAN *v.* UNITED STATES (772 Fed. Appx. 630); HARGROVE *v.* UNITED STATES (772 Fed. Appx. 630); MCELHINEY *v.* UNITED STATES (771 Fed. Appx. 862); and PARIS *v.* UNITED STATES (769 Fed. Appx. 668). C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition.

JUSTICE SOTOMAYOR, with whom JUSTICE GINSBURG joins, dissenting.

I dissent for the reasons set out in *Brown* v. *United States*, 586 U. S. 953 (2018) (SOTOMAYOR, J., dissenting from denial of certiorari).

No. 19–5315. AGUILAR *v.* UNITED STATES (Reported below: 772 Fed. Appx. 629); and NICHOLS *v.* UNITED STATES (765 Fed. Appx. 428). C. A. 10th Cir. Certiorari denied.

JUSTICE SOTOMAYOR, with whom JUSTICE GINSBURG joins, dissenting.

I dissent for the reasons set out in *Brown* v. *United States*, 586 U. S. 953 (2018) (SOTOMAYOR, J., dissenting from denial of certiorari).

No. 19–5316. BRONSON *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 765 Fed. Appx. 434.

Page Proof Pending Publication

JUSTICE SOTOMAYOR, with whom JUSTICE GINSBURG joins, dissenting.

I dissent for the reasons set out in *Brown* v. *United States*, 586 U. S. 953 (2018) (SOTOMAYOR, J., dissenting from denial of certiorari).

No. 19–6336. JENNINGS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 19–6379. HOLZ *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 773 Fed. Appx. 1028.

No. 19–6492. AUTREY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 744 Fed. Appx. 165.

JUSTICE SOTOMAYOR, with whom JUSTICE GINSBURG joins, dissenting.

I dissent for the reasons set out in *Brown* v. *United States*, 586 U. S. 953 (2018) (SOTOMAYOR, J., dissenting from denial of certiorari).

No. 19–6510. DOUGLAS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

JUSTICE SOTOMAYOR, with whom JUSTICE GINSBURG joins, dissenting.

I dissent for the reasons set out in *Brown* v. *United States*, 586 U. S. 953 (2018) (SOTOMAYOR, J., dissenting from denial of certiorari).

No. 19–6521. SIMMONS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

JUSTICE SOTOMAYOR, with whom JUSTICE GINSBURG joins, dissenting.

I dissent for the reasons set out in *Brown* v. *United States*, 586 U. S. 953 (2018) (SOTOMAYOR, J., dissenting from denial of certiorari).

No. 19–6548. RAVEN *v.* UNITED STATES ET AL. C. A. D. C. Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition.

Page Proof Pending Publication

No. 19–6613. RODRIGUEZ ET AL. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 767 Fed. Appx. 160.

No. 19–6661. BERNIER, AKA WATSON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 19–6735. KWOK CHEUNG CHOW *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 772 Fed. Appx. 429.

No. 19–6846. RILEY *v.* METZGER, WARDEN, ET AL. C. A. 3d Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 19–6856. RILEY *v.* DELAWARE. Sup. Ct. Del. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 216 A. 3d 868.

No. 19–6884. CLAY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 921 F. 3d 550.

Rehearing Denied

No. 18–7571. CERVANTES VALENCIA *v.* DAVEY, WARDEN, 586 U. S. 1252;

No. 18–8818. REYNOLDS *v.* HEPP, WARDEN, 589 U. S. 931;

No. 18–9153. RANDOLPH *v.* TEXAS, 589 U. S. 936;

No. 18–9247. OMBE *v.* MARTINEZ ET AL., 589 U. S. 939;

No. 18–9269. REYNOLDS *v.* CIRCUIT COURT OF KENTUCKY, LAUREL COUNTY, 589 U. S. 940;

No. 18–9285. SCHWARTZMILLER *v.* CALIFORNIA, 589 U. S. 940;

No. 18–9308. SCRANAGE *v.* UNITED STATES, 589 U. S. 941;

No. 18–9317. LASHER *v.* BUCHWALD, JUDGE, UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK, 589 U. S. 941;

No. 18–9338. CORBITT *v.* UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA, 589 U. S. 942;

Page Proof Pending Publication

No. 18–9345. DRAKE *v.* PARISH, WARDEN, 589 U. S. 942;

No. 18–9439. ADDISON *v.* INDIANA, DBA FAMILY AND SOCIAL SERVICES ADMINISTRATION, 589 U. S. 946;

No. 18–9441. LEWIS *v.* NEWBURGH HOUSING AUTHORITY ET AL., 589 U. S. 946;

No. 18–9443. CAMPBELL *v.* CAMPBELL, WARDEN, 589 U. S. 947;

No. 18–9447. BROWN *v.* VIRGINIA, 589 U. S. 947;

No. 18–9455. DUMMERT *v.* NGO, 589 U. S. 947;

No. 18–9486. ABSHIRE *v.* LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS, 589 U. S. 949;

No. 18–9491. TRUDEAU *v.* UNITED STATES, 589 U. S. 949;

No. 18–9508. SCOTT *v.* JIMENEZ, 589 U. S. 950;

No. 18–9582. IN RE ZIMMERMANN, 589 U. S. 1068;

No. 18–9623. WAZNEY *v.* JPMORGAN CHASE BANK, N. A., 589 U. S. 956;

No. 18–9624. WAZNEY *v.* JPMORGAN CHASE BANK, N. A., 589 U. S. 956;

No. 18–9715. BEDGOOD *v.* UNITED STATES, 589 U. S. 961;

No. 18–9736. KINNEY *v.* OHIO, 589 U. S. 1015;

No. 18–9741. BROWN *v.* CITY OF RICHMOND, VIRGINIA, 589 U. S. 962;

No. 18–9766. LEWIS *v.* FARMER, SHERIFF, SUMTER COUNTY, FLORIDA, ET AL., 589 U. S. 963;

No. 18–9814. WAZNEY *v.* WAZNEY, 589 U. S. 966;

No. 19–25. ROSAS *v.* ROMAN CATHOLIC ARCHDIOCESE OF CHICAGO, 589 U. S. 969;

No. 19–166. ROSENWASSER *v.* FORDHAM UNIVERSITY ET AL., 589 U. S. 1016;

No. 19–252. BOOTH *v.* NISSAN NORTH AMERICA, INC., 589 U. S. 1045;

No. 19–332. DAVIS ET AL. *v.* BANK OF AMERICA CORP. ET AL., 589 U. S. 1069;

No. 19–479. KAM *v.* PEYTON, 589 U. S. 1060;

No. 19–553. DIARRA *v.* CITY OF NEW YORK, NEW YORK, 589 U. S. 1082;

No. 19–5016. SALAZAR *v.* HEB GROCERY CO., LP, ET AL., 589 U. S. 978;

No. 19–5109. ENGLISH *v.* ROADHOUSE HOLDING INC. ET AL., 589 U. S. 983;

Pages Proof Pending Publication

No. 19–5117. HUDSON *v.* HOOD, CHIEF JUDGE, UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN, ET AL., 589 U. S. 983;

No. 19–5140. RAGHUBIR *v.* UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA, 589 U. S. 985;

No. 19–5148. RAGHUBIR *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL., 589 U. S. 985;

No. 19–5174. LEWIS ET AL. *v.* ESTATE OF LEWIS ET AL., 589 U. S. 987;

No. 19–5206. SAWICKY *v.* AMC NETWORKS INC., 589 U. S. 1060;

No. 19–5226. CALDWELL *v.* ARIZONA DEPARTMENT OF PUBLIC SAFETY ET AL., 589 U. S. 989;

No. 19–5229. MARZAN *v.* CORECIVIC CORRECTIONAL CENTER ET AL., 589 U. S. 989;

No. 19–5248. WEST *v.* BRYANT, WARDEN, 589 U. S. 990;

No. 19–5276. TAYLOR *v.* NEAL, SUPERINTENDENT, INDIANA STATE PRISON, 589 U. S. 992;

No. 19–5337. BUSSEY *v.* ALLEN, WARDEN, 589 U. S. 994;

No. 19–5461. PIERCE *v.* GARRETT ET AL., 589 U. S. 1019;

No. 19–5463. DEAN *v.* UNITED STATES, 589 U. S. 1000;

No. 19–5475. TAEBEL *v.* MARICOPA COUNTY ATTORNEY'S OFFICE ET AL., 589 U. S. 1020;

No. 19–5488. JACKSON *v.* BARLA ET AL., 589 U. S. 1020;

No. 19–5556. LEWIS *v.* UNITED STATES, 589 U. S. 1002;

No. 19–5590. SPENCE *v.* MCGINLEY, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT COAL TOWNSHIP, ET AL., 589 U. S. 1022;

No. 19–5606. ENOW *v.* FOXWELL, WARDEN, ET AL., 589 U. S. 1022;

No. 19–5616. ROPE *v.* FACEBOOK, INC., ET AL., 589 U. S. 1023;

No. 19–5626. IN RE RAGHUBIR, 589 U. S. 1014;

No. 19–5627. IN RE RAGHUBIR, 589 U. S. 1014;

No. 19–5662. STEPHENS *v.* GOMEZ ET AL., 589 U. S. 1047;

No. 19–5684. IN RE MITCHELL, 589 U. S. 1043;

No. 19–5692. COCHRUN *v.* DOOLEY, WARDEN, 589 U. S. 1036;

No. 19–5708. PHILLIPS *v.* DEKALB COUNTY ASSISTANT PUBLIC DEFENDERS ET AL., 589 U. S. 1047;

No. 19–5725. ROCHESTER *v.* FORTUNE SOCIETY, 589 U. S. 1048;

No. 19–5748. MITCHELL *v.* MACY'S, INC., ET AL., 589 U. S. 1048;

No. 19–5759. JENKINS *v.* UNITED STATES, 589 U. S. 1024;

Page Proof Pending Publication

No. 19–5850. YAMANO *v.* HAWAII STATE JUDICIARY ET AL., 589 U. S. 1051;

No. 19–5880. LARSON *v.* PACHECO, WARDEN, 589 U. S. 1028;

No. 19–5896. DINNERSTEIN *v.* BURLINGTON COUNTY COLLEGE, 589 U. S. 1061;

No. 19–5898. HOWELL *v.* SOUTHERLAND ET AL., 589 U. S. 1051;

No. 19–5899. HOUSE ET UX. *v.* EGLAND ET AL., 589 U. S. 1061;

No. 19–5935. BROWN *v.* CIVIL SERVICE COMMISSION, 589 U. S. 1071;

No. 19–5973. SHEPPARD *v.* TEXAS (two judgments), 589 U. S. 1072;

No. 19–6003. CHRISTIAN *v.* DADMUN ET AL., 589 U. S. 1083;

No. 19–6045. SUMMERHAYS *v.* UNITED STATES, 589 U. S. 1052;

No. 19–6127. VILLALONA *v.* UNITED STATES, 589 U. S. 1063;

No. 19–6150. CUTLER *v.* ILLINOIS, 589 U. S. 1064;

No. 19–6284. CABRERA-COSME *v.* UNITED STATES, 589 U. S. 1075; and

No. 19–6338. NELSON *v.* COMMISSIONER OF INTERNAL REVENUE, 589 U. S. 1075. Petitions for rehearing denied.

No. 18–9203. THOMAS *v.* COURT OF COMMON PLEAS OF PENNSYLVANIA, UNION COUNTY, 589 U. S. 1008. Petition for rehearing denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 18–9516. PALMER *v.* FLORIDA, 589 U. S. 951. Motion for leave to file petition for rehearing denied.

No. 19–83. OGUNSULA *v.* STAFFING NOW, INC., 589 U. S. 1009. Petition for rehearing denied. JUSTICE KAVANAUGH took no part in the consideration or decision of this petition.

JANUARY 17, 2020

Miscellaneous Orders

No. 18–882. BABB *v.* WILKIE, SECRETARY OF VETERANS AFFAIRS. C. A. 11th Cir. [Certiorari granted, 588 U. S. 919.] The parties are directed to file supplemental letter briefs addressing the following question: "What prospective administrative or judicial relief may a federal employee obtain under laws other than the ADEA [Age Discrimination in Employment Act of 1967], including under the civil service laws or the Constitution, against age-related policies, practices, actions, or statements that were not the but-for cause of an adverse employment action against the complaining employee?" Briefs, not to exceed 10 pages, are to be filed simultaneously with the Clerk and served upon opposing counsel on or before 2 p.m., Thursday, January 23, 2020.

Page Proof Pending Publication

No. 18–1323. JUNE MEDICAL SERVICES L. L. C. ET AL. *v.* GEE, SECRETARY, LOUISIANA DEPARTMENT OF HEALTH AND HOSPITALS; and

No. 18–1460. GEE, SECRETARY, LOUISIANA DEPARTMENT OF HEALTH AND HOSPITALS *v.* JUNE MEDICAL SERVICES L. L. C. ET AL. C. A. 5th Cir. [Certiorari granted, 588 U. S. 948.] Motion of Rebekah Gee, Secretary, Louisiana Department of Health and Hospitals, to supplement the record and to file certain documents under seal denied.

Certiorari Granted

No. 19–368. FORD MOTOR CO. *v.* MONTANA EIGHTH JUDICIAL DISTRICT COURT ET AL. Sup. Ct. Mont.; and

No. 19–369. FORD MOTOR CO. *v.* BANDEMER. Sup. Ct. Minn. Certiorari granted, cases consolidated, and a total of one hour is

allotted for oral argument. Reported below: No. 19–368, 395 Mont. 478, 443 P. 3d 407; No. 19–369, 931 N. W. 2d 744.

No. 19–431. LITTLE SISTERS OF THE POOR SAINTS PETER AND PAUL HOME *v.* PENNSYLVANIA ET AL.; and

No. 19–454. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL. *v.* PENNSYLVANIA ET AL. C. A. 3d Cir. Certiorari granted, cases consolidated, and a total of one hour is allotted for oral argument. Reported below: 930 F. 3d 543.

No. 19–465. CHIAFALO ET AL. *v.* WASHINGTON. Sup. Ct. Wash.; and

No. 19–518. COLORADO DEPARTMENT OF STATE *v.* BACA ET AL. C. A. 10th Cir. Motion of Thomas E. Weaver for leave to file brief as *amicus curiae* in No. 19–518 granted. Certiorari granted, cases consolidated, and a total of one hour is allotted for oral argument. Reported below: No. 19–465, 193 Wash. 2d 380, 441 P. 3d 807; No. 19–518, 935 F. 3d 887.

JANUARY 21, 2020

Certiorari Dismissed

Page Proof Pending Publication

No. 19–6508. WATSON *v.* SAUL, COMMISSIONER OF SOCIAL SECURITY. 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. Reported below: 771 Fed. Appx. 701.

No. 19–6786. MORRIS *v.* UNITED STATES. 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. 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. 19A648 (19–6916). JEFFERSON *v.* SUPREME COURT OF GEORGIA. Sup. Ct. Ga. Application for stay, addressed to JUSTICE KAGAN and referred to the Court, denied.

No. 19M90. HARNAGE *v.* BARRONE, DEPUTY WARDEN, ET AL.; and

No. 19M91. DAHLEM *v.* LOUISIANA. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 18–1323. JUNE MEDICAL SERVICES L. L. C. ET AL. *v.* GEE, SECRETARY, LOUISIANA DEPARTMENT OF HEALTH AND HOSPITALS; and

No. 18–1460. GEE, SECRETARY, LOUISIANA DEPARTMENT OF HEALTH AND HOSPITALS *v.* JUNE MEDICAL SERVICES L. L. C. ET AL. C. A. 5th Cir. [Certiorari granted, 588 U. S. 948.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 18–1447. REPUBLIC OF HUNGARY ET AL. *v.* SIMON ET AL. C. A. D. C. Cir.; and

No. 19–185. MUTOND ET AL. *v.* LEWIS. C. A. D. C. Cir. The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

No. 18–9107. IN RE BRACKEN. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [589 U. S. 915] denied.

Page Proof Pending Publication

No. 19–351. FEDERAL REPUBLIC OF GERMANY ET AL. *v.* PHILIPP ET AL.; and

No. 19–520. PHILIPP ET AL. *v.* FEDERAL REPUBLIC OF GERMANY ET AL. C. A. D. C. Cir. The Solicitor General is invited to file a brief in these cases expressing the views of the United States.

No. 19–840. CALIFORNIA ET AL. *v.* TEXAS ET AL.; and

No. 19–841. UNITED STATES HOUSE OF REPRESENTATIVES *v.* TEXAS ET AL. C. A. 5th Cir. Motions of petitioners to expedite consideration of petitions for writs of certiorari denied.

No. 19–6596. HETTINGA *v.* LOUMENA. Ct. App. Cal., 6th App. Dist. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until February 11, 2020, 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. 19–7055. IN RE ROSA; and

No. 19–7058. IN RE RANDALL. Petitions for writs of habeas corpus denied.

No. 19–6702. IN RE CALDERON-LOPEZ. Petition for writ of mandamus denied.

No. 19–6874. IN RE LEONARD. 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 Denied

No. 18–9615. SORENSEN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 893 F. 3d 1060.

No. 19–205. CITY OF FLINT, MICHIGAN, ET AL. *v.* GUERTIN ET AL.; and
No. 19–350. BUSCH ET AL. *v.* GUERTIN ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 912 F. 3d 907.

No. 19–330. SHAH *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 768 Fed. Appx. 637.

No. 19–401. HIGGS *v.* WILSON. C. A. 5th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 167.

Page Proof Pending Publication

No. 19–595. O'DAY ET AL., INDIVIDUALLY AND ON BEHALF OF THE SUNEDISON, INC. RETIREMENT SAVINGS PLAN *v.* CHATILA ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 774 Fed. Appx. 708.

No. 19–616. W. A., INDIVIDUALLY AND ON BEHALF OF W. E., ET AL. *v.* HENDRICK HUDSON CENTRAL SCHOOL DISTRICT. C. A. 2d Cir. Certiorari denied. Reported below: 927 F. 3d 126.

No. 19–622. BELL *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied. Reported below: 653 Pa. 515, 211 A. 3d 761.

No. 19–624. GRAF ET AL. *v.* HYUNG SEOK KOH ET UX. C. A. 7th Cir. Certiorari denied. Reported below: 933 F. 3d 836.

No. 19–626. HUFF ET AL. *v.* CHOATE. C. A. 10th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 484.

No. 19–629. STEWART ET AL. *v.* WILMINGTON SAVINGS FUND SOCIETY. Super. Ct. Pa. Certiorari denied. Reported below: 203 A. 3d 357.

No. 19–637. SERNA *v.* WEBSTER ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 757 Fed. Appx. 721.

No. 19–639. SHAO *v.* TSAN-KUEN WANG. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 19–640. CLARKE ET AL. *v.* GOODSON ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–642. JACKSON *v.* LITTERAL. C. A. 6th Cir. Certiorari denied.

No. 19–649. N. E. L. ET AL. *v.* GILDNER ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 780 Fed. Appx. 567.

No. 19–650. BARNETTE *v.* PROF–2013–M4 LEGAL TITLE, BY U. S. BANK N. A., AS LEGAL TITLE TRUSTEE. Ct. App. D. C. Certiorari denied.

No. 19–699. MOUSTAKIS *v.* WISCONSIN DEPARTMENT OF JUSTICE. Ct. App. Wis. Certiorari denied. Reported below: 2019 WI App 33, 388 Wis. 2d 144, 930 N. W. 2d 280.

No. 19–706. FACEBOOK, INC. *v.* PATEL ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 932 F. 3d 1264.

No. 19–717. SANDS *v.* BRENNAN, POSTMASTER GENERAL. C. A. 6th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–738. DOMINGO *v.* DEPARTMENT OF THE ARMY ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 748 Fed. Appx. 529.

No. 19–746. CARBUTT *v.* COLORADO. Ct. App. Colo. Certiorari denied.

No. 19–748. LEPORE *v.* OFFICE OF PERSONNEL MANAGEMENT. C. A. Fed. Cir. Certiorari denied. Reported below: 759 Fed. Appx. 912.

No. 19–751. GUTIERREZ *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 4. Certiorari denied. Reported below: 27 Cal. App. 5th 1155, 238 Cal. Rptr. 3d 729.

No. 19–780. NEWTON *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 19–5457. MUNKSGARD *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 913 F. 3d 1327.

No. 19–6585. TOPA *v.* KERBS ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 606.

No. 19–6590. WHITTEN *v.* ATYIA ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 776 Fed. Appx. 817.

No. 19–6598. HERCENBERGER *v.* MARTIN. Ct. App. Ore. Certiorari denied.

No. 19–6625. JONES *v.* HUSS. C. A. 6th Cir. Certiorari denied.

No. 19–6630. HUNTER *v.* MURDOCH ET AL. C. A. 8th Cir. Certiorari denied.

No. 19–6642. CHANNEL *v.* MARQUEZ ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–6646. DENHAM *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 19–6691. SMITH *v.* INDIANA. Ct. App. Ind. Certiorari denied. Reported below: 116 N. E. 3d 1107.

No. 19–6697. PACK *v.* TRUMP, PRESIDENT OF THE UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 773 Fed. Appx. 7.

Page Proof Pending Publication

No. 19–6699. MCWHORTER *v.* INDIANA. Ct. App. Ind. Certiorari denied. Reported below: 117 N. E. 3d 614.

No. 19–6736. COLOMBO *v.* KINKLE, RODIGER & SPRIGGS, ET AL. Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied. Reported below: 35 Cal. App. 5th 407, 247 Cal. Rptr. 3d 403.

No. 19–6751. WILLIAMS *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 4. Certiorari denied.

No. 19–6781. LUNA-QUINTERO *v.* INDIANA. Ct. App. Ind. Certiorari denied. Reported below: 126 N. E. 3d 55.

No. 19–6792. SANCHEZ *v.* NOGAN, ADMINISTRATOR EAST JERSEY STATE PRISON, ET AL. C. A. 3d Cir. Certiorari denied.

No. 19–6801. PALOMAR *v.* MADDEN, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 777 Fed. Appx. 859.

No. 19–6808. SMITH *v.* COLLINS ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–6855. LUIS MORALES *v.* LEWIS ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–6873. CARTER *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 277 So. 3d 550.

No. 19–6876. AGUIRRE, AKA AGUIRRE-ORCUTT, AKA HOLSTON-AGUIRRE, AKA HOLSTON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 776 Fed. Appx. 866.

No. 19–6882. THOMPSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 776 Fed. Appx. 269.

No. 19–6890. PEARSON *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 787 Fed. Appx. 511.

No. 19–6891. RAHIMI *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 794 Fed. Appx. 4.

No. 19–6904. MAHAM *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 767 Fed. Appx. 532.

No. 19–6909. ROSA *v.* RHODES, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 19–6913. BENJAMIN *v.* SAAD, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 648.

Page Proof Pending Publication

No. 19–6915. THOMPSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 741 Fed. Appx. 172.

No. 19–6920. BOYD *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 775 Fed. Appx. 140.

No. 19–6923. ALANIZ *v.* FRAUENHEIM, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 19–6925. TAALIBDIN *v.* MAHALLY, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT DALLAS, ET AL. C. A. 3d Cir. Certiorari denied.

No. 19–6930. JACKSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 19–6933. ABDU *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 776 Fed. Appx. 135.

No. 19–6949. ROYAL *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. Sup. Ct. Va. Certiorari denied.

No. 19–6950. ROGERS *v.* SOSS, ACTING WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 775 Fed. Appx. 879.

No. 19–6952. CLARDY *v.* GILMORE ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 958.

No. 19–6994. MANIKOWSKI *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 19–7005. WOOD *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 19–307. MCKEEVER *v.* BARR, ATTORNEY GENERAL. C. A. D. C. Cir. Certiorari denied. Reported below: 920 F. 3d 842.

Statement of JUSTICE BREYER respecting the denial of certiorari.

In the decision below, the Court of Appeals for the District of Columbia Circuit held that a district court could not authorize the release of grand jury information *except* as specifically enumerated in Federal Rule of Criminal Procedure 6(e). 920 F. 3d 842, 850 (2019). That decision is in conflict with the decisions of several other Circuits, which have indicated that district courts retain inherent authority to release grand jury material in other appropriate cases. See, *e. g.*, *Carlson* v. *United States*, 837 F. 3d 753, 766–767 (CA7 2016); *In re Craig*, 131 F. 3d 99, 105 (CA2 1997); *In re Hastings*, 735 F. 2d 1261, 1271–1272 (CA11 1984). It also appears to conflict with the considered views of the Rules Committee. See Advisory Committee Minutes on Crim. Rules 7 (Apr. 22–23 2012), https://www.uscourts.gov/sites/default/files/fr_import/criminal-min-04-2012.pdf.

Page Proof Pending Publication

Whether district courts retain authority to release grand jury material outside those situations specifically enumerated in the Rules, or in situations like this, is an important question. It is one I think the Rules Committee both can and should revisit.

No. 19–636. ESTATE OF BOYLAND ET AL. *v.* DEPARTMENT OF AGRICULTURE ET AL. C. A. D. C. Cir. Certiorari denied. JUSTICE KAVANAUGH took no part in the consideration or decision of this petition. Reported below: 913 F. 3d 117.

No. 19–666. JENN-CHING LUO *v.* LOWE'S HOME CENTERS, LLC, ET AL. Super. Ct. Pa. Certiorari denied. JUSTICE

BREYER took no part in the consideration or decision of this petition. Reported below: 201 A. 3d 815.

No. 19–6652. HIRANO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 775 Fed. Appx. 361.

JUSTICE SOTOMAYOR, with whom JUSTICE GINSBURG joins, dissenting.

I dissent for the reasons set out in *Brown* v. *United States*, 586 U. S. 953 (2018) (SOTOMAYOR, J., dissenting from denial of certiorari).

Rehearing Denied

No. 18–6331. ROBINSON *v.* FLORIDA, 586 U. S. 1053;

No. 18–8989. STOUTAMIRE *v.* MORGAN, WARDEN, 589 U. S. 932;

No. 19–339. SONNIER *v.* CATHOLIC FOUNDATION OF THE DIOCESE OF LAFAYETTE ET AL., 589 U. S. 1069;

No. 19–360. KONIECZKO ET AL. *v.* ADVENTIST HEALTH SYSTEM/SUNBELT INC. ET AL., 589 U. S. 1081;

No. 19–370. SILVA-RAMIREZ *v.* HOSPITAL ESPANOL AUXILIO MUTUO DE PUERTO RICO, INC., ET AL., 589 U. S. 1081;

Page Proof Pending Publication

No. 19–395. ALESSIO *v.* UNITED AIRLINES, INC., 589 U. S. 1081;

No. 19–396. SIMON *v.* DEPARTMENT OF JUSTICE ET AL., 589 U. S. 1070;

No. 19–425. OGUNSULA *v.* BARR, ATTORNEY GENERAL, ET AL., 589 U. S. 1082;

No. 19–5783. TOWNSEND *v.* VASQUEZ, 589 U. S. 1049;

No. 19–6032. LANGSTON *v.* MISSOURI BOARD OF PROBATION AND PAROLE, 589 U. S. 1083;

No. 19–6128. MCCARTHREN *v.* UNITED STATES, 589 U. S. 1063; and

No. 19–6202. RODRIGUEZ-SANTANA *v.* UNITED STATES, 589 U. S. 1064. Petitions for rehearing denied.

JANUARY 24, 2020

Miscellaneous Order

No. 19A766. HENRY SCHEIN, INC. *v.* ARCHER & WHITE SALES, INC. Application for stay, presented to JUSTICE ALITO, and by him referred to the Court, granted, and the proceedings in the

United States District Court for the Eastern District of Texas, case No. 2:12–cv–572, are stayed pending the timely filing and disposition of a 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 GINSBURG would deny the application.

JANUARY 27, 2020

Certiorari Granted—Vacated and Remanded

No. 19–6684. DAVIS *v.* UNITED STATES. C. A. 11th 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 *Rehaif* v. *United States*, 588 U. S. 225 (2019). Reported below: 777 Fed. Appx. 360.

Certiorari Dismissed

No. 19–373. WALKER *v.* UNITED STATES. C. A. 6th Cir. [Certiorari granted, 589 U. S. 1066.] It appearing that petitioner died January 22, 2020, the writ of certiorari is dismissed.

Page Proof Pending Publication

Miscellaneous Orders

No. 19A729 (19–6971). ROBERTS *v.* TEXAS. Ct. App. Tex., 4th Dist. Application to recall and stay the mandate, addressed to JUSTICE SOTOMAYOR and referred to the Court, denied.

No. 19A785. DEPARTMENT OF HOMELAND SECURITY ET AL. *v.* NEW YORK ET AL. D. C. S. D. N. Y. Application for stay, presented to JUSTICE GINSBURG, and by her referred to the Court, granted, and the District Court's October 11, 2019, orders granting preliminary injunction are stayed pending disposition of the Government's appeal in the United States Court of Appeals for the Second Circuit and disposition of the Government's petition for writ of certiorari, if such writ is timely sought. 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 GINSBURG, JUSTICE BREYER, JUSTICE SOTOMAYOR, and JUSTICE KAGAN would deny the application.

JUSTICE GORSUCH, with whom JUSTICE THOMAS joins, concurring.

On October 10, 2018, the Department of Homeland Security began a rulemaking process to define the term "public charge," as it is used in the Nation's immigration laws. Approximately 10 months and 266,000 comments later, the agency issued a final rule. Litigation swiftly followed, with a number of States, organizations, and individual plaintiffs variously alleging that the new definition violates the Constitution, the Administrative Procedure Act, and the immigration laws themselves. These plaintiffs have urged courts to enjoin the rule's enforcement not only as it applies to them, or even to some definable group having something to do with their claimed injury, but as it applies to *anyone*.

These efforts have met with mixed results. The Northern District of California ordered the government not to enforce the new rule within a hodge-podge of jurisdictions—California, Oregon, Maine, Pennsylvania, and the District of Columbia. The Eastern District of Washington entered a similar order, but went much farther geographically, enjoining the government from enforcing its rule globally. But both of those orders were soon stayed by the Ninth Circuit which, in a 59-page opinion, determined the government was likely to succeed on the merits. Meanwhile, across the country, the District of Maryland entered its own universal injunction, only to have that one stayed by the Fourth Circuit. And while all these developments were unfolding on the coasts, the Northern District of Illinois was busy fashioning its own injunction, this one limited to enforcement within the State of Illinois.

Legal Issue Preview Publication

If all of this is confusing, don't worry, because none of it matters much at this point. Despite the fluid state of things—some interim wins for the government over here, some preliminary relief for plaintiffs over there—we now have an injunction to rule them all: the one before us, in which a single judge in New York enjoined the government from applying the new definition to anyone, without regard to geography or participation in this or any other lawsuit. The Second Circuit declined to stay this particular universal injunction, and so now, after so many trips up and down and around the judicial map, the government brings its well-rehearsed arguments here.

Today the Court (rightly) grants a stay, allowing the government to pursue (for now) its policy everywhere save Illinois.

But, in light of all that's come before, it would be delusional to think that one stay today suffices to remedy the problem. The real problem here is the increasingly common practice of trial courts ordering relief that transcends the cases before them. Whether framed as injunctions of "nationwide," "universal," or "cosmic" scope, these orders share the same basic flaw—they direct how the defendant must act toward persons who are not parties to the case.

Equitable remedies, like remedies in general, are meant to redress the injuries sustained by a particular plaintiff in a particular lawsuit. When a district court orders the government not to enforce a rule against the plaintiffs in the case before it, the court redresses the injury that gives rise to its jurisdiction in the first place. But when a court goes further than that, ordering the government to take (or not take) some action with respect to those who are strangers to the suit, it is hard to see how the court could still be acting in the judicial role of resolving cases and controversies. Injunctions like these thus raise serious questions about the scope of courts' equitable powers under Article III. See *Trump* v. *Hawaii*, 585 U. S. 667, 712 (2018) (THOMAS, J., concurring); Bray, Multiple Chancellors: Reforming the National Injunction, 131 Harv. L. Rev. 417, 471–472 (2017) (Bray); Morley, De Facto Class Actions? Plaintiff- and Defendant-Oriented Injunctions in Voting Rights, Election Law, and Other Constitutional Cases, 39 Harv. J. L. & Pub. Pol'y 487, 523–527 (2016).

Page Proof Pending Publication

It has become increasingly apparent that this Court must, at some point, confront these important objections to this increasingly widespread practice. As the brief and furious history of the regulation before us illustrates, the routine issuance of universal injunctions is patently unworkable, sowing chaos for litigants, the government, courts, and all those affected by these conflicting decisions. Rather than spending their time methodically developing arguments and evidence in cases limited to the parties at hand, both sides have been forced to rush from one preliminary injunction hearing to another, leaping from one emergency stay application to the next, each with potentially nationwide stakes, and all based on expedited briefing and little opportunity for the adversarial testing of evidence.

This is not normal. Universal injunctions have little basis in traditional equitable practice. Bray 425–427. Their use has proliferated only in very recent years. See *Trump*, 585 U. S., at 719–720

(THOMAS, J., concurring). And they hardly seem an innovation we should rush to embrace. By their nature, universal injunctions tend to force judges into making rushed, high-stakes, low-information decisions. Bray 461–462. The traditional system of lower courts issuing interlocutory relief limited to the parties at hand may require litigants and courts to tolerate interim uncertainty about a rule's final fate and proceed more slowly until this Court speaks in a case of its own. But that system encourages multiple judges and multiple circuits to weigh in only after careful deliberation, a process that permits the airing of competing views that aids this Court's own decisionmaking process. *Ibid.* The rise of nationwide injunctions may just be a sign of our impatient times. But good judicial decisions are usually tempered by older virtues.

Nor do the costs of nationwide injunctions end there. There are currently more than 1,000 active and senior district court judges, sitting across 94 judicial districts, and subject to review in 12 regional courts of appeal. Because plaintiffs generally are not bound by adverse decisions in cases to which they were not a party, there is a nearly boundless opportunity to shop for a friendly forum to secure a win nationwide. *Id.*, at 457–461. The risk of winning conflicting nationwide injunctions is real too. *Id.*, at 462–464. And the stakes are asymmetric. If a single successful challenge is enough to stay the challenged rule across the country, the government's hope of implementing any new policy could face the long odds of a straight sweep, parlaying a 94-to-0 win in the district courts into a 12-to-0 victory in the courts of appeal. A single loss and the policy goes on ice—possibly for good, or just as possibly for some indeterminate period of time until another court jumps in to grant a stay. And all that can repeat, *ad infinitum*, until either one side gives up or this Court grants certiorari. What in this gamesmanship and chaos can we be proud of?

I concur in the Court's decision to issue a stay. But I hope, too, that we might at an appropriate juncture take up some of the underlying equitable and constitutional questions raised by the rise of nationwide injunctions.

No. D–3035. IN RE DISBARMENT OF BLYTHE. Disbarment entered. [For earlier order herein, see 586 U. S. 962.]

No. D–3036. IN RE DISBARMENT OF KWASNIK. Disbarment entered. [For earlier order herein, see 586 U. S. 962.]

Image Proof Pending Publication

No. D–3041. In re Disbarment of Durban. Disbarment entered. [For earlier order herein, see 586 U. S. 963.]

No. D–3042. In re Disbarment of Smith. Disbarment entered. [For earlier order herein, see 588 U. S. 933.]

No. D–3043. In re Disbarment of Lynch. Disbarment entered. [For earlier order herein, see 588 U. S. 933.]

No. D–3045. In re Disbarment of McLeod. Disbarment entered. [For earlier order herein, see 588 U. S. 933.]

No. D–3046. In re Disbarment of Ugwuonye. Disbarment entered. [For earlier order herein, see 588 U. S. 933.]

No. D–3047. In re Disbarment of Silberman. Disbarment entered. [For earlier order herein, see 588 U. S. 933.]

No. D–3048. In re Disbarment of Packard. Disbarment entered. [For earlier order herein, see 588 U. S. 933.]

No. D–3050. In re Disbarment of Moran. Disbarment entered. [For earlier order herein, see 588 U. S. 934.]

Page Proof Pending Publication

No. D–3053. In re Disbarment of Bruner. Disbarment entered. [For earlier order herein, see 588 U. S. 939.]

No. 19M92. Owens *v.* University of South Carolina et al. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 19M93. Patterson *v.* United States District Court for the Eastern District of North Carolina. Motion for leave to proceed as a veteran denied.

No. 19M94. Santa *v.* Herr et al. Motion to direct the Clerk to file petition for writ of certiorari out of time under this Court's Rule 14.5 denied.

No. 65, Orig. Texas *v.* New Mexico. Motion for review of the River Master's final determination set for oral argument in due course. [For earlier order herein, see, *e. g.*, 589 U. S. 1032.]

No. 142, Orig. Florida *v.* Georgia. Second Report of the Special Master received and ordered filed. Exceptions to the Report, with supporting briefs, may be filed within 45 days. Replies, if any, with supporting briefs, may be filed within 30 days. Surreplies, if any, with supporting briefs, may be filed within 30

days. Motion for allowance of fees and disbursements filed by the Special Master's assistant granted, and the Special Master's assistant is awarded a total of $10,036.43, for the period November 6, 2018, through December 5, 2019, to be paid equally by the parties. [For earlier order herein, see, *e. g.*, 585 U. S. 1057.]

No. 18–9526. McGirt *v.* Oklahoma. Ct. Crim. App. Okla. [Certiorari granted, 589 U. S. 1119.] Motion for appointment of counsel granted, and Ian H. Gershengorn, Esq., of Washington, D. C., is appointed to serve as counsel for petitioner.

No. 19–465. Chiafalo et al. *v.* Washington. Sup. Ct. Wash.; and

No. 19–518. Colorado Department of State *v.* Baca et al. C. A. 10th Cir. [Certiorari granted, 589 U. S. 1165.] Petitioners in No. 19–465 and respondents in No. 19–518 shall file opening and reply briefs on the merits under the schedule set forth in this Court's Rules 25.1 and 25.3. Respondent in No. 19–465 and petitioner in No. 19–518 shall file response briefs on the merits under the schedule set forth in Rule 25.2.

Page Proof Pending Publication

No. 19–648. CACI Premier Technology, Inc. *v.* Al Shimari et al. C. A. 4th Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 19–7147. In re Smith. Petition for writ of habeas corpus denied.

No. 19–7015. In re Harris;

No. 19–7047. In re Spencer; and

No. 19–7049. In re Spencer. Petitions for writs of mandamus denied.

No. 19–6726. In re Byrd. Petition for writ of mandamus and/or prohibition denied.

Certiorari Denied

No. 19–353. Trading Technologies International, Inc. *v.* IBG LLC et al. C. A. Fed. Cir. Certiorari denied. Reported below: 921 F. 3d 1084.

No. 19–510. Banegas Gomez *v.* Barr, Attorney General. C. A. 2d Cir. Certiorari denied. Reported below: 922 F. 3d 101.

No. 19–517. BARBOSA ET AL. *v.* DEPARTMENT OF HOMELAND SECURITY ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 916 F. 3d 1068.

No. 19–522. TRADING TECHNOLOGIES INTERNATIONAL, INC. *v.* IBG LLC ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 767 Fed. Appx. 1006.

No. 19–534. KADRIA *v.* BARR, ATTORNEY GENERAL. C. A. 2d Cir. Certiorari denied. Reported below: 779 Fed. Appx. 799.

No. 19–551. CALZONE *v.* OLSON, SUPERINTENDENT, MISSOURI STATE HIGHWAY PATROL. C. A. 8th Cir. Certiorari denied. Reported below: 931 F. 3d 722.

No. 19–574. POOLE, COMMISSIONER, NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES *v.* NEW YORK STATE CITIZENS' COALITION FOR CHILDREN. C. A. 2d Cir. Certiorari denied. Reported below: 922 F. 3d 69.

No. 19–582. EDMONDSON *v.* LILLISTON FORD INC. ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 767 Fed. Appx. 388.

Page Proof Pending Publication

No. 19–651. DEROSE *v.* VILLAGE OF ORLAND PARK, ILLINOIS, ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 928 F. 3d 556.

No. 19–654. KALEIDA HEALTH, DBA BUFFALO GENERAL MEDICAL CENTER *v.* BIONDO. C. A. 2d Cir. Certiorari denied. Reported below: 935 F. 3d 68.

No. 19–658. J. G., BY AND THROUGH HIS PARENTS, GREENBERG ET AL. *v.* HAWAII DEPARTMENT OF EDUCATION ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 567.

No. 19–660. SILVER *v.* HAMRICK & EVANS, LLP. Ct. App. Cal., 2d App. Dist., Div. 2. Certiorari denied.

No. 19–674. MARTIN *v.* NATIONAL GENERAL ASSURANCE CO. Sup. Ct. Del. Certiorari denied. Reported below: 212 A. 3d 269.

No. 19–681. SHALABY *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS. C. A. 7th Cir. Certiorari denied. Reported below: 775 Fed. Appx. 249.

No. 19–683. Moss *v.* Atkinson, Warden. C. A. 4th Cir. Certiorari denied. Reported below: 767 Fed. Appx. 466.

No. 19–684. Saunders et ux. *v.* Deutsche Bank National Trust Co. Sup. Ct. Va. Certiorari denied.

No. 19–696. Haendel *v.* Reed et al. C. A. 4th Cir. Certiorari denied. Reported below: 759 Fed. Appx. 185.

No. 19–697. Pavatt *v.* Sharp, Interim Warden. C. A. 10th Cir. Certiorari denied. Reported below: 928 F. 3d 906.

No. 19–700. Ramos Gonzalez et al. *v.* Scotiabank de Puerto Rico et al. Sup. Ct. P. R. Certiorari denied.

No. 19–705. Sharpe *v.* United States. C. A. Fed. Cir. Certiorari denied. Reported below: 935 F. 3d 1352.

No. 19–712. Hamp's Construction, LLC *v.* Inland Marine Services, L. L. C. Ct. App. La., 1st Cir. Certiorari denied. Reported below: 2018–1152 (La. App. 1 Cir. 4/12/19).

No. 19–724. Arakaki *v.* Brennan, Postmaster General, et al. C. A. 9th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 783.

Page Proof Pending Publication

No. 19–762. Owner Operator Independent Drivers Assn., Inc., et al. *v.* Pennsylvania Turnpike Commission et al. C. A. 3d Cir. Certiorari denied. Reported below: 934 F. 3d 283.

No. 19–772. Diaz *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 941 F. 3d 729.

No. 19–809. Bonin *v.* United States. C. A. 7th Cir. Certiorari denied. Reported below: 932 F. 3d 523.

No. 19–5638. Lee *v.* Florida. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 252 So. 3d 1221.

No. 19–5889. Torres-Arroyo *v.* New Jersey. Super. Ct. N. J., App. Div. Certiorari denied.

No. 19–6094. Herrera-Segovia *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 210.

No. 19–6191. K. N. et ux. *v.* Montana Department of Public Health and Human Services. Sup. Ct. Mont. Certiorari denied. Reported below: 396 Mont. 545, 438 P. 3d 792.

No. 19–6214. FUQUEN *v.* EVERITT. Ct. Sp. App. Md. Certiorari denied. Reported below: 240 Md. App. 729.

No. 19–6289. MOHR *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 232.

No. 19–6306. MOTA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 753 Fed. Appx. 470.

No. 19–6320. WILLIAMS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 379.

No. 19–6372. PARSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–6655. MATHIS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 778 Fed. Appx. 816.

No. 19–6657. SMITH *v.* SCOTT ET AL. C. A. 2d Cir. Certiorari denied.

No. 19–6660. SCHERMERHORN *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–6681. WILLIS *v.* TERRITORY OF THE VIRGIN ISLANDS. Sup. Ct. V. I. Certiorari denied. Reported below: 71 V. I. 789.

No. 19–6690. MAHANY *v.* CITY OF BUFFALO POLICE DEPARTMENT ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 777 Fed. Appx. 547.

No. 19–6694. SUNDY *v.* CHRISTIAN, JUDGE, ET AL. Sup. Ct. Ga. Certiorari denied.

No. 19–6695. RIGWAN *v.* NEUS (Reported below: 298 So. 3d 591); and RIGWAN *v.* NEUS ET AL. (298 So. 3d 32). Dist. Ct. App. Fla., 3d Dist. Certiorari denied.

No. 19–6713. HORTON *v.* COCHRAN. C. A. 11th Cir. Certiorari denied.

No. 19–6714. GOODMAN *v.* PEARSON, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 775 Fed. Appx. 105.

No. 19–6722. LEACH *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 19–6724. ZARUM, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF GUNDERSON *v.* HOAG MEMORIAL HOSPITAL PRESBY-

TERIAN ET AL. Ct. App. Cal., 2d App. Dist., Div. 5. Certiorari denied.

No. 19–6727. ANDREWS *v.* NAGY, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–6728. HEREDIA *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 278 So. 3d 34.

No. 19–6730. HARINARAIN *v.* KAUFFMAN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HUNTINGDON, ET AL. C. A. 3d Cir. Certiorari denied.

No. 19–6731. HENRY *v.* WARREN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–6732. IVIE *v.* WASHINGTON. Ct. App. Wash. Certiorari denied. Reported below: 7 Wash. App. 2d 1025.

No. 19–6733. DURHAM *v.* SHAPIRO, ATTORNEY GENERAL OF PENNSYLVANIA. C. A. 3d Cir. Certiorari denied.

No. 19–6734. LOPEZ *v.* LOPEZ. Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

Page Proof Pending Publication

No. 19–6737. LITTLE *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 275 So. 3d 1207.

No. 19–6738. SARRINGAR *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–6741. JOAQUIN RAMIREZ *v.* BLOOM ET AL. C. A. 2d Cir. Certiorari denied.

No. 19–6742. PRIETO *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. Sup. Ct. Fla. Certiorari denied.

No. 19–6743. NELSON *v.* TEXAS. Ct. App. Tex., 6th Dist. Certiorari denied.

No. 19–6744. MERCK *v.* MINNESOTA SUPREME COURT ET AL. C. A. 8th Cir. Certiorari denied.

No. 19–6745. PAUL *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 278 So. 3d 39.

No. 19–6749. JOHNSON *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 280 So. 3d 474.

No. 19–6750. CEASAR *v.* LOUISIANA. Sup. Ct. La. Certiorari denied. Reported below: 2018–01948 (La. 8/12/19), 279 So. 3d 920.

No. 19–6754. VIZCARRA MEDINA *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 5. Certiorari denied.

No. 19–6762. WIMBERLEY *v.* SACRAMENTO. C. A. 9th Cir. Certiorari denied.

No. 19–6763. WHITE *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 308 So. 3d 86.

No. 19–6765. MCNAIR *v.* NORTH CAROLINA. Ct. App. N. C. Certiorari denied. Reported below: 253 N. C. App. 178, 799 S. E. 2d 631.

No. 19–6767. TRUE *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. C. A. 8th Cir. Certiorari denied.

No. 19–6768. VANDERMEULEN *v.* LECLAIRE ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 951.

No. 19–6770. CHIU *v.* FIRST GROUP AMERICA ET AL. Ct. App. Ore. Certiorari denied. Reported below: 295 Ore. App. 668, 433 P. 3d 787.

Page Proof Pending Publication

No. 19–6771. PARR *v.* RODRIGUEZ. C. A. 10th Cir. Certiorari denied. Reported below: 778 Fed. Appx. 569.

No. 19–6777. ANDERSON *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied.

No. 19–6779. STEVENS *v.* VANNOY, WARDEN, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 233.

No. 19–6780. KINNEY *v.* OHIO. Ct. App. Ohio, 8th App. Dist., Cuyahoga County. Certiorari denied. Reported below: 2019-Ohio-2567.

No. 19–6782. MALLARD *v.* NEXT DAY TEMPS ET AL. Sup. Ct. Va. Certiorari denied.

No. 19–6787. MITCHELL *v.* MILLER, MAGISTRATE JUDGE, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 780 Fed. Appx. 73.

No. 19–6788. ROBLERO *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 280 So. 3d 475.

No. 19–6817. WHEELER *v.* NEAL, SUPERINTENDENT, INDIANA STATE PRISON. C. A. 7th Cir. Certiorari denied.

No. 19–6822. COZZI *v.* AMERICAN STOCK EXCHANGE ET AL. Ct. App. N. Y. Certiorari denied. Reported below: 33 N. Y. 3d 1129, 132 N. E. 3d 1090.

No. 19–6829. WASHINGTON *v.* DELEON ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–6861. HENDERSON *v.* ARKANSAS. Ct. App. Ark. Certiorari denied. Reported below: 2019 Ark. App. 220, 575 S. W. 3d 617.

No. 19–6867. LUIS MAYA *v.* DEPARTMENT OF HOMELAND SECURITY ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–6900. SMITH *v.* WILKIE, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. Certiorari denied.

No. 19–6935. KING *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 776 Fed. Appx. 880.

Page Proof Pending Publication

No. 19–6936. VIGIO-APONTE *v.* UNITED STATES; and
No. 19–6947. RODRIGUEZ-MARTINEZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 939 F. 3d 16.

No. 19–6940. PETROSKE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 928 F. 3d 767.

No. 19–6941. COLLINS *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 19–6948. SPRY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 777 Fed. Appx. 70.

No. 19–6953. DAVIS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 767 Fed. Appx. 714.

No. 19–6960. TULIN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 776 Fed. Appx. 108.

No. 19–6961. NAVARRO *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 19–6968. BRUMBACH *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 929 F. 3d 791.

No. 19–6970. SULLIVAN *v.* WYOMING. Sup. Ct. Wyo. Certiorari denied. Reported below: 2019 WY 71, 444 P. 3d 1257.

No. 19–6972. SANCHEZ-MORA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 939 F. 3d 16.

No. 19–6973. WIGGINS ET AL. *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 288.

No. 19–6975. BENNETT *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 780 Fed. Appx. 195.

No. 19–6995. KING *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 19–6998. KOFALT *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 19–7006. DRUMMOND *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 925 F. 3d 681.

No. 19–7008. HERNANDEZ-ZAVALA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 816.

Page Proof Pending Publication

No. 19–7014. GAFFNEY *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 19–7020. GARAY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 938 F. 3d 1108.

No. 19–7026. GUY *v.* OHIO. Ct. App. Ohio, 10th App. Dist., Franklin County. Certiorari denied.

No. 19–7034. JOE *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 785 Fed. Appx. 528.

No. 19–7035. LOWRY *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 935 F. 3d 638.

No. 19–7038. LEE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 777 Fed. Appx. 782.

No. 19–7041. RAMIREZ-RIVERA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 933 F. 3d 20.

No. 19–7042. ROSADO *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 785 Fed. Appx. 81.

No. 19–7044. FISHER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 777 Fed. Appx. 749.

No. 19–7051. REYES-MARTINEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 779 Fed. Appx. 262.

No. 19–7053. BARNES *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 777 Fed. Appx. 966.

No. 19–7056. KINSEY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 777 Fed. Appx. 744.

No. 19–7059. SCHIEFER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 777 Fed. Appx. 900.

No. 19–7062. VILLANUEVA *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 786 Fed. Appx. 771.

No. 19–7070. TOMEY *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 783 Fed. Appx. 832.

No. 19–7072. WALKER *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 789 Fed. Appx. 241.

No. 19–7075. ROUSE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 936 F. 3d 849.

Page Proof Pending Publication

No. 19–7078. THOMPSON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 319.

No. 19–7083. PERDUE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 778 Fed. Appx. 270.

No. 19–7084. MORCOMBE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 787 Fed. Appx. 581.

No. 19–7090. EVANS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 19–7092. CARMICHAEL *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 777 Fed. Appx. 977.

No. 19–7098. SHAW *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 19–7103. MERRITT *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 934 F. 3d 809.

No. 19–7105. VAZQUEZ-CHAVARRIA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 777 Fed. Appx. 777.

No. 19–7106. WOODLEY *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 788 Fed. Appx. 100.

No. 19–7107. PERKINS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 788 Fed. Appx. 405.

No. 19–7115. FAULKNER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 926 F. 3d 475.

No. 19–7117. INGRAM *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 19–515. AMATO *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. Reported below: 763 Fed. Appx. 21.

No. 19–521. CHARGEPOINT, INC. *v.* SEMACONNECT, INC. C. A. Fed. Cir. Motion of Jeremy C. Doerre for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 920 F. 3d 759.

No. 19–6658. SIMMONS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

JUSTICE SOTOMAYOR, with whom JUSTICE GINSBURG joins, dissenting.

Page Proof Pending Publication

I dissent for the reasons set out in *Brown* v. *United States*, 586 U. S. 953 (2018) (SOTOMAYOR, J., dissenting from denial of certiorari).

No. 19–6670. BRIDGE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

JUSTICE SOTOMAYOR, with whom JUSTICE GINSBURG joins, dissenting.

I dissent for the reasons set out in *Brown* v. *United States*, 586 U. S. 953 (2018) (SOTOMAYOR, J., dissenting from denial of certiorari).

No. 19–6686. HUNTER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

JUSTICE SOTOMAYOR, with whom JUSTICE GINSBURG joins, dissenting.

I dissent for the reasons set out in *Brown* v. *United States*, 586 U. S. 953 (2018) (SOTOMAYOR, J., dissenting from denial of certiorari).

No. 19–6689. FERNANDEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

JUSTICE SOTOMAYOR, with whom JUSTICE GINSBURG joins, dissenting.

I dissent for the reasons set out in *Brown* v. *United States*, 586 U. S. 953 (2018) (SOTOMAYOR, J., dissenting from denial of certiorari).

No. 19–6755. GARCIA-CRUZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

JUSTICE SOTOMAYOR, with whom JUSTICE GINSBURG joins, dissenting.

I dissent for the reasons set out in *Brown* v. *United States*, 586 U. S. 953 (2018) (SOTOMAYOR, J., dissenting from denial of certiorari).

No. 19–6759. LACKEY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

JUSTICE SOTOMAYOR, with whom JUSTICE GINSBURG joins, dissenting.

Page Proof Pending Publication

I dissent for the reasons set out in *Brown* v. *United States*, 586 U. S. 953 (2018) (SOTOMAYOR, J., dissenting from denial of certiorari).

No. 19–6769. HICKS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

JUSTICE SOTOMAYOR, with whom JUSTICE GINSBURG joins, dissenting.

I dissent for the reasons set out in *Brown* v. *United States*, 586 U. S. 953 (2018) (SOTOMAYOR, J., dissenting from denial of certiorari).

Rehearing Denied

No. 19–248. JAMMAL ET AL. *v.* AMERICAN FAMILY INSURANCE CO. ET AL., 589 U. S. 1103;

No. 19–383. RAIMONDO *v.* HOOD, CHIEF JUDGE, UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN, ET AL., 589 U. S. 1070;

No. 19–406. TOUMA *v.* GENERAL COUNSEL OF THE REGENTS OF THE UNIVERSITY OF CALIFORNIA ET AL., 589 U. S. 1103;

No. 19–410. IN RE FIELDS, 589 U. S. 1102;
No. 19–5885. COLLINS *v.* GONZALEZ ET AL., 589 U. S. 1061;
No. 19–5914. LASHER *v.* STAVIS ET AL., 589 U. S. 1071;
No. 19–5925. RHODES *v.* SWARTH ET AL., 589 U. S. 1071;
No. 19–6074. NELSON *v.* AMALGAMATED TRANSIT UNION LOCAL 1181–1061, AFL–CIO, ET AL., 589 U. S. 1084;
No. 19–6121. IN RE STASZAK, 589 U. S. 1058;
No. 19–6231. CHAPMAN *v.* UNITED STATES, 589 U. S. 1074;
No. 19–6251. IN RE MAKDESSI, 589 U. S. 1043; and
No. 19–6487. DONAHUE *v.* PENNSYLVANIA, 589 U. S. 1112. Petitions for rehearing denied.

No. 19–6189. BROWN *v.* UNITED STATES, 589 U. S. 1066. Petition for rehearing denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

JANUARY 29, 2020

Certiorari Denied

No. 19–922 (19A826). LANCE *v.* GEORGIA. Super. Ct. Jackson County, Ga. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.

Page Proof Pending Publication

No. 19–7488 (19A858). LANCE *v.* FORD, 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.

FEBRUARY 6, 2020

Certiorari Denied

No. 19–7572 (19A876). REVILLA OCHOA *v.* COLLIER, EXECUTIVE DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, ET AL. C. A. 5th Cir. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Certiorari denied. Reported below: 802 Fed. Appx. 101.

FEBRUARY 14, 2020

Miscellaneous Orders

No. 18–1584. UNITED STATES FOREST SERVICE ET AL. *v.* COWPASTURE RIVER PRESERVATION ASSN. ET AL.; and
No. 18–1587. ATLANTIC COAST PIPELINE, LLC *v.* COWPASTURE RIVER PRESERVATION ASSN. ET AL. C. A. 4th Cir. [Cer-

tiorari granted, 588 U. S. 948.] Motion of the Solicitor General for divided argument granted.

No. 18–8369. LOMAX *v.* ORTIZ-MARQUEZ ET AL. C. A. 10th Cir. [Certiorari granted, 589 U. S. 1031.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 19–7. SEILA LAW LLC *v.* CONSUMER FINANCIAL PROTECTION BUREAU. C. A. 9th Cir. [Certiorari granted, 589 U. S. 1031.] Motions of petitioner Seila Law LLC for enlargement of time for oral argument and for divided argument, and of United States House of Representatives for leave to participate in oral argument as *amicus curiae* and for divided argument granted, and the time is divided as follows: 20 minutes for petitioner, 20 minutes for the Solicitor General, 20 minutes for Court-appointed *amicus curiae*, and 10 minutes for United States House of Representatives.

FEBRUARY 18, 2020

Dismissal Under Rule 46

Page Proof Pending Publication

No. 19–5790. LEE *v.* UNITED STATES. C. A. 5th Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 771 Fed. Appx. 548.

FEBRUARY 20, 2020

Miscellaneous Order

No. 19–7696 (19A912). IN RE SUTTON. Application for stay of execution of sentence of death, presented to JUSTICE SOTOMAYOR, and by her referred to the Court, denied. Petition for writ of habeas corpus denied.

Certiorari Denied

No. 19–7689 (19A910). SUTTON *v.* TENNESSEE. Ct. Crim. App. Tenn. Application for stay of execution of sentence of death, presented to JUSTICE SOTOMAYOR, and by her referred to the Court, denied. Certiorari denied.

FEBRUARY 21, 2020

Miscellaneous Order

No. 19A905. WOLF, ACTING SECRETARY OF HOMELAND SECURITY, ET AL. *v.* COOK COUNTY, ILLINOIS, ET AL. D. C. N. D. Ill.

Application for stay, presented to JUSTICE KAVANAUGH, and by him referred to the Court, granted, and the District Court's October 14, 2019, order granting preliminary injunction is stayed pending disposition of the Government's appeal in the United States Court of Appeals for the Seventh Circuit and disposition of the Government's petition for writ of certiorari, if such writ is timely sought. 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 GINSBURG, JUSTICE BREYER, and JUSTICE KAGAN would deny the application.

JUSTICE SOTOMAYOR, dissenting.

Today's decision follows a now-familiar pattern. The Government seeks emergency relief from this Court, asking it to grant a stay where two lower courts have not. The Government insists—even though review in a court of appeals is imminent—that it will suffer irreparable harm if this Court does not grant a stay. And the Court yields.

Page Proof Pending Publication

But this application is perhaps even more concerning than past ones. Just weeks ago, this Court granted a stay of a different decision involving the same administrative rule at issue here, after the Government professed urgency because of the form of relief granted in the prior case—a nationwide injunction. The Government now uses that stay—of a nationwide injunction—to insist that it is entitled to one here. But the injunction in this case is limited to one State, Illinois. The Government cannot state with precision any of the supposed harm that would come from the Illinois-specific injunction, and the Court of Appeals for the Seventh Circuit has scheduled oral argument for next week. The Government's professed harm, therefore, boils down to an inability to enforce its immigration goals, possibly in only the immediate term, in one of 50 States. It is hard to say what is more troubling: that the Government would seek this extraordinary relief seemingly as a matter of course, or that the Court would grant it.

This case concerns a provision of the Immigration and Nationality Act that renders inadmissible any noncitizen who "is likely at any time to become a public charge." 8 U. S. C. § 1182(a)(4)(A). The provision instructs immigration officers to consider, "at a minimum," a person's "age; health; family status; assets, re-

sources, and financial status; and education and skills" in determining inadmissibility on this "public charge" basis. § 1182(a)(4)(B). For the last 20 years, field guidance has defined "public charge" as a person "primarily dependent on the government for subsistence." 64 Fed. Reg. 28689 (1999) (internal quotation marks omitted). Per that guidance, immigration officers were not to consider noncash public benefits in deciding whether a noncitizen met that definition.

In August 2019, the Department of Homeland Security issued a regulation that changed this longstanding definition. This new regulation (the public-charge rule) now defines a "public charge" as "an alien who receives one or more designated public benefits for more than 12 months in the aggregate within any 36-month period (such that, for instance, receipt of two benefits in one month counts as two months)." 84 Fed. Reg. 41295. The regulation also expands the type of benefits that may render a noncitizen inadmissible, including noncash benefits such as the Supplemental Nutrition Assistance Program (formerly food stamps), most forms of Medicaid, and various forms of housing assistance. *Ibid.*

Page Proof Pending Publication

Several lawsuits followed, one of which reached this Court last month. See Application for Stay of Injunctions in *Department of Homeland Security* v. *New York*, No. 19A785 (New York cases). The Government in no small part insisted that it was entitled to a stay because of the scope of relief awarded below: The District Court in the New York cases imposed a nationwide injunction that "rendered effectively academic" the Government's successful litigation on the public-charge rule elsewhere. *Id.*, at 4. The Government's unquestionable focus was the scope of that injunction: Its stay application used the word "nationwide" 34 times.

Over the dissent of four Justices, this Court granted the Government's application for a stay. *Department of Homeland Security* v. *New York*, 589 U. S. 1173 (2020). Two Justices concurred in the grant of the stay, emphasizing—as the Government did—the "equitable and constitutional questions raised by the rise of nationwide injunctions." *Id.*, at 1176 (GORSUCH, J., concurring in grant of stay). No Member of the Court discussed the application's merit apart from its challenges to the injunction's nationwide scope.

In the meantime, other courts considered the public-charge rule, and one—the District Court in this case—ruled much more

narrowly. The District Court concluded that the plaintiffs in the case before it were entitled to a preliminary injunction, based on self-described "dry and arguably bloodless" legal analysis. *Cook County* v. *McAleenan*, 417 F. Supp. 3d 1008, 1031 (ND Ill. 2019). But it did not award nationwide relief as the New York court had: It merely prevented the Government from enforcing the public-charge rule in Illinois, where the "'nearly 100 nonprofit organizations and social and health service providers'" represented by one of the plaintiffs were located. *Id.*, at 1030.

After the District Court declined to stay enforcement of its injunction pending appeal, the Government asked the Seventh Circuit to intervene and stay the injunction itself. On December 23, 2019, the Seventh Circuit declined, and instead set an expedited briefing schedule to ensure prompt consideration of the issue. As part of that expedited schedule, the Seventh Circuit set oral argument for February 26, 2020—five days from now.

Notably, the Government initially chose not to appeal the Seventh Circuit's decision denying a stay. Instead, while letting the normal appellate process play out in this case, it urged this Court to review a later issued decision granting a nationwide injunction—in no small part because it was a nationwide injunction. Yet now that this Court acceded to that request, the Government wants more: It asks this Court to grant a stay of the District Court's considered—and considerably narrower—order below.

Page Proof Pending Publication

One might wonder what the trouble is with granting a stay in this case. After all, by granting a stay in the New York cases, the Court effectively has already allowed the Government to enforce the public-charge rule elsewhere—why not Illinois too? But—even putting aside the dissent of four Justices in the New York cases and the plaintiffs' weighty arguments on the merits—the Court should not forget the burden the Government must carry to obtain a stay. To warrant this "'extraordinary'" relief, *Williams* v. *Zbaraz*, 442 U. S. 1309, 1316 (1979) (Stevens, J., in chambers), it is not enough for a party to point to an important legal issue, or even one that is likely to obtain the assent of five Justices on the merits (which is far from certain here). Instead, to justify upending the normal rules of appellate procedure, a party must also show a likelihood of irreparable harm. *Packwood* v. *Senate Select Comm. on Ethics*, 510 U. S. 1319, 1320 (1994) (Rehnquist, C. J., in chambers). And "[b]ecause this matter is

pending before the Court of Appeals, and because the Court of Appeals denied" the Government's motion for a stay, the Government now bears "an especially heavy burden." *Ibid.*

The Government has not made that showing here. Its public-charge rule is set to go into effect in 49 of 50 States next week. The Seventh Circuit is set to consider the Illinois-specific injunction next week as well, with a decision to follow shortly thereafter. And the Government is unable to articulate how many cases—if any—this narrow injunction would affect in the meantime. In sum, the Government's only claimed hardship is that it must enforce an existing interpretation of an immigration rule in one State—just as it has done for the past 20 years—while an updated version of the rule takes effect in the remaining 49. The Government has not quantified or explained any burdens that would arise from this state of the world. Indeed, until this Court granted relief in the New York cases, the Government itself did not consider this Illinois-specific harm serious enough to warrant asking this Court for relief.

These facts—all of which undermine the Government's assertion of irreparable harm—show two things, one about the Government's conduct and one about this Court's own. First, the Government has come to treat "th[e] exceptional mechanism" of stay relief "as a new normal." *Barr* v. *East Bay Sanctuary Covenant*, 588 U. S. 942, 945 (2019) (SOTOMAYOR, J., dissenting from grant of stay). Claiming one emergency after another, the Government has recently sought stays in an unprecedented number of cases, demanding immediate attention and consuming limited Court resources in each. And with each successive application, of course, its cries of urgency ring increasingly hollow. Indeed, its behavior relating to the public-charge rule in particular shows how much its own definition of irreparable harm has shifted. Having first sought a stay in the New York cases based, in large part, on the purported harm created by a nationwide injunction, it now disclaims that rationale and insists that the harm is its temporary inability to enforce its goals in one State.

Second, this Court is partly to blame for the breakdown in the appellate process. That is because the Court—in this case, the New York cases, and many others—has been all too quick to grant the Government's "reflexiv[e]" requests. *Id.*, at 946. But make no mistake: Such a shift in the Court's own behavior comes at a cost.

Page Proof Pending Publication

Stay applications force the Court to consider important statutory and constitutional questions that have not been ventilated fully in the lower courts, on abbreviated timetables and without oral argument. They upend the normal appellate process, putting a thumb on the scale in favor of the party that won a stay. (Here, the Government touts that in granting a stay in the New York cases, this Court "necessarily concluded that if the court of appeals were to uphold the preliminary injunctio[n], the Court likely would grant a petition for a writ of certiorari" and that "there was a fair prospect the Court would rule in favor of the government." Application 3.) They demand extensive time and resources when the Court's intervention may well be unnecessary—particularly when, as here, a court of appeals is poised to decide the issue for itself.

Perhaps most troublingly, the Court's recent behavior on stay applications has benefited one litigant over all others. This Court often permits executions—where the risk of irreparable harm is the loss of life—to proceed, justifying many of those decisions on purported failures "to raise any potentially meritorious claims in a timely manner." *Murphy* v. *Collier*, 587 U. S. 901, 916 (2019) (statement of KAVANAUGH, J.); see also *id.*, at 907 (ALITO, J., joined by THOMAS and GORSUCH, JJ., dissenting from grant of stay) ("When courts do not have adequate time to consider a claim, the decisionmaking process may be compromised"); cf. *Dunn* v. *Ray*, 586 U. S. 1138 (2019) (overturning the grant of a stay of execution). Yet the Court's concerns over quick decisions wither when prodded by the Government in far less compelling circumstances—where the Government itself chose to wait to seek relief, and where its claimed harm is continuation of a 20-year status quo in one State. I fear that this disparity in treatment erodes the fair and balanced decisionmaking process that this Court must strive to protect.

I respectfully dissent.

Page Proof Pending Publication

FEBRUARY 24, 2020

Certiorari Granted—Vacated and Remanded. (See also *Roman Catholic Archdiocese of San Juan* v. *Acevedo Feliciano*, 589 U. S. 57 (2020) (*per curiam*).)

No. 19–568. MATSURA *v.* UNITED STATES. C. A. 9th Cir. Certiorari granted, judgment vacated, and case remanded for fur-

ther consideration in light of *Rehaif* v. *United States*, 588 U. S. 225 (2019). Reported below: 924 F. 3d 1030.

No. 19–6496. SMITH *v.* UNITED STATES. C. A. 4th Cir. Reported below: 771 Fed. Appx. 197; and

No. 19–6871. VAZQUEZ *v.* UNITED STATES. C. A. 2d Cir. Reported below: 763 Fed. Appx. 136. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Rehaif* v. *United States*, 588 U. S. 225 (2019).

Certiorari Dismissed

No. 19–6836. WIMBUSH *v.* MICKENS, WARDEN. Sup. Ct. Ga. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 19–6844. SANTIAGO *v.* HILL, ASSOCIATE JUDGE, CIRCUIT COURT OF ILLINOIS, COOK COUNTY. Sup. Ct. Ill. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

Page Proof Pending Publication

No. 19–6851. LASHER *v.* NEBRASKA STATE BOARD OF PHARMACY ET AL. 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. Reported below: 749 Fed. Appx. 494.

No. 19–6886. DONAHUE *v.* SUPERIOR COURT OF PENNSYLVANIA 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. 19–7100. JONES *v.* WETZEL, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, 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. JUSTICE ALITO took no part in the consideration or decision of this motion and this petition.

No. 19–7156. CLAYBORNE *v.* HANSEN, WARDEN. Ct. App. Neb. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 27 Neb. App. xxxviii.

No. 19–7200. ADAMS *v.* CALHOUN COUNTY, MICHIGAN, 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. 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. 19–7389. McCrea *v.* District of Columbia Office of Human Rights et al. Ct. App. D. C. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

Miscellaneous Orders

No. 19A721 (19–1024). Powe et ux. *v.* Deutsche Bank National Trust Co. D. C. E. D. Tex. Application for stay, addressed to Justice Sotomayor and referred to the Court, denied.

No. 19A728. Pratt *v.* Barr, Attorney General. Application for stay of removal, addressed to Justice Ginsburg and referred to the Court, denied.

Page Proof Pending Publication

No. D–3059. In re Discipline of Hannah. Lewis P. Hannah III, of Philadelphia, Pa., 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–3060. In re Discipline of Torres. Justin Alan Torres, of Alexandria, Va., 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–3061. In re Discipline of DeSantis. Glenn D. DeSantis, of Voorhees, 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–3062. In re Discipline of Watt. Joseph C. Watt, Jr., of Fayetteville, 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–3063. IN RE DISCIPLINE OF ERWIN. Frank Woodson Erwin, of Fort Myers, Fla., 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–3064. IN RE DISCIPLINE OF VANDERBURG. Keith Allan Vanderburg, of Independence, 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–3065. IN RE DISCIPLINE OF FARTHING. Philip R. Farthing, of Norfolk, Va., 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–3066. IN RE DISCIPLINE OF CARR. Jacqueline Carr, of Slidell, 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.

Page Proof Pending Publication

No. 19M95. HOLLAND *v.* KEMP, GOVERNOR OF GEORGIA. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 19M96. KANEKA CORP. *v.* XIAMEN KINGDOMWAY GROUP CO. ET AL. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record denied.

No. 19M97. ADAMS *v.* UNITED STATES. Motion for leave to file petition for writ of certiorari with supplemental appendix under seal denied.

No. 19M98. IN RE TCT MOBILE INTERNATIONAL LTD. Motion for leave to file petition for writ of mandamus with supplemental appendix under seal denied.

No. 19M99. KAUR *v.* MARYLAND;

No. 19M100. H. K. V. *v.* FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES ET AL.; and

No. 19M101. H. K. V. *v.* FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES ET AL. Motions for leave to file petitions for writs

of certiorari with supplemental appendixes under seal granted.

No. 19M102. KNOCHEL *v.* MIHAYLO. Motion for leave to file petition for writ of certiorari under seal denied.

No. 150, Orig. ARIZONA *v.* CALIFORNIA. Motion for leave to file bill of complaint denied. [For earlier order herein, see 588 U. S. 903.]

JUSTICE THOMAS, with whom JUSTICE ALITO joins, dissenting.

Today the Court denies Arizona leave to file a complaint against California. Although we have discretion to decline review in other kinds of cases, see 28 U. S. C. §§ 1254(1), 1257(a), we likely do not have discretion to decline review in cases within our original jurisdiction that arise between two or more States.

The Constitution establishes our original jurisdiction in mandatory terms. Article III states that, "[i]n all Cases . . . in which a State shall be [a] Party, the supreme Court *shall* have original Jurisdiction." § 2, cl. 2 (emphasis added). In this circumstance, "[w]e have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given." *Cohens* v. *Virginia*, 6 Wheat. 264, 404 (1821) (Marshall, C. J., for the Court).

Image Processing Publication

Our original jurisdiction in suits between two States is also "exclusive." § 1251(a). As I have previously explained, "[i]f this Court does not exercise jurisdiction over a controversy between two States, then the complaining State has no judicial forum in which to seek relief." *Nebraska* v. *Colorado*, 577 U. S. 1211, 1212 (2016) (opinion dissenting from denial of motion for leave to file complaint). Denying leave to file in a case between two or more States is thus not only textually suspect, but also inequitable.

The Court has provided scant justification for reading "shall" to mean "may." It has invoked its "increasing duties with the appellate docket," *Arizona* v. *New Mexico*, 425 U. S. 794, 797 (1976) (*per curiam*) (internal quotation marks omitted), and its "structur[e] . . . as an appellate tribunal," *Ohio* v. *Wyandotte Chemicals Corp.*, 401 U. S. 493, 498 (1971). But the Court has failed to provide any analysis of the Constitution's text to justify our discretionary approach.

Although I have applied this Court's precedents in the past, see *Wyoming* v. *Oklahoma*, 502 U. S. 437, 474, n. (1992) (dissenting opinion), I have since come to question those decisions, see *Nebraska*, *supra*, at 1213 (dissenting opinion). Arizona invites us

to reconsider our discretionary approach, and I would do so. I respectfully dissent from the denial of leave to file a complaint.

No. 18–1323. June Medical Services L. L. C. et al. *v.* Russo, Interim Secretary, Louisiana Department of Health and Hospitals; and

No. 18–1460. Russo, Interim Secretary, Louisiana Department of Health and Hospitals *v.* June Medical Services L. L. C. et al. C. A. 5th Cir. [Certiorari granted *sub nom.* in No. 18–1323, *June Medical Services L. L. C.* v. *Gee*; in No. 18–1460, *Gee* v. *June Medical Services L. L. C.*, 588 U. S. 948.] Motion of Foundation for Life for leave to file brief as *amicus curiae* out of time denied.

No. 18–9526. McGirt *v.* Oklahoma. Ct. Crim. App. Okla. [Certiorari granted, 589 U. S. 1178.] Motion of petitioner to dispense with printing joint appendix granted.

No. 19–199. Salinas *v.* United States Railroad Retirement Board. C. A. 5th Cir. [Certiorari granted, 589 U. S. 1127.] Motion of petitioner to dispense with printing joint appendix granted.

Page Proof Pending Publication

No. 19–251. Americans for Prosperity Foundation *v.* Becerra, Attorney General of California; and

No. 19–255. Thomas More Law Center *v.* Becerra, Attorney General of California. C. A. 9th Cir. The Solicitor General is invited to file a brief in these cases expressing the views of the United States.

No. 19–438. Pereida *v.* Barr, Attorney General. C. A. 8th Cir. [Certiorari granted, 589 U. S. 1126.] Motion of petitioner to dispense with printing joint appendix granted.

No. 19–635. Trump *v.* Vance, District Attorney of the County of New York, et al. C. A. 2d Cir. [Certiorari granted, 589 U. S. 1120.] Motion of petitioner to dispense with printing joint appendix granted.

No. 19–5299. Rivera Rosado *v.* Lucid Energy, Inc. C. A. 11th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [589 U. S. 908] denied.

No. 19–6804. Helms *v.* Wells Fargo Bank, N. A., et al. C. A. 9th Cir.;

No. 19–6967. Boyd et al. *v.* California Public Utilities Commission et al. C. A. 9th Cir.;

No. 19–7081. ADEBOWALE *v.* WOLF, ACTING SECRETARY OF HOMELAND SECURITY, ET AL. C. A. 7th Cir.; and

No. 19–7268. RUPAK *v.* UNITED STATES. C. A. 9th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until March 16, 2020, 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. 19–934. IN RE BRITTON-HARR;
No. 19–6863. IN RE BONNELL;
No. 19–7285. IN RE WILKINSON;
No. 19–7312. IN RE HICKS;
No. 19–7420. IN RE FRANCIS;
No. 19–7491. IN RE BERRY;
No. 19–7509. IN RE MATTISON;
No. 19–7524. IN RE KOSSIE; and

No. 19–7555. IN RE FRENCH. Petitions for writs of habeas corpus denied.

No. 19–750. IN RE LAW OFFICES OF NINA RINGGOLD ET AL.;
No. 19–775. IN RE BUHANNIC;
No. 19–833. IN RE BUHANNIC;
No. 19–834. IN RE BUHANNIC;
No. 19–6888. IN RE LIBBY; and

Page Proof Pending Publication

No. 19–7029. IN RE FAHRING. Petitions for writs of mandamus denied.

No. 19–6917. IN RE JEFFERSON. Petition for writ of mandamus and/or prohibition denied.

No. 19–7050. IN RE ROSA;
No. 19–7154. IN RE EATON; and

No. 19–7366. IN RE JOHNSTON. Petitions for writs of prohibition denied.

Certiorari Granted

No. 19–123. FULTON ET AL. *v.* CITY OF PHILADELPHIA, PENNSYLVANIA, ET AL. C. A. 3d Cir. Certiorari granted. Reported below: 922 F. 3d 140.

Certiorari Denied

No. 18–9699. GARCIA *v.* UNITED STATES (Reported below: 756 Fed. App. 474); OLIVERA-SANCHEZ *v.* UNITED STATES (770 Fed.

Appx. 207); RAMOS *v.* UNITED STATES (770 Fed. Appx. 674); and TORRES-GOMEZ *v.* UNITED STATES (764 Fed. Appx. 414). C. A. 5th Cir. Certiorari denied.

No. 19–107. ASARO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 767 Fed. Appx. 173.

No. 19–273. BINDAY *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 19–282. OLIVAS-MOTTA *v.* BARR, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied. Reported below: 910 F. 3d 1271.

No. 19–284. MERCADO RAMIREZ *v.* BARR, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied. Reported below: 745 Fed. Appx. 677.

No. 19–347. AER ADVISORS, INC., ET AL. *v.* FIDELITY BROKERAGE SERVICES, LLC. C. A. 1st Cir. Certiorari denied. Reported below: 921 F. 3d 282.

Page Proof Pending Publication

No. 19–389. DOBYNS *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 915 F. 3d 733.

No. 19–433. SUTHERLAND *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 921 F. 3d 421.

No. 19–475. KARINGITHI *v.* BARR, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied. Reported below: 913 F. 3d 1158.

No. 19–486. TAFFE, PERSONAL REPRESENTATIVE OF THE ESTATE OF THOMPSON, DECEASED *v.* WENGERT ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 775 Fed. Appx. 459.

No. 19–488. WALTNER ET UX. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 9th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 448.

No. 19–527. HUSKISSON *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 926 F. 3d 369.

No. 19–541. LAMBERT *v.* ESTATE OF BROWN, BY ITS SUCCESSOR IN INTEREST BROWN, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 999.

No. 19–569. MANUEL AYESTAS *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 933 F. 3d 384.

No. 19–600. KRAKAUER *v.* CHRISTIAN, MONTANA COMMISSIONER OF HIGHER EDUCATION. Sup. Ct. Mont. Certiorari denied. Reported below: 396 Mont. 247, 445 P. 3d 201.

No. 19–603. SILGUERO ET AL. *v.* CSL PLASMA, INC. C. A. 5th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 886.

No. 19–609. SHEPHERD ET AL. *v.* STUDDARD. C. A. 6th Cir. Certiorari denied. Reported below: 934 F. 3d 478.

No. 19–619. CISCO SYSTEMS, INC. *v.* SRI INTERNATIONAL, INC. C. A. Fed. Cir. Certiorari denied. Reported below: 930 F. 3d 1295.

No. 19–669. WATKINS *v.* SAUL, COMMISSIONER OF SOCIAL SECURITY. C. A. 8th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 707.

No. 19–691. CLARK *v.* GEORGIA. Sup. Ct. Ga. Certiorari denied. Reported below: 306 Ga. 367, 829 S. E. 2d 306.

Page Proof Pending Publication

No. 19–693. BALOV *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied. Reported below: 23 Cal. App. 5th 696, 233 Cal. Rptr. 3d 235.

No. 19–694. BAKER, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF BAKER, DECEASED *v.* CITY OF TRENTON, MICHIGAN, ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 936 F. 3d 523.

No. 19–695. WEBB ET AL. *v.* DEERE CREDIT, INC., ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 787.

No. 19–698. NORA *v.* MINNESOTA OFFICE OF LAWYERS PROFESSIONAL RESPONSIBILITY. Sup. Ct. Minn. Certiorari denied. Reported below: 942 N. W. 2d 127.

No. 19–702. O'BRYANT *v.* OKLAHOMA. Ct. Crim. App. Okla. Certiorari denied.

No. 19–703. DAVIS *v.* MTGLQ INVESTORS, L. P. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 270 So. 3d 392.

No. 19–707. ROSAS *v.* SAN ANTONIO HOUSING AUTHORITY ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 224.

No. 19–711. MISSOURI EX REL. LAMASA *v.* WRIGHT, ASSOCIATE CIRCUIT JUDGE, 12TH JUDICIAL CIRCUIT, WARREN COUNTY, MISSOURI. Sup. Ct. Mo. Certiorari denied.

No. 19–713. NUNU *v.* RISK ET AL. Ct. App. Tex., 14th Dist. Certiorari denied. Reported below: 567 S. W. 3d 462.

No. 19–716. ZHI GANG ZHANG *v.* RASMUS ET AL. Sup. Ct. S. D. Certiorari denied. Reported below: 2019 S.D. 46, 932 N. W. 2d 153.

No. 19–721. GRIFFIN *v.* HUMANA EMPLOYERS HEALTH PLAN OF GEORGIA, INC. Ct. App. Ga. Certiorari denied.

No. 19–722. HUDACK *v.* LA CRESTA PROPERTY OWNERS ASSN. Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 19–728. DAVISON *v.* FACEBOOK, INC., ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 162.

No. 19–729. MEYER *v.* PETERSON. Ct. App. Minn. Certiorari denied.

Page Proof Pending Publication

No. 19–731. PANCHO'S LLC *v.* HUGHES ET AL. Sup. Ct. App. W. Va. Certiorari denied.

No. 19–734. PATTERSON *v.* SELECT PORTFOLIO SERVICING, INC., ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 360.

No. 19–736. CLARKE *v.* MCMURRAY, COMMISSIONER, GEORGIA DEPARTMENT OF TRANSPORTATION. C. A. 11th Cir. Certiorari denied. Reported below: 763 Fed. Appx. 899.

No. 19–740. BUTTS, INDIVIDUALLY AND ON BEHALF OF HER DAUGHTER, A. F., A MINOR *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 930 F. 3d 234.

No. 19–744. JACKSON *v.* DISTRICT OF COLUMBIA. Ct. App. D. C. Certiorari denied.

No. 19–745. WILLIAMS *v.* HOUSING OPPORTUNITIES FOR PERSONS WITH EXCEPTIONALITIES. C. A. 11th Cir. Certiorari denied. Reported below: 777 Fed. Appx. 451.

No. 19–749. RITTER *v.* TUTTLE, WARDEN, ET AL. C. A. 3d Cir. Certiorari denied.

No. 19–752. HAWAII MANAGEMENT ALLIANCE ASSN. *v.* RUDEL. C. A. 9th Cir. Certiorari denied. Reported below: 937 F. 3d 1262.

No. 19–754. ESTATE OF KNIGHT, DECEASED, ET AL. *v.* WHITTEN, AS SPECIAL ADMINISTRATOR OF THE ESTATE OF KNIGHT, DECEASED, ET AL. Ct. App. S. C. Certiorari denied.

No. 19–755. STEINER ET AL. *v.* UTAH STATE TAX COMMISSION. Sup. Ct. Utah. Certiorari denied. Reported below: 2019 UT 47, 449 P. 3d 189.

No. 19–758. YOUKHANNA ET AL. *v.* CITY OF STERLING HEIGHTS, MICHIGAN, ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 934 F. 3d 508.

No. 19–759. SEGNER *v.* CIANNA RESOURCES INC. C. A. 5th Cir. Certiorari denied. Reported below: 777 Fed. Appx. 115.

No. 19–761. KT CORP. ET AL. *v.* ABS HOLDINGS, LTD., ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 784 Fed. Appx. 21.

Page Proof Pending Publication

No. 19–768. MARTIN *v.* MARINEZ ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 934 F. 3d 594.

No. 19–769. ELKHARWILY *v.* FRANCISCAN HEALTH SYSTEM. C. A. 9th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 758.

No. 19–770. UNDERWOOD *v.* PHILLIPS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–771. SENSABAUGH *v.* HALLIBURTON ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 937 F. 3d 621.

No. 19–773. MERLINO ET AL. *v.* BUONINCONTRI. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 171 App. Div. 3d 1069, 96 N. Y. S. 3d 864.

No. 19–778. WEINHAUS *v.* ILLINOIS ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 314.

No. 19–781. CONDEZ *v.* MASSACHUSETTS CIVIL SERVICE COMMISSION ET AL. App. Ct. Mass. Certiorari denied. Reported below: 95 Mass. App. 1116, 126 N. E. 3d 1037.

No. 19–785. HUFF *v.* TELECHECK SERVICES, INC., ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 923 F. 3d 458.

No. 19–786. BUTIA *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 19–787. ROBERTSON *v.* BANNER BANK. C. A. 10th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 453.

No. 19–788. DALY *v.* CITIGROUP, INC., ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 939 F. 3d 415.

No. 19–790. MARTIN-DE-NICOLAS *v.* AAA TEXAS COUNTY MUTUAL INSURANCE CO. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 19–791. ANDERSON LAW OFFICES ET AL. *v.* COMMON BENEFIT FEE AND COST COMMITTEE. C. A. 4th Cir. Certiorari denied.

No. 19–796. COWELS ET AL. *v.* FEDERAL BUREAU OF INVESTIGATION ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 936 F. 3d 62.

Page Proof Pending Publication

No. 19–799. STREAMBEND PROPERTIES II, LLC, ET AL. *v.* IVY TOWER MINNEAPOLIS, LLC, ET AL. Ct. App. Minn. Certiorari denied.

No. 19–800. ROBINSON, INDIVIDUALLY, AS GUARDIAN AND NEXT FRIEND OF I. Y. ET AL., AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF WILLIAMS, DECEASED, ET AL. *v.* LIOI ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 930 F. 3d 307.

No. 19–801. DELA CRUZ *v.* WILKIE, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. Certiorari denied. Reported below: 931 F. 3d 1143.

No. 19–803. XIU JIAN SUN *v.* KELLY ET AL. Ct. App. N. Y. Certiorari denied. Reported below: 34 N. Y. 3d 978, 137 N. E. 44.

No. 19–805. ADAM *v.* BARR, ATTORNEY GENERAL, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 792 Fed. Appx. 20.

No. 19–811. ROSE, INDIVIDUALLY AND AS MOTHER OF ROSE, ET AL. *v.* CITY OF UTICA, NEW YORK, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 777 Fed. Appx. 575.

No. 19–812. MARSHALL *v.* FEDERAL TRADE COMMISSION. C. A. 9th Cir. Certiorari denied. Reported below: 781 Fed. Appx. 599.

No. 19–813. JUSTICE *v.* BOARD OF PROFESSIONAL RESPONSIBILITY OF THE SUPREME COURT OF TENNESSEE. Sup. Ct. Tenn. Certiorari denied. Reported below: 577 S. W. 3d 908.

No. 19–818. CARR *v.* BARR, ATTORNEY GENERAL. C. A. D. C. Cir. Certiorari denied.

No. 19–822. WHITE, JUDGE, SECTION A OF THE ORLEANS PARISH CRIMINAL DISTRICT COURT, ET AL. *v.* CAIN ET AL. (Reported below: 937 F. 3d 446); and CANTRELL, MAGISTRATE JUDGE OF ORLEANS PARISH CRIMINAL DISTRICT COURT *v.* CALISTE, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED, ET AL. (937 F. 3d 525). C. A. 5th Cir. Certiorari denied.

No. 19–823. PEARSALL *v.* GUERNSEY. Ct. App. Ohio, 3d App. Dist., Hancock County. Certiorari denied.

No. 19–824. OWENS *v.* PARRIS, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 932 F. 3d 456.

Page Proof Pending Publication

No. 19–826. ESTATE OF HER ET AL. *v.* HOEPPNER ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 939 F. 3d 872.

No. 19–828. GARSKE ET AL. *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 939 F. 3d 321.

No. 19–829. CHRIMAR SYSTEMS, INC. *v.* JUNIPER NETWORKS, INC., ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 777 Fed. Appx. 518.

No. 19–830. EFFEX CAPITAL, LLC, ET AL. *v.* NATIONAL FUTURES ASSN. ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 933 F. 3d 882.

No. 19–832. APPLE INC. *v.* VIRNETX INC. ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 748 Fed. Appx. 332.

No. 19–836. EVANS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 19–838. ALTSCHULD *v.* SAUL, COMMISSIONER OF SOCIAL SECURITY. C. A. 6th Cir. Certiorari denied.

No. 19–845. HUGGINS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 19–846. ARTEM *v.* KING COUNTY DEPARTMENT OF ADULT AND JUVENILE DETENTION ET AL. Ct. App. Wash. Certiorari denied. Reported below: 8 Wash. App. 2d 1046.

No. 19–848. SHIN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 782 Fed. Appx. 595.

No. 19–850. DERRICO *v.* GEORGIA. Sup. Ct. Ga. Certiorari denied. Reported below: 306 Ga. 634, 831 S. E. 2d 794.

No. 19–851. LOPEZ-CASTRO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–854. UNIVERSAL TELEPHONE EXCHANGE, INC. *v.* ZTE CORP. ET AL. Ct. App. Tex., 5th Dist. Certiorari denied.

No. 19–856. LOS ANGELES COUNTY, CALIFORNIA *v.* RAY ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 935 F. 3d 703.

Page Proof Pending Publication

No. 19–860. BOSYK *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 933 F. 3d 319.

No. 19–862. CASTRO *v.* LEWIS ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 777 Fed. Appx. 401.

No. 19–865. TIPP *v.* JPMC SPECIALTY MORTGAGE, LLC. Sup. Ct. Ala. Certiorari denied. Reported below: 312 So. 3d 2.

No. 19–870. REINBOLD, CHAPTER 7 TRUSTEE OF THE ESTATE OF 180 EQUIPMENT, LLC *v.* FIRST MIDWEST BANK. C. A. 7th Cir. Certiorari denied. Reported below: 938 F. 3d 866.

No. 19–877. GEBRESELASSIE *v.* FRAUENHEIM, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 19–879. HEON SEOK LEE *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 937 F. 3d 797.

No. 19–880. KEMP *v.* GEORGIA STATE UNIVERSITY ADMISSIONS OFFICE ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–881. SMITH ET AL. *v.* MOTLEY ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 775 Fed. Appx. 371.

No. 19–882. DUKES *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–883. ROBINSON *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–900. VENNIE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 790 Fed. Appx. 506.

No. 19–907. BECKWITH ET AL. *v.* CITY OF HOUSTON, TEXAS, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 790 Fed. Appx. 568.

No. 19–920. YOUNG, AKA MCMANIGAL *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 19–925. ZERE *v.* DISTRICT OF COLUMBIA. Ct. App. D. C. Certiorari denied. Reported below: 209 A. 3d 94.

No. 19–946. SNOWDEN *v.* BRACY, WARDEN. C. A. 6th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–960. GRAND TRUNK WESTERN RAILROAD CO. *v.* LILLY. Ct. App. Mich. Certiorari denied.

No. 19–5346. MARTINEZ *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 769 Fed. Appx. 12.

No. 19–5350. JONES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 768 Fed. Appx. 290.

No. 19–5535. ROBINSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 917 F. 3d 856.

No. 19–5539. BEATTIE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 919 F. 3d 1110.

No. 19–5563. BOWLINE *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 917 F. 3d 1227.

No. 19–5568. NELSON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 909 F. 3d 964.

No. 19–5784. VILLECCO *v.* STARK ET AL. C. A. 10th Cir. Certiorari denied.

No. 19–5805. ALDISSI ET UX. *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 758 Fed. Appx. 694.

No. 19–5829. CASTRO-LOPEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 74.

No. 19–5865. BALDERAS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 88.

No. 19–5869. ENRIQUEZ-HERNANDEZ, AKA ENRIQUES-HERNANDEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 66.

No. 19–5875. GONZALEZ-TERRAZAS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 57.

No. 19–5905. DAVIS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 347.

No. 19–5907. CASTANEDA-TORRES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 102.

No. 19–5946. SPENCE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 923 F. 3d 929.

Page Proof Pending Publication

No. 19–5979. PABLO LOZANO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 438.

No. 19–6015. ARIAS-DE JESUS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 163.

No. 19–6037. ANZURES *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 779 Fed. Appx. 531.

No. 19–6042. TAJONAR CORTES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 184.

No. 19–6063. ALEXANDER *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 170 App. Div. 3d 738, 93 N. Y. S. 3d 608.

No. 19–6086. ALBERTO TORRES *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 732 Fed. Appx. 590.

No. 19–6087. MALIK *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 19–6095. FULTON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 928 F. 3d 429.

No. 19–6110. AYALA-GONZALEZ *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 167 App. Div. 3d 1536, 90 N. Y. S. 3d 778.

No. 19–6199. ESPINO RAMIREZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 193.

No. 19–6200. SMITH *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 275 So. 3d 1176.

No. 19–6229. DOUGLAS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 759 Fed. Appx. 554.

No. 19–6252. HERRERA RAMIREZ *v.* MARYLAND. Ct. App. Md. Certiorari denied. Reported below: 464 Md. 532, 212 A. 3d 363.

No. 19–6264. NELSON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 756 Fed. Appx. 87.

No. 19–6265. KNIGHT *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 1057.

Page Proof Pending Publication

No. 19–6277. RUVALCABA-GARCIA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 923 F. 3d 1183.

No. 19–6290. PINEDA-CASTELLANOS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 233.

No. 19–6343. RICHMOND *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 924 F. 3d 404.

No. 19–6432. THIBODEAUX *v.* EVANS, SUPERINTENDENT, MINNESOTA BUREAU OF CRIMINAL APPREHENSION. Ct. App. Minn. Certiorari denied. Reported below: 926 N. W. 2d 602.

No. 19–6517. BROWN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 783 Fed. Appx. 330.

No. 19–6531. FRAZIER *v.* DUNN, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 19–6562. AVENA *v.* CHAPPELL, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 932 F. 3d 1237.

No. 19–6582. MARTINEZ-MENDOZA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 260.

No. 19–6586. INGHELS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 19–6618. TINKER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–6662. JONES *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 934 F. 3d 842.

No. 19–6671. BOLEYN *v.* UNITED STATES;
No. 19–6672. BELL *v.* UNITED STATES;
No. 19–6677. VASEY *v.* UNITED STATES;
No. 19–6687. GREEN *v.* UNITED STATES; and
No. 19–6688. FISHER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 929 F. 3d 932.

No. 19–6683. TREVINO *v.* BARR, ATTORNEY GENERAL. C. A. 5th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 692.

No. 19–6685. MCLAUGHLIN *v.* PRECYTHE, DIRECTOR, MISSOURI DEPARTMENT OF CORRECTIONS. C. A. 8th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–6693. STARKS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 775 Fed. Appx. 233.

No. 19–6772. ALBERTO NUNEZ *v.* BARR, ATTORNEY GENERAL. C. A. 2d Cir. Certiorari denied.

No. 19–6783. JARVIS *v.* ALLISON, SHERIFF, PEARL RIVER COUNTY, MISSISSIPPI, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 776 Fed. Appx. 267.

No. 19–6785. LONDON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 937 F. 3d 502.

No. 19–6789. JASMAN *v.* BURTON, WARDEN. Ct. App. Mich. Certiorari denied.

No. 19–6794. SMITH *v.* ST. JOSEPH'S/CANDLER HEALTH SYSTEM, INC. C. A. 11th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 523.

No. 19–6803. GORMAN *v.* COLE. Ct. App. Cal., 2d App. Dist., Div. 4. Certiorari denied.

No. 19–6805. RABAIA *v.* GREWAL, ATTORNEY GENERAL OF NEW JERSEY, ET AL. C. A. 3d Cir. Certiorari denied.

No. 19–6807. ROBINSON *v.* PARISH, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 785 Fed. Appx. 299.

No. 19–6810. GREGLEY *v.* FENDER, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–6811. HEARD *v.* SNYDER ET AL. C. A. 6th Cir. Certiorari denied.

No. 19–6812. BAUGHMAN *v.* SEALE ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 761 Fed. Appx. 371.

No. 19–6814. JIMENEZ *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 6. Certiorari denied.

No. 19–6815. WINGATE *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. Reported below: 34 N. Y. 3d 985, 137 N. E. 3d 15.

No. 19–6816. WARNER *v.* MAINE. Sup. Jud. Ct. Me. Certiorari denied. Reported below: 2019 ME 140, 216 A. 3d 22.

No. 19–6821. SUNDY *v.* FRIENDSHIP PAVILION ACQUISITION CO. ET AL. Super. Ct. Hall County, Ga. Certiorari denied.

Page Proof Pending Publication

No. 19–6823. GONZALES *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 924 F. 3d 236.

No. 19–6827. DORCELUS *v.* BRANNON, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 19–6833. ROWE *v.* CLARK, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ALBION, ET AL. C. A. 3d Cir. Certiorari denied.

No. 19–6835. ANTWINE *v.* O'GRADY, JUDGE, CIRCUIT COURT OF MICHIGAN, BRANCH COUNTY. Ct. App. Mich. Certiorari denied.

No. 19–6839. SMITH *v.* UNDERWOOD, ATTORNEY GENERAL OF NEW YORK, ET AL. C. A. 2d Cir. Certiorari denied.

No. 19–6845. STEWARD *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 215 A. 3d 683.

No. 19–6847. JOHNSON *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–6852. TASSONE *v.* TASSONE. Ct. App. Ohio, 10th App. Dist., Franklin County. Certiorari denied.

No. 19–6853. NHUONG VAN NGUYEN *v.* LUCKY ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 775 Fed. Appx. 922.

No. 19–6857. GOODE *v.* SHARP, INTERIM WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 922 F. 3d 1136.

No. 19–6866. JACKSON *v.* GARDA CL EAST, INC. C. A. 4th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 736.

No. 19–6869. JEFFERSON *v.* SHINN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–6870. BROWN *v.* MENTAL HEALTH REHABILITATION. C. A. 9th Cir. Certiorari denied.

No. 19–6872. CLARK *v.* UNC HOSPITALS ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 777 Fed. Appx. 663.

No. 19–6879. ABDUL-MALIK *v.* CITY GOVERNMENT OFFICE OF COURT ADMINISTRATION ET AL. C. A. 2d Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–6892. VAN ORDEN *v.* STRINGER ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 937 F. 3d 1162.

No. 19–6893. NELSON *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–6894. VURIMINDI *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 200 A. 3d 1031.

No. 19–6895. WILLIAMS *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied.

No. 19–6897. BHUIYAN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 564.

No. 19–6903. BARNEY *v.* ESCAMBIA COUNTY, FLORIDA, ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–6905. CONROY *v.* HARRIS, SHERIFF, PECOS COUNTY, TEXAS, ET AL. Ct. App. Tex., 7th Dist. Certiorari denied.

No. 19–6911. FATHER *v.* TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES. Ct. App. Tex., 4th Dist. Certiorari denied.

No. 19–6912. ABARA *v.* PALMER, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 776 Fed. Appx. 961.

No. 19–6914. ROCKEFELLER *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 19–6916. JEFFERSON *v.* SUPREME COURT OF GEORGIA. Sup. Ct. Ga. Certiorari denied. Reported below: 307 Ga. 50, 834 S. E. 2d 73.

No. 19–6919. CHANNEL *v.* SHINN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–6924. THOMAS *v.* MCCULLICK, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–6928. LOFTON *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. C. A. 8th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–6929. LISLE *v.* DIERCKS ET AL. C. A. 7th Cir. Certiorari denied.

No. 19–6931. JOHNSON *v.* LINEBARGER GOGGAN BLAIR & SAMPSON, L. L. P. C. A. 5th Cir. Certiorari denied.

No. 19–6937. LITTLE *v.* NAU, AS ADMINISTRATOR OF THE ESTATE OF WATSON, AKA ODOM. Sup. Ct. Cal. Certiorari denied.

No. 19–6943. CUNNINGHAM *v.* FLORIDA CREDIT UNION. C. A. 11th Cir. Certiorari denied. Reported below: 758 Fed. Appx. 902.

No. 19–6944. KHODAYARI *v.* CITY OF LOS ANGELES, CALIFORNIA, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 815.

No. 19–6945. DAMERON *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2019 IL App (1st) 162778–U.

No. 19–6951. RAMIREZ *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–6954. CAMP *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–6955. PAUL *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 171 App. Div. 3d 1467, 99 N. Y. S. 3d 529.

No. 19–6956. OUTLAND *v.* NEW JERSEY. Super. Ct. N. J., App. Div. Certiorari denied. Reported below: 458 N. J. Super. 357, 205 A. 3d 255.

No. 19–6957. METAYER *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 300 So. 3d 626.

No. 19–6958. MCCRAY *v.* SAMUEL I. WHITE, P. C., ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 148.

No. 19–6959. JASMINE F. *v.* DEPARTMENT OF CHILD SAFETY ET AL. Ct. App. Ariz. Certiorari denied.

No. 19–6962. MOURNING *v.* CRANE, JUDGE. Ct. App. Mo., Southern Dist. Certiorari denied.

Page Proof Pending Publication

No. 19–6963. PRENATT *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–6964. POSEY *v.* MIDDLEBROOKS, WARDEN, ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–6966. KEYS *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 556.

No. 19–6969. SWIFT *v.* GEORGIA. Sup. Ct. Ga. Certiorari denied.

No. 19–6971. ROBERTS *v.* TEXAS. Ct. App. Tex., 4th Dist. Certiorari denied.

No. 19–6974. TORRES *v.* BELLEVUE SOUTH ASSOCIATES LLP ET AL. C. A. 2d Cir. Certiorari denied.

No. 19–6976. JOHNSON *v.* ARIZONA. Sup. Ct. Ariz. Certiorari denied. Reported below: 247 Ariz. 166, 447 P. 3d 783.

No. 19–6977. PITTS *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 263 So. 3d 834.

No. 19–6978. NARANJO *v.* CAPOZZA, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FAYETTE, ET AL. C. A. 3d Cir. Certiorari denied.

No. 19–6980. WILLIAMSON *v.* CITY OF WICHITA, KANSAS. Ct. App. Kan. Certiorari denied. Reported below: 56 Kan. App. 2d xix, 430 P. 3d 68.

No. 19–6981. BYKOV *v.* ROSEN ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 397.

No. 19–6982. COLLINS *v.* BARNES & THORNBURG LLP ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 765 Fed. Appx. 140.

No. 19–6983. MCKINNEY *v.* ARKANSAS. Ct. App. Ark. Certiorari denied. Reported below: 2018 Ark. App. 10, 538 S. W. 3d 216.

No. 19–6984. PEREZ *v.* MCGINLEY, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT COAL TOWNSHIP, ET AL. C. A. 3d Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–6985. PLEASANT-BEY *v.* SHELBY COUNTY, TENNESSEE, ET AL. C. A. 6th Cir. Certiorari denied.

No. 19–6986. NEELY *v.* BALDWIN, DIRECTOR, ILLINOIS DEPARTMENT OF CORRECTIONS, ET AL. C. A. 7th Cir. Certiorari denied.

No. 19–6987. BELL *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 19–6988. BLACHER *v.* JOHNSON, CHIEF DEPUTY WARDEN. C. A. 9th Cir. Certiorari denied.

No. 19–6989. BELT *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 279 So. 3d 634.

No. 19–6990. BUSH *v.* KANNIKA SAY. Ct. App. Mich. Certiorari denied.

No. 19–6992. BROWN *v.* MCCULLICK, WARDEN, ET AL. C. A. 6th Cir. Certiorari denied.

No. 19–6996. JOHNSON *v.* SETTLES, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–6997. BAILEY *v.* VANNOY, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 19–6999. DYER *v.* FARRIS, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 787 Fed. Appx. 485.

No. 19–7000. CONSTANCE *v.* VANNOY, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 19–7002. DENHAM *v.* DZURENDA, DIRECTOR, NEVADA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–7004. TORRES *v.* HATTON, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 19–7009. ROSARIO-GONZALEZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 19–7010. FOLK *v.* PRIME CARE MEDICAL ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 771 Fed. Appx. 141.

Page Proof Pending Publication

No. 19–7012. HARDESTY *v.* CHAPMAN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–7013. GRAY *v.* KEMPER, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 19–7016. TERRELL *v.* ARMANT, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–7017. WILLIAMS *v.* TACO BELL. C. A. 9th Cir. Certiorari denied.

No. 19–7019. WASHINGTON *v.* BODER ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 762 Fed. Appx. 133.

No. 19–7023. COTTON *v.* ECKSTEIN, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 19–7024. CARTER *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 19–7025. FELICIANO *v.* MILLER, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT WAYMART, ET AL. C. A. 3d Cir. Certiorari denied.

No. 19–7027. HUGHES *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 216 A. 3d 346.

No. 19–7028. GREEN *v.* ERRINGTON. C. A. 5th Cir. Certiorari denied.

No. 19–7030. GUEVARA *v.* PADIN ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–7031. HANCOCK *v.* TEXAS. Ct. App. Tex., 9th Dist. Certiorari denied.

No. 19–7032. GADDIS *v.* MICHIGAN. Sup. Ct. Mich. Certiorari denied. Reported below: 504 Mich. 945, 931 N. W. 2d 347.

No. 19–7033. DARWICH *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 19–7036. DALE *v.* AGRESTA ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 659.

No. 19–7037. BRADLEY *v.* COX. Ct. App. Ga. Certiorari denied.

Page Proof Pending Publication

No. 19–7039. BEAM *v.* CLARK, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ALBION, ET AL. C. A. 3d Cir. Certiorari denied.

No. 19–7040. DIPPOLITO *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 275 So. 3d 653.

No. 19–7048. COSTA *v.* MISSOURI. Sup. Ct. Mo. Certiorari denied.

No. 19–7054. ROGERS *v.* ASUNCION, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 777 Fed. Appx. 257.

No. 19–7057. SHELTON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 791 Fed. Appx. 519.

No. 19–7060. WILLIAMS *v.* BROOKS ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 873.

No. 19–7063. THOMAS *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied. Reported below: 654 Pa. 378, 215 A. 3d 36.

No. 19–7065. BRASPENICK *v.* JOHNSON LAW PLC. Ct. App. Mich. Certiorari denied.

No. 19–7066. TOSCANO *v.* LIZARRAGA, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 19–7068. BAKER *v.* MACY'S FLORIDA STORES, LLC. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 280 So. 3d 68.

No. 19–7069. VINCENT *v.* WILLIAMS, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 491.

No. 19–7077. SANCHEZ *v.* CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–7080. JABOIN *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 282 So. 3d 47.

No. 19–7082. LIPSKI *v.* MAINE. Sup. Jud. Ct. Me. Certiorari denied. Reported below: 2019 ME 148, 217 A. 3d 727.

No. 19–7085. OEUR *v.* COUNTY OF LOS ANGELES, CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 2. Certiorari denied.

No. 19–7087. MAY *v.* JOHNSON, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL. C. A. 3d Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–7089. CRUZ-RAMIREZ *v.* UNITED STATES;
No. 19–7133. GUEVARA *v.* UNITED STATES;
No. 19–7149. HERRERA *v.* UNITED STATES; and
No. 19–7151. LOPEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 782 Fed. Appx. 531.

No. 19–7093. IBARRA *v.* LUDWICK, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 19–7094. LAWRENCE *v.* GREWAL, ATTORNEY GENERAL OF NEW JERSEY, ET AL. C. A. 3d Cir. Certiorari denied.

No. 19–7096. SMITH *v.* JACKSON. C. A. 4th Cir. Certiorari denied. Reported below: 776 Fed. Appx. 153.

No. 19–7109. OUTING *v.* CARDONA, COMMISSIONER, CONNECTICUT DEPARTMENT OF CORRECTION. App. Ct. Conn. Certiorari denied. Reported below: 190 Conn. App. 510, 211 A. 3d 1053.

No. 19–7118. BUFFINGTON *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 19–7121. SHACHTER *v.* CITY OF CHICAGO, ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 19–7123. MITCHELL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 138.

No. 19–7125. DODGE ET UX. *v.* BONNERS FERRY POLICE DEPARTMENT ET AL. Sup. Ct. Idaho. Certiorari denied. Reported below: 165 Idaho 650, 450 P. 3d 298.

No. 19–7126. DAMON *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 933 F. 3d 269.

No. 19–7128. POPOOLA *v.* UNITED STATES; and
No. 19–7208. OGUNDELE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 933 F. 3d 302.

No. 19–7130. MOREL *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 778 Fed. Appx. 70.

No. 19–7132. THOMASON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 940 F. 3d 1166.

No. 19–7134. CARTER *v.* DEPARTMENT OF AGRICULTURE. C. A. 8th Cir. Certiorari denied. Reported below: 770 Fed. Appx. 317.

Page Proof Pending Publication

No. 19–7136. MCCLAFLIN *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 939 F. 3d 1113.

No. 19–7137. MCINTOSH *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 779 Fed. Appx. 714.

No. 19–7138. BLANKENSHIP *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 789 Fed. Appx. 362.

No. 19–7139. PAWLAK *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 935 F. 3d 337.

No. 19–7141. OLIVEROS *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2019 IL App (1st) 161096–U.

No. 19–7144. STROUSE *v.* WARDEN, UNITED STATES PENITENTIARY COLEMAN II. C. A. 11th Cir. Certiorari denied. Reported below: 777 Fed. Appx. 468.

No. 19–7145. RODRIGUEZ-MILIAN *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 19–7146. RAPOPORT *v.* GILMORE, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GREENE, ET AL. C. A. 3d Cir. Certiorari denied.

No. 19–7152. LEAVITT *v.* PHILLIPS ET AL. App. Ct. Mass. Certiorari denied. Reported below: 95 Mass. App. 1125, 134 N. E. 3d 132.

No. 19–7155. DEFREITAS *v.* KIZZIAH, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–7159. CLARDY *v.* GULICK ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 451.

No. 19–7161. MURRAY *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–7163. HATTON *v.* COMBS, JUSTICE, SUPREME COURT OF OKLAHOMA, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 793 Fed. Appx. 801.

No. 19–7164. HOWARD *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 788 Fed. Appx. 939.

No. 19–7167. JADAV *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 19–7169. COBBLE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 779 Fed. Appx. 698.

Page Proof Pending Publication

No. 19–7170. TAYLOR *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 173 App. Div. 3d 1721, 99 N. Y. S. 3d 895.

No. 19–7171. TURNER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 934 F. 3d 794.

No. 19–7172. SIMMONS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 785 Fed. Appx. 969.

No. 19–7173. ROSE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 19–7174. STEWART *v.* HONSAL, AS PUBLIC ADMINISTRATOR OF HUMBOLDT COUNTY, CALIFORNIA, ET AL. Ct. App. Cal., 1st App. Dist., Div. 1. Certiorari denied.

No. 19–7175. ROBINSON *v.* SMITH, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HOUTZDALE, ET AL. C. A. 3d Cir. Certiorari denied.

No. 19–7176. MORAN *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied.

No. 19–7178. ALLEN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 781 Fed. Appx. 262.

No. 19–7180. BEIER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 780 Fed. Appx. 460.

No. 19–7183. WILLIAM *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 217 A. 3d 383.

No. 19–7185. BREWER *v.* LEE, SUPERINTENDENT, EASTERN NEW YORK CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 19–7187. MILES *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 216 A. 3d 393.

No. 19–7193. YOUNG *v.* SAUL, COMMISSIONER OF SOCIAL SECURITY. C. A. 2d Cir. Certiorari denied.

No. 19–7194. CARLOS VAZQUEZ *v.* SOUTH CAROLINA. Sup. Ct. S. C. Certiorari denied.

No. 19–7197. YOUNG *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 742.

Page Proof Pending Publication

No. 19–7198. B. T. D. *v.* ALABAMA. Ct. Crim. App. Ala. Certiorari denied. Reported below: 296 So. 3d 343.

No. 19–7199. TOOLY *v.* SCHWALLER. C. A. 2d Cir. Certiorari denied. Reported below: 919 F. 3d 165.

No. 19–7201. JONES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 779 Fed. Appx. 245.

No. 19–7207. ELSHINAWY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 781 Fed. Appx. 168.

No. 19–7209. ALSTON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 941 F. 3d 132.

No. 19–7216. RAMET *v.* LEGRANDE, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 390.

No. 19–7218. AMEZCUA CABRERA *v.* CALIFORNIA. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 19–7221. GRAY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 565.

No. 19–7223. KHAN *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 769 Fed. Appx. 620.

No. 19–7225. LARA SALAS *v.* VAZQUEZ, WARDEN. C. A. 5th Cir. Certiorari denied. Reported below: 773 Fed. Appx. 204.

No. 19–7226. ROBINSON *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 19–7227. REYES-VILLATORO *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 790 Fed. Appx. 343.

No. 19–7228. CARTER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 19–7231. MONROE *v.* LEWIS, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 780 Fed. Appx. 56.

No. 19–7234. CHISHOLM *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 940 F. 3d 119.

No. 19–7235. GROSS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 932 F. 3d 40.

Page Proof Pending Publication

No. 19–7237. CROOM *v.* ILLINOIS. App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 2019 IL App (3d) 160553–U.

No. 19–7238. BURKES *v.* TENNESSEE. Ct. App. Tenn. Certiorari denied.

No. 19–7239. CORN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–7242. WHITEHEAD *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–7243. WOLF *v.* GRIFFITH, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 19–7245. BOWIE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 19–7246. HARRIS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 788 Fed. Appx. 135.

No. 19–7247. HAYS *v.* TEWS, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 771 Fed. Appx. 769.

No. 19–7248. HINTON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 789 Fed. Appx. 956.

No. 19–7249. EVANS *v.* HOLLINGSWORTH, WARDEN. C. A. 3d Cir. Certiorari denied.

No. 19–7250. JENKINS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 756 Fed. Appx. 791.

No. 19–7251. MCNEAL *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 279 So. 3d 98.

No. 19–7253. DEFRANCISCI *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 19–7255. DURAN *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 941 F. 3d 435.

No. 19–7256. OSBORNE *v.* HALL, COMMISSIONER, MISSISSIPPI DEPARTMENT OF CORRECTIONS. C. A. 5th Cir. Certiorari denied. Reported below: 934 F. 3d 428.

No. 19–7257. MVURI *v.* AMERICAN AIRLINES, INC. C. A. 4th Cir. Certiorari denied. Reported below: 776 Fed. Appx. 810.

No. 19–7258. COLLINS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 779 Fed. Appx. 282.

Page Proof Pending Publication

No. 19–7259. AFRIYIE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 929 F. 3d 63.

No. 19–7261. LOPEZ *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 797 Fed. Appx. 40.

No. 19–7264. ZAPATA *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2019 IL App (1st) 171882–U.

No. 19–7265. TOTORO *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 19–7266. STONE *v.* CENTENE CORP. C. A. 11th Cir. Certiorari denied.

No. 19–7269. ROBERTSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–7270. SAYED *v.* COLORADO. Ct. App. Colo. Certiorari denied.

No. 19–7271. HALL *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 19–7272. MITCHELL *v.* DIAZ, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, ET AL. C. A. 9th Cir. Certiorari denied.

No. 19–7274. BARTKO *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 815.

No. 19–7275. BOYETT *v.* NEW MEXICO. Dist. Ct. N. M., Valencia County. Certiorari denied.

No. 19–7276. PUJAYASA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–7278. COBB *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 279 So. 3d 137.

No. 19–7283. EARLS *v.* NOVAK, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 19–7289. GORDON *v.* CLINE, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 712.

No. 19–7291. ABRAHAM GUZMAN *v.* SANTORO, ACTING WARDEN. C. A. 9th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–7292. FRANKS *v.* COLLINS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 19–7293. BOWEN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 781 Fed. Appx. 367.

No. 19–7294. KWANING *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 786 Fed. Appx. 388.

No. 19–7298. BELL *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 276 So. 3d 373.

No. 19–7304. SALAZAR *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 784 Fed. Appx. 579.

No. 19–7305. SPRINGER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 790 Fed. Appx. 498.

No. 19–7307. MOZ-AGUILAR *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 790 Fed. Appx. 343.

No. 19–7313. CRUTCHFIELD *v.* UNITED STATES (Reported below: 785 Fed. Appx. 321); JACKSON, AKA JONES *v.* UNITED

STATES; KEMMERLING *v.* UNITED STATES; ROGERS *v.* UNITED STATES; FINCH *v.* UNITED STATES; NORRIS *v.* UNITED STATES; MANN *v.* UNITED STATES (773 Fed. Appx. 308); WILLIAMS *v.* UNITED STATES; MCKINNEY *v.* UNITED STATES; AMMONS *v.* UNITED STATES; LEMONS *v.* UNITED STATES; ROBERTS *v.* UNITED STATES; MERRIWEATHER *v.* UNITED STATES; HUGHES *v.* UNITED STATES; JUSTICE *v.* UNITED STATES; KEGLAR *v.* UNITED STATES; BOHANNON *v.* UNITED STATES; BEARDEN *v.* UNITED STATES; COX *v.* UNITED STATES; JONES *v.* UNITED STATES; and DAWSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 19–7315. WRIGHT *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 945 F. 3d 677.

No. 19–7318. YABLONSKY *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 19–7323. STOLLER *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 351.

No. 19–7324. GREER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 780 Fed. Appx. 352.

Page Proof Pending Publication

No. 19–7325. KANTETE *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 19–7326. ALLRED *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 942 F. 3d 641.

No. 19–7327. MACLI *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–7330. HALDORSON *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 941 F. 3d 284.

No. 19–7331. CUNNINGHAM *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 780 Fed. Appx. 183.

No. 19–7332. KING *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 780 Fed. Appx. 181.

No. 19–7334. DIAZ-CESTARY *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 19–7335. PRODOEHL *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 791 Fed. Appx. 527.

No. 19–7336. PENA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 780 Fed. Appx. 193.

No. 19–7337. PALMER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 780 Fed. Appx. 179.

No. 19–7341. WISEMAN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 932 F. 3d 411.

No. 19–7352. GODOY-MACHUCA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 772 Fed. Appx. 542.

No. 19–7356. GRIFFIN *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 787 Fed. Appx. 564.

No. 19–7359. GUZMAN-CORREA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 19–7363. ROMANS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 786 Fed. Appx. 891.

No. 19–7364. SINGLETON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

Page Proof Pending Publication

No. 19–7365. ROBERTS *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 19–7367. MAGANA-GONZALEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 781 Fed. Appx. 615.

No. 19–7370. BUENROSTRO-LOPEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 781 Fed. Appx. 678.

No. 19–7371. BENTLEY *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 19–7381. JONES *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–7387. MILES *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 19–7392. DAVIS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 782 Fed. Appx. 246.

No. 19–7394. GUILLEN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 781 Fed. Appx. 980.

No. 19–7396. HARO-VERDUGO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 748 Fed. Appx. 727.

No. 19–7400. GLENN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 19–7404. ROE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 790 Fed. Appx. 25.

No. 19–7408. BOWMAN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 19–7416. GRIFFIN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 794 Fed. Appx. 14.

No. 19–7417. EDWARDS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 767 Fed. Appx. 546.

No. 19–7422. ANTONIO FAIRLEY *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied. Reported below: 275 So. 3d 1012.

No. 19–7430. BRYANT *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 776 Fed. Appx. 822.

Page Proof Pending Publication

No. 19–7433. WILSON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 939 F. 3d 929.

No. 19–7434. ZAMBRANO *v.* UNITED STATES; and CARTER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 19–7438. SCOTT *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 941 F. 3d 677.

No. 19–7439. SAMAAN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 937 F. 3d 1146.

No. 19–7440. STRATTAN *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 18–349. PATTERSON *v.* WALGREEN CO. C. A. 11th Cir. Certiorari denied. Reported below: 727 Fed. Appx. 581.

JUSTICE ALITO, with whom JUSTICE THOMAS and JUSTICE GORSUCH join, concurring.

The petition in this case raises important questions about the meaning of Title VII's prohibition of employment discrimination

"because of . . . religion." 78 Stat. 255, 42 U. S. C. §§2000e–2(a)(1) and (2). For this reason and because of the Government's responsibility to enforce Title VII, we asked for the views of the Solicitor General regarding review in this case, and the Solicitor General's response to our request is helpful.

I agree with the most important point made in that brief, namely, that we should reconsider the proposition, endorsed by the opinion in *Trans World Airlines, Inc.* v. *Hardison*, 432 U. S. 63, 84 (1977), that Title VII does not require an employer to make any accommodation for an employee's practice of religion if doing so would impose more than a *de minimis* burden. Title VII prohibits employment discrimination against an individual "because of such individual's . . . religion," §§2000e–2(a)(1) and (2), and the statute defines "religion" as "includ[ing] all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is *unable to reasonably accommodate* to an employee's or prospective employee's religious observance or practice *without undue hardship* on the conduct of the employer's business." §2000e(j) (emphasis added). As the Solicitor General observes, *Hardison*'s reading does not represent the most likely interpretation of the statutory term "undue hardship"; the parties' briefs in *Hardison* did not focus on the meaning of that term; no party in that case advanced the *de minimis* position; and the Court did not explain the basis for this interpretation. See Brief for United States as *Amicus Curiae* 19–21. I thus agree with the Solicitor General that we should grant review in an appropriate case to consider whether *Hardison*'s interpretation should be overruled.*

The Solicitor General also agrees that two other issues raised in the petition are important, specifically, (1) whether Title VII may require an employer to provide a partial accommodation for an employee's religious practices even if a full accommodation would impose an undue hardship, and (2) whether an employer can show that an accommodation would impose an undue hardship based on speculative harm. But the Solicitor General does not interpret the decision below as turning on either of those ques-

*In addition, as JUSTICE THOMAS has pointed out, *Hardison* did not apply the current form of Title VII, but instead an Equal Employment Opportunity Commission guideline that predated the 1972 amendments defining the term "religion." *EEOC* v. *Abercrombie & Fitch Stores, Inc.*, 575 U. S. 768, 787, n. (2015) (opinion concurring in part and dissenting in part).

Legal Broadcasting Publication

tions. While I am less sure about this interpretation, I agree in the end that this case does not present a good vehicle for revisiting *Hardison*. I therefore concur in the denial of certiorari, but I reiterate that review of the *Hardison* issue should be undertaken when a petition in an appropriate case comes before us.

No. 19–402. BALDWIN ET UX. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 921 F. 3d 836.

JUSTICE THOMAS, dissenting.

Under *Chevron* deference, courts generally must adopt an agency's interpretation of an ambiguous statute if that interpretation is "reasonable." *Chevron U. S. A. Inc.* v. *Natural Resources Defense Council, Inc.*, 467 U. S. 837, 844 (1984). Usually, the agency interprets the statute before any court has considered the question. But sometimes, the agency advances an interpretation after a court has already weighed in. In the latter instance, we have held that it "follows from *Chevron*" that a court must abandon its previous interpretation in favor of the agency's interpretation unless the prior court decision holds that the statute is unambiguous. *National Cable & Telecommunications Assn.* v. *Brand X Internet Services*, 545 U. S. 967, 982 (2005).

Page Proof Pending Publication

This petition asks us to reconsider *Brand X*. In 1992, the Ninth Circuit interpreted a deadline for requesting a refund from the Internal Revenue Service (IRS). See *Anderson* v. *United States*, 966 F. 2d 487, 489 (interpreting 26 U. S. C. § 7502). Nineteen years later—and two months after petitioners claim to have mailed their paperwork to the IRS—the Treasury Department adopted a different interpretation through an informal rulemaking. See 26 CFR § 301.7502–1(e)(2)(i) (2012). When petitioners sued the IRS to recover their refund, the Ninth Circuit followed *Brand X*, deferred to the agency's new interpretation, and rejected petitioners' claim. 921 F. 3d 836, 843 (2019).

Although I authored *Brand X*, "it is never too late to 'surrende[r] former views to a better considered position.'" *South Dakota* v. *Wayfair, Inc.*, 585 U. S. 162, 190 (2018) (THOMAS, J., concurring) (quoting *McGrath* v. *Kristensen*, 340 U. S. 162, 178 (1950) (Jackson, J., concurring)). *Brand X* appears to be inconsistent with the Constitution, the Administrative Procedure Act (APA), and traditional tools of statutory interpretation. Because I would revisit *Brand X*, I respectfully dissent from the denial of certiorari.

I

My skepticism of *Brand X* begins at its foundation—*Chevron* deference. In 1984, a bare quorum of six Justices decided *Chevron*. The Court reasoned that "if [a] statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute." 467 U. S., at 843. The decision rests on the fiction that silent or ambiguous statutes are an implicit delegation from Congress to agencies. *Id.*, at 843–844. *Chevron* is in serious tension with the Constitution, the APA, and over 100 years of judicial decisions.[1]

A

Chevron compels judges to abdicate the judicial power without constitutional sanction. The Vesting Clause of Article III gives "[t]he judicial Power of the United States" to "one supreme Court, and . . . such inferior Courts as the Congress may from time to time ordain and establish." § 1. As I have previously explained, "the judicial power, as originally understood, requires a court to exercise its independent judgment in interpreting and expounding upon the laws." *Perez* v. *Mortgage Bankers Assn.*, 575 U. S. 92, 119 (2015) (opinion concurring in judgment). The Framers anticipated that legal texts would sometimes be ambiguous, and they understood the judicial power "to include the power to resolve these ambiguities over time" in judicial proceedings. *Ibid.* The Court's decision in *Chevron*, however, "precludes judges from exercising that judgment." *Michigan* v. *EPA*, 576 U. S. 743, 761 (2015) (THOMAS, J., concurring); see also *Perez*, *supra*, at 119 (THOMAS, J., concurring in judgment).

Chevron also gives federal agencies unconstitutional power. Executive agencies enjoy only "the executive Power." Art. II, § 1. But when they receive *Chevron* deference, they arguably exercise "[t]he judicial Power of the United States," which is

Page Proof Pending Publication

[1] As I have previously noted, *Chevron* arguably sets out an "interpretive too[l]" and so may not be entitled to *stare decisis* treatment. *Perez* v. *Mortgage Bankers Assn.*, 575 U. S. 92, 114, n. 1 (2015) (opinion concurring in judgment) (citing C. Nelson, Statutory Interpretation 701 (2011)). The same can be said of *National Cable & Telecommunications Assn.* v. *Brand X Internet Services*, 545 U. S. 967 (2005).

vested in the courts. *Chevron* cannot be salvaged by saying instead that agencies are "engaged in the 'formulation of policy.'" *Michigan*, *supra*, at 762 (THOMAS, J., concurring) (quoting *Chevron*, *supra*, at 843). If that is true, then agencies are unconstitutionally exercising "legislative Powers" vested in Congress. See Art. I, § 1.

This apparent abdication by the Judiciary and usurpation by the Executive is not a harmless transfer of power. The Constitution carefully imposes structural constraints on all three branches, and the exercise of power free of those accompanying restraints subverts the design of the Constitution's ratifiers. The Constitution shielded judges from both the "external threats" of politics and "the 'internal threat' of 'human will'" by providing tenure and salary protections during good behavior and by insulating judges from the process of writing the laws they are asked to interpret. *Perez*, *supra*, at 120 (THOMAS, J., concurring in judgment) (quoting P. Hamburger, Law and Judicial Duty, 508 (2008)). The Constitution also restricted the legislative power by dividing it between two Houses that check each other, one of which was kept close to the people through biennial elections. See *Department of Transportation* v. *Association of American Railroads*, 575 U. S. 43, 74 (2015) (THOMAS, J., concurring in judgment). When the Executive exercises judicial or legislative power, however, it does so largely free of these safeguards. The Executive is not insulated from external threats, and it is by definition an agent of will, not judgment. The Executive also faces election less frequently than do Members of the House, and its power is vested in a single person.

Page Proof Pending Publication

Perhaps worst of all, *Chevron* deference undermines the ability of the Judiciary to perform its checking function on the other branches. The Founders expected that the Federal Government's powers would remain separated—and the people's liberty secure—only if the branches could check each other. The Judiciary's checking power is its authority to apply the law in cases or controversies properly before it. See *Michigan*, *supra*, at 763, n. 1 (THOMAS, J., concurring); *Perez*, *supra*, at 124–126 (THOMAS, J., concurring in judgment). When the Executive is free to dictate the outcome of cases through erroneous interpretations, the courts cannot check the Executive by applying the correct interpretation of the law.

B

Chevron deference appears to be inappropriate in many cases for another reason: It is likely contrary to the APA, "which [*Chevron*] did not even bother to cite." *United States* v. *Mead Corp.*, 533 U. S. 218, 241 (2001) (Scalia, J., dissenting). The APA provides that, "[t]o the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action." 5 U. S. C. § 706. When the APA was enacted, the meaning of a statute was considered a question of law. The Court recognized as much in *Trust of Bingham* v. *Commissioner*, 325 U. S. 365 (1945), writing that questions about "the meaning of the words of [the] statute" were "questions of law," *id.*, at 371. See also Brown, Fact and Law in Judicial Review, 56 Harv. L. Rev. 899, 901 (1943); J. Thayer, Preliminary Treatise on Evidence at the Common Law 193 (1898). Moreover, § 706 "places the court's duty to interpret statutes on an equal footing with its duty to interpret the Constitution, and courts never defer to agencies in reading the Constitution." Duffy, Administrative Common Law in Judicial Review, 77 Texas L. Rev. 113, 194 (1998). Finally, the deferential standards of review elsewhere in the APA—which require courts to "hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary, capricious, an abuse of discretion [or] unsupported by substantial evidence," § 706(2)—do not mention statutory interpretation. See *id.*, at 194. Even if *Chevron* raised no constitutional concerns, these statutory arguments give rise to serious doubts about *Chevron*'s legitimacy.

C

In the past, I have left open the possibility that "there is some unique historical justification for deferring to federal agencies." *Michigan*, *supra*, at 763 (concurring opinion). It now appears to me that there is no such special justification and that *Chevron* is inconsistent with accepted principles of statutory interpretation from the first century of the Republic.

For most of the 19th century, there was no general federal-question jurisdiction. Instead, review was available in a common-law action, under certain limited grants of federal-question jurisdiction, or by extraordinary writ (such as a writ of

mandamus). Bamzai, The Origins of Judicial Deference to Executive Interpretation, 126 Yale L. J. 908, 948 (2017).

When 18th- and 19th-century courts decided questions of statutory interpretation in common-law actions or under federal-question jurisdiction, they did not apply anything resembling *Chevron* deference. Judges interpreted statutes according to their independent judgment. For example, in a lawsuit involving a federal land patent, the Court simply "inquire[d] whether the statute, rightly construed, defeated [the respondent's] otherwise perfect right to the patent." *Johnson* v. *Towsley*, 13 Wall. 72, 88 (1871); see also *id.*, at 91. When courts disagreed with the Executive's interpretation, they gave no weight to it. See *United States* v. *Dickson*, 15 Pet. 141, 161–162 (1841) (Story, J., for the Court).

Courts did apply traditional interpretive canons that accorded respect to certain contemporaneous, consistent interpretations of statutes by executive officers. See Bamzai, *supra*, at 933–947. In perhaps its most famous articulation, the Court wrote that "[i]n the construction of a doubtful and ambiguous law, the contemporaneous construction of those who were called upon to act under the law, and were appointed to carry its provisions into effect, is entitled to very great respect." *Edwards' Lessee* v. *Darby*, 12 Wheat. 206, 210 (1827). The Court continued to apply this approach throughout the 19th century. See, *e. g.*, *United States* v. *State Bank of N. C.*, 6 Pet. 29, 39–40 (1832) ("[T]he construction which we have given to the terms of the act . . . is that which is understood to have been practically acted upon by the government, as well as by individuals, ever since its enactment. . . . We think the practice was founded in the true exposition of the terms and intent of the act: but if it were susceptible of some doubt, so long an acquiescence in it would justify us in yielding to it as a safe and reasonable exposition"); *Surgett* v. *Lapice*, 8 How. 48, 68 (1850) (similar). And when the interpretation "has not been uniform," the Court declined to give weight to executive interpretations. *Merritt* v. *Cameron*, 137 U. S. 542, 552 (1890).[2]

Page Proof Pending Publication

[2] The phrasing and substance of these canons vary, and I express no opinion on their details, such as whether congressional acquiescence in a long-standing interpretation was required. See P. Hamburger, Is Administrative Law Unlawful? 583, n. 24 (2014).

This practice is consistent with the more general principle of "liquidation," in which consistent and longstanding interpretations of an ambiguous text could fix its meaning. See *Stuart* v. *Laird*, 1 Cranch 299, 309 (1803) ("[I]t is sufficient to observe, that practice and acquiescence under [a statute] for a period of several years, commencing with the organization of the judicial system, affords an irrefutable answer, and has indeed fixed the construction"); see also *Respublica* v. *Roberts*, 2 Dall. 124, 125 (Pa. 1791); *Minnis* v. *Echols*, 12 Va. 31, 36 (1808) (opinion of Roane, J.); *Packard* v. *Richardson*, 17 Mass. 122, 144 (1821); Nelson, *Stare Decisis* and Demonstrably Erroneous Precedents, 87 Va. L. Rev. 1, 14–21 (2001). *Chevron* is not a species of liquidation because it "give[s] administrative agencies substantially more freedom to depart from settled understandings." Nelson, Originalism and Interpretive Conventions, 70 U. Chi. L. Rev. 519, 552, n. 137 (2003). But the existence of liquidation by nonexecutive actors confirms that "the pedigree and contemporaneity of the interpretation" mattered in the early Republic, not the mere fact that it was an interpretation by the Executive. Bamzai, *supra*, at 916.

The standard applied in mandamus cases might appear to be a forerunner of *Chevron* deference, but the comparison dissipates upon close examination. In mandamus cases, courts generally would not second-guess legal interpretations made "in the discharge of any official duty, partaking in any respect of an executive character," but they would "enforce the performance of a mere ministerial act." *Kendall* v. *United States ex rel. Stokes*, 12 Pet. 524, 610 (1838). The "application of th[is] mandamus standard was a consequence solely of the form of relief requested," not a requirement that courts defer to the Executive's reasonable interpretation of a statute. Bamzai, 126 Yale L. J., at 958. The Court even acknowledged in mandamus cases that "[i]f a suit should come before this Court, which involved the construction of any of these laws, the Court certainly would not be bound to adopt the construction given by the head of a department." *Decatur* v. *Paulding*, 14 Pet. 497, 515 (1840); see also *United States ex rel. Dunlap* v. *Black*, 128 U. S. 40, 48–49 (1888).

The rule in *Chevron* thus differs from historical practice in at least four ways. First, it requires deference regardless of whether the interpretation began around the time of the statute's enactment (and thus might reflect the statute's original meaning). Second, it requires deference regardless of whether an agency has

changed its position. Third, it requires deference regardless of whether the agency's interpretation has the sanction of long practice. And fourth, it applies in actions in which courts historically have interpreted statutes independently.

II

Even if *Chevron* deference were sound, I have become increasingly convinced that *Brand X* was still wrongly decided because it is even more inconsistent with the Constitution and traditional tools of statutory interpretation than *Chevron*.

A

By requiring courts to overrule their own precedent simply because an agency later adopts a different interpretation of a statute, *Brand X* likely conflicts with Article III of the Constitution. The Constitution imposes a duty on judges to exercise the judicial power. See *supra*, at 1232. That power is to be exercised "for the purpose of giving effect to the will of the Legislature; or, in other words, to the will of the law." *Osborn* v. *Bank of United States*, 9 Wheat. 738, 866 (1824) (Marshall, C. J., for the Court). But *Brand X* directs courts to give effect to the will of the Executive by depriving judges of the ability to follow their own precedent. This rule raises grave Article III concerns, no less than if it allowed judges to substitute their policy preferences for the original meaning of a statute.

Page Proof Pending Publication

The Article III duty to decide cases even when the Executive disagrees with the conclusion has long been recognized by this Court. In a statutory interpretation case in 1841, the Court acknowledged "the uniform construction given to the act . . . ever since its passage, by the Treasury Department," but stated that "if it is not in conformity to the true intendment and provisions of the law, it cannot be permitted to conclude the judgment of a Court of justice." *Dickson*, 15 Pet., at 161. Justice Story, writing for the Court, admonished that

> "it is not to be forgotten, that ours is a government of laws, and not of men; and that the Judicial Department has imposed upon it, by the Constitution, the solemn duty to interpret the laws, in the last resort; and however disagreeable that duty may be, in cases where its own judgment shall differ from that of other high functionaries, it is not at liberty to surrender, or to waive it." *Id.*, at 162.

Brand X is in serious tension with this understanding of Article III.

Brand X takes on the constitutional deficiencies of *Chevron* and exacerbates them. *Chevron* requires judges to surrender their independent judgment to the will of the Executive, see *supra*, at 1232–1233; *Brand X* forces them to do so despite a controlling precedent. *Chevron* transfers power to agencies, see *supra*, at 1232; *Brand X* gives agencies the power to effectively overrule judicial precedents. *Chevron* withdraws a crucial check on the Executive from the separation of powers, see *supra*, at 1233; *Brand X* gives the Executive the ability to neutralize a previously exercised check by the Judiciary. But, with this said, there is no need to question *Chevron* in order to recognize the heightened constitutional harms wrought by *Brand X*.

B

Brand X also seems to be strongly at odds with traditional tools of statutory interpretation. As discussed above, early federal courts afforded weight to longstanding executive interpretations of a law that were made contemporaneously with its passage and that were uniformly maintained. See *supra*, at 1234–1237. *Brand X*, however, mandates deference to an executive interpretation that is neither contemporaneous nor settled.

Page Proof Pending Publication

Under traditional rules of statutory interpretation, this Court declined to give weight to late-arising or inconsistent statutory interpretations by the Executive. In *Merritt* v. *Cameron*, for example, the Court rejected an interpretation offered by the Executive because there was no "long and uninterrupted . . . departmental construction . . . as will bring the case within the rule announced at an early day in this court, and followed in very many cases." 137 U. S., at 552; see also *United States* v. *Alabama Great Southern R. Co.*, 142 U. S. 615, 621 (1892). Even if only to resolve the tension with our traditional approach to statutory interpretation, we should revisit *Brand X*.

III

Regrettably, *Brand X* has taken this Court to the precipice of administrative absolutism. Under its rule of deference, agencies are free to invent new (purported) interpretations of statutes and then require courts to reject their own prior interpretations. *Brand X* may well follow from *Chevron*, but in so doing, it poignantly lays bare the flaws of our entire executive-deference juris-

prudence. Even if the Court is not willing to question *Chevron* itself, at the very least, we should consider taking a step away from the abyss by revisiting *Brand X*.

No. 19–411. REED *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

Statement of JUSTICE SOTOMAYOR respecting the denial of certiorari.

On April 23, 1996, the body of 19-year-old Stacey Lee Stites, a white woman, was found in the brush near a road in Bastrop County, Texas. The last person known to have seen Stites was her fiance, a white man and local police officer named Jimmy Fennell. Vaginal swabs collected from Stites' body revealed three intact spermatozoa. The DNA from that sample matched that of petitioner Rodney Reed, a black man, who initially denied knowing Stites but eventually admitted that they had been having an affair. The State later charged Reed with Stites' murder. Aside from the DNA match, the State found no other physical evidence implicating Reed.

At trial, much of the State's case centered on the estimated time of Stites' death and the estimated time during which the spermatozoa could have been deposited. Fennell—waiving a prior invocation of the Fifth Amendment—testified that he and Stites had watched television together on the evening of April 22 before going to sleep, and that Stites had left for work at her usual time around 3 a.m. on April 23. Using expert testimony, the State pinpointed her time of death at sometime around 3 a.m. or shortly thereafter on April 23. Another expert for the State testified that spermatozoa remains intact inside a vaginal tract for at most 26 hours, implying that the three spermatozoa found on the vaginal swab at 11 p.m. on April 23 had been deposited no earlier than the night before. This evidence thus tended to inculpate Reed (by suggesting that he must have had sex with Stites very soon before her death) and exculpate Fennell (by indicating that Stites died after Fennell claimed to have seen her last). The jury convicted Reed of murder and sentenced him to death.

Page Proof Pending Publication

I

Strenuously maintaining his innocence, Reed has repeatedly sought habeas relief in Texas state courts over the last two decades.

In recent state habeas applications—his eighth and ninth overall—Reed came forward with evidence potentially exculpating him from the murder of Stites. Witnesses unrelated to Reed but known to Stites corroborated Reed's claim that he and Stites were in a clandestine relationship before her death. One of the State's key experts declared that his trial testimony regarding Stites' time of death "should not have been used at trial as an accurate statement of when Ms. Stites died." App. to Pet. for Cert 198a. Other experts reexamined the forensic evidence and concluded that Stites died not on the morning of April 23, but on the evening of April 22—when Fennell claimed to have been with her. As one expert put it, the way in which the blood had settled in Stites' body when police found her "ma[de] it medically and scientifically impossible" that Stites had died sometime around 3 a.m. on April 23, as the State had posited at trial. *Id.*, at 203a. Experts also refuted trial testimony that spermatozoa cannot remain intact within the vaginal tract for more than 26 hours. The scientific literature, they insisted, is pellucid that spermatozoa can remain intact for days. That so few were recovered intact, one expert averred, suggests that the spermatozoa had not been deposited recently. Finally, Curtis Davis—Fennell's friend and fellow police officer at the time of Stites' murder—testified that, shortly after Stites was reported missing, Fennell conveyed an account of his whereabouts on April 22 that differed sharply from Fennell's trial testimony.

Page Proof Pending Publication

That considerable body of evidence formed the foundation of the claims in the instant petition for a writ of certiorari, which Reed filed in September 2019. Reed argued that the State violated *Brady* v. *Maryland*, 373 U. S. 83 (1963), by withholding Officer Davis' account, which materially conflicted with Fennell's account at trial. He also claimed that the State, in violation of the Due Process Clause, presented false scientific testimony about when Stites died and when the spermatozoa found on the vaginal swab had been deposited—both critical components of the State's theory of Reed's guilt. Finally, Reed asserted that he is actually innocent of killing Stites.

On November 11, 2019, while that petition for a writ of certiorari was pending before this Court, Reed filed in Texas trial court another state habeas application—his tenth overall. In it, Reed identified evidence that he discovered since the Texas courts de-

nied his prior state habeas applications, including the eighth and ninth applications pending review in this Court.

The centerpiece of that newly discovered evidence was an alleged prison confession by Fennell to the murder of Stites. In 2008, Fennell was sentenced to 10 years' imprisonment for kidnaping and sexually assaulting a woman he had encountered while on police duty. For a period of time, Fennell was incarcerated in the same facility as a man named Arthur Snow, Jr., then affiliated with the Aryan Brotherhood. In a sworn affidavit signed late October 2019, Snow recounted a conversation in which Fennell said that his ex-fiancée "had been sleeping around with a black man behind his back." "Toward the end of the conversation," Snow attested, "[Fennell] said confidently, 'I had to kill my n***r-loving fiancé[e].'" Snow's "impression was that [Fennell] felt safe, even proud, sharing th[at] information with [Snow] because [Snow] was a member of the Aryan Brotherhood." Plaintiff's Advisory Regarding Federal Habeas Filings in *Reed* v. *Goertz*, No. 19–cv–00794 (WD Tex., Nov. 14, 2019), Doc. 29–2, p. 108.

Other newly discovered evidence highlighted in Reed's tenth state habeas application included multiple sworn accounts that, according to Reed, tend to inculpate Fennell for Stites' murder. Three were by Bastrop County police officers at the time of Stites' murder (none Officer Davis): One officer averred that, a month before the murder, Fennell told him that Stites was "f***ing a n***r." *Id.*, at 67. Another officer attested that at Stites' funeral, he witnessed Fennell say to Stites' body something along the lines of, "You got what you deserved." *Id.*, at 101. The third officer stated that Stites' colleagues told him that they would warn Stites when Fennell came to her workplace so that Stites could avoid Fennell. And still other individuals with no relation to Reed provided accounts that Stites and Fennell had a tumultuous, and seemingly violent, relationship just before Stites' death.

Based on that newly discovered evidence, Reed argued in his tenth state habeas application that the State violated *Brady* by withholding the three police-officer accounts of Fennell's allegedly suspicious behavior. Reed also contended that the State presented false testimony when Fennell testified at trial that he did not kill Stites: That testimony, Reed claimed, was belied by Fennell's confession to Snow. Finally, Reed reasserted his actual

Page Proof Pending Publication

innocence. In doing so, Reed invoked not only the evidence newly presented in the tenth state habeas application but also all evidence of actual innocence raised in prior state habeas applications that the Texas courts denied.

On November 15, 2019—five days before Reed's scheduled execution date and while the instant petition for a writ of certiorari remained pending in this Court—the Texas Court of Criminal Appeals stayed Reed's execution. The Court of Criminal Appeals concluded that Reed's *Brady*, false-testimony, and actual-innocence claims in the tenth state habeas application satisfied the state procedural requirements for going forward. It thus remanded those claims to the trial court for further development.

II

The Court today denies Reed's petition for a writ of certiorari arising from his eighth and ninth state habeas applications. But Reed's proceedings on his recently filed tenth application of course remain pending in the Texas courts. Texas, importantly, has recognized that the incarceration or execution of the actually innocent violates the Due Process Clause of the Fourteenth Amendment. See *Ex parte Elizondo*, 947 S. W. 2d 202, 204–205 (Tex. Crim. App. 1996); *State ex rel. Holmes* v. *Honorable Court of Appeals for Third Dist.*, 885 S. W. 2d 389, 397–398 (Tex. Crim. App. 1994). An innocence claim in Texas thus may serve as a freestanding, substantive basis for habeas relief, see *Elizondo*, 947 S. W. 2d, at 205, not merely a procedural gateway to reach an underlying claim for habeas relief. That means that the Texas courts will now consider on the merits—for the first time in Reed's decades-long effort to prove his innocence—whether Reed is indeed innocent of murdering Stacey Lee Stites.

It goes without saying that, should the Texas courts deny Reed relief in his tenth state habeas proceeding, today's decision to decline review in no way prejudices Reed's ability to seek review of that hypothetical future decision. So, too, does it go without saying that today's decision implies nothing about the merits of either the underlying eighth and ninth state applications or the tenth application pending in the Texas trial court (which, of course, rests on a different overall body of evidence). See *Maryland* v. *Baltimore Radio Show, Inc.*, 338 U. S. 912, 919 (1950) (Frankfurter, J., respecting denial of certiorari) ("[T]his Court has rigorously insisted that . . . a denial [of a petition for a writ of

certiorari] carries with it no implication whatever regarding the Court's views on the merits of a case which it has declined to review").

I assume, moreover, that in evaluating a claim of actual innocence as a substantive basis for habeas relief, habeas courts do not blind themselves to evidence of actual innocence presented in prior habeas applications. When confronted with actual-innocence claims asserted as a procedural gateway to reach underlying grounds for habeas relief, habeas courts consider all available evidence of innocence. *House* v. *Bell*, 547 U. S. 518, 537–538 (2006) (federal habeas courts evaluating gateway actual-innocence claims "must consider '"all the evidence,"' old and new, incriminating and exculpatory" (quoting *Schlup* v. *Delo*, 513 U. S. 298, 328 (1995))); *Ex parte Reed*, 271 S. W. 3d 698, 733–734 (Tex. Crim. App. 2008) (Texas habeas courts must do the same (citing *House*, 547 U. S., at 537–538)). That includes evidence "offered in . . . prior [habeas] applications." *Reed*, 271 S. W. 3d, at 734.

Presumably, the same principle informs a habeas court's evaluation of a substantive claim of actual innocence. If evidence of actual innocence presented in a habeas applicant's earlier habeas applications otherwise satisfies the requirements applicable to a substantive innocence claim, that evidence should not, in my view, be cast off merely because the applicant identified it for the first time in an earlier habeas application.

Page Proof Pending Publication

* * *

In the instant petition for a writ of certiorari, Reed has presented a substantial body of evidence that, if true, casts doubt on the veracity and scientific validity of the evidence on which Reed's conviction rests. Misgivings this ponderous should not be brushed aside even in the least consequential of criminal cases; certainly they deserve sober consideration when a capital conviction and sentence hang in the balance. In the pending tenth state habeas proceeding, however, Reed has identified still more evidence that he says further demonstrates his innocence. It is no trivial moment that the Texas courts have concluded that Reed has presented a substantive claim of actual innocence warranting further consideration and development on the merits. While the Court today declines to review the instant petition, it of course does not pass on the merits of Reed's innocence or close the door to future review.

In my view, there is no escaping the pall of uncertainty over Reed's conviction. Nor is there any denying the irreversible consequence of setting that uncertainty aside. But I remain hopeful that available state processes will take care to ensure full and fair consideration of Reed's innocence—and will not allow the most permanent of consequences to weigh on the Nation's conscience while Reed's conviction remains so mired in doubt.

No. 19–440. NORTHERN TRUST CORP. ET AL. *v.* BANKS ET AL. C. A. 9th Cir. Motion of American Bankers Association et al. for leave to file brief as *amici curiae* granted. Certiorari denied. Reported below: 929 F. 3d 1046.

No. 19–447. PUNTENNEY ET AL. *v.* IOWA UTILITIES BOARD ET AL. Sup. Ct. Iowa. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 928 N. W. 2d 829.

No. 19–494. MORGAN *v.* WASHINGTON. Sup. Ct. Wash. Motion of Washington Association of Criminal Defense Lawyers et al. for leave to file brief as *amici curiae* granted. Certiorari denied. Reported below: 193 Wash. 2d 365, 440 P. 3d 136.

Page Proof Pending Publication

No. 19–564. MICHIGAN *v.* BECK. Sup. Ct. Mich. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 504 Mich. 605, 939 N. W. 2d 213.

No. 19–692. DEO *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist., Div. 1. Motion of California Land Title Association for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 35 Cal. App. 5th 646, 247 Cal. Rptr. 3d 544.

No. 19–804. XIU JIAN SUN *v.* TRUMP, PRESIDENT OF THE UNITED STATES, ET AL. C. A. D. C. Cir. Certiorari denied. JUSTICE KAVANAUGH took no part in the consideration or decision of this petition.

No. 19–6818. WARD *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 785 Fed. Appx. 556.

JUSTICE SOTOMAYOR, with whom JUSTICE GINSBURG joins, dissenting.

I dissent for the reasons set out in *Brown* v. *United States*, 586 U. S. 953 (2018) (SOTOMAYOR, J., dissenting from denial of certiorari).

No. 19–6832. LACY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

JUSTICE SOTOMAYOR, with whom JUSTICE GINSBURG joins, dissenting.

I dissent for the reasons set out in *Brown* v. *United States*, 586 U. S. 953 (2018) (SOTOMAYOR, J., dissenting from denial of certiorari).

No. 19–7046. JONES *v.* OVERSTREET, COMMISSIONER, ET AL. C. A. 5th Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition.

No. 19–7114. FINLEY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

JUSTICE SOTOMAYOR, with whom JUSTICE GINSBURG joins, dissenting.

I dissent for the reasons set out in *Brown* v. *United States*, 586 U. S. 953 (2018) (SOTOMAYOR, J., dissenting from denial of certiorari).

No. 19–7119. BELL *v.* RANSOM, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT DALLAS, ET AL. C. A. 3d Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

Page Proof Pending Publication

No. 19–7177. MILLER *v.* GIBBS, WARDEN. C. A. 8th Cir. Certiorari before judgment denied.

No. 19–7375. VALENCIA-TRUJILLO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 782 Fed. Appx. 895.

No. 19–7386. DOWELL *v.* HUDGINS, WARDEN. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 793 Fed. Appx. 671.

No. 19–7412. EMBRY *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

JUSTICE SOTOMAYOR, with whom JUSTICE GINSBURG joins, dissenting.

I dissent for the reasons set out in *Brown* v. *United States*, 586 U. S. 953 (2018) (SOTOMAYOR, J., dissenting from denial of certiorari).

Rehearing Denied

No. 18–9711. MEYERS *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, 589 U. S. 960;

No. 19–224. STROTHER *v.* BALDWIN, ADJUTANT GENERAL, CALIFORNIA ARMY NATIONAL GUARD, ET AL., 589 U. S. 1133;

No. 19–344. QIHUI HUANG *v.* PAI, CHAIRMAN OF FEDERAL COMMUNICATIONS COMMISSION, ET AL., 589 U. S. 1034;

No. 19–545. COULTER *v.* PAULISICK ET AL., 589 U. S. 1122;

No. 19–5158. HIGGINS *v.* FEDERAL NATIONAL MORTGAGE ASSOCIATION, 589 U. S. 986;

No. 19–5293. OWENS *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL., 589 U. S. 993;

No. 19–5650. WILLIAMS *v.* PARAMO, WARDEN, ET AL., 589 U. S. 1035;

No. 19–5693. HUTCHINSON *v.* LOUISIANA, 589 U. S. 1106;

No. 19–5860. WASHINGTON *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 589 U. S. 1051;

No. 19–5906. TAEBEL *v.* DUCEY, GOVERNOR OF ARIZONA, ET AL., 589 U. S. 1062;

Page Proof Pending Publication

No. 19–5934. MERRYMAN *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 589 U. S. 1071;

No. 19–5972. ROBINSON *v.* MICHIGAN, 589 U. S. 1072;

No. 19–5981. TRUESDALE *v.* FLORIDA, 589 U. S. 1052;

No. 19–6058. PHILIPPE *v.* UNITED STATES, 589 U. S. 1053;

No. 19–6073. JONES *v.* INCH, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, 589 U. S. 1053;

No. 19–6096. SIMMONS *v.* VANNOY, WARDEN, 589 U. S. 1106;

No. 19–6104. PEARSON *v.* UNITED STATES, 589 U. S. 1062;

No. 19–6160. CASWELL *v.* NEW YORK, 589 U. S. 1073;

No. 19–6184. JOHNSON *v.* SEVERSON, WARDEN, ET AL., 589 U. S. 1108;

No. 19–6246. JONES *v.* WISCONSIN, 589 U. S. 1109;

No. 19–6248. IN RE PARKS, 589 U. S. 1121;

No. 19–6257. LOVETT *v.* TEXAS, 589 U. S. 1123;

No. 19–6263. VELASQUEZ *v.* UTAH ET AL., 589 U. S. 1109;

No. 19–6345. LUCY *v.* COOKS, 589 U. S. 1085;

No. 19–6400. WAZNEY *v.* JPMORGAN CHASE BANK, N. A., 589 U. S. 1111;

No. 19–6484. IN RE STEELE, 589 U. S. 1080;

No. 19–6536. McGuire *v.* St. Louis County, Missouri, et al., 589 U. S. 1149;

No. 19–6540. Grant *v.* United States, 589 U. S. 1114;

No. 19–6559. Johnson *v.* Saul, Commissioner of Social Security, 589 U. S. 1149;

No. 19–6607. Stanford *v.* Clayton, 589 U. S. 1151; and

No. 19–6639. Andrews *v.* United States, 589 U. S. 1125. Petitions for rehearing denied.

No. 19–560. Nicassio *v.* Viacom International, Inc., et al., 589 U. S. 1117. Petition for rehearing denied. Justice Breyer took no part in the consideration or decision of this petition.

No. 19–481. In re Lussy, 589 U. S. 1102;

No. 19–6157. Brockington *v.* Saul, Commissioner of Social Security, 589 U. S. 1123; and

No. 19–6481. Rotte *v.* United States, 589 U. S. 1112. Motions for leave to file petitions for rehearing denied.

Page Proof Pending Publication