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OFFICIAL REPORTS
OF
THE SUPREME COURT

BEGINNING OF TERM

OCTOBER 2, 2017, THROUGH FEBRUARY 16, 2018

CHRISTINE LUCHOK FALLON
REPORTER OF DECISIONS



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JUSTICES
OF THE
SUPREME COURT

DURING THE TIME OF THESE REPORTS

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CLARENCE THOMAS, ASSOCIATE JUSTICE.
RUTH BADER GINSBURG, ASSOCIATE JUSTICE.
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*Solicitor General Francisco was presented to the Court on October 2, 2017. See *post*, p. iii.

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 June 27, 2017, 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, ELENA KAGAN, Associate Justice.

For the Seventh Circuit, ELENA KAGAN, Associate Justice.

For the Eighth Circuit, NEIL M. GORSUCH, Associate Justice.

For the Ninth Circuit, ANTHONY M. KENNEDY, 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.

June 27, 2017.

(For next previous allotment, see 582 U. S., Pt. 2, p. III.)

PRESENTATION OF THE SOLICITOR GENERAL

SUPREME COURT OF THE UNITED STATES

MONDAY, OCTOBER 2, 2017

Present: CHIEF JUSTICE ROBERTS, JUSTICE KENNEDY, JUSTICE THOMAS, JUSTICE GINSBURG, JUSTICE BREYER, JUSTICE ALITO, JUSTICE SOTOMAYOR, JUSTICE KAGAN, and JUSTICE GORSUCH.

THE CHIEF JUSTICE said:

The Court recognizes Deputy Solicitor General Jeffrey Wall.

The Court at this time wishes to note for the record that Jeffrey Wall has served as the Acting Solicitor General from March 10, 2017, to September 19, 2017. The Court recognizes the considerable responsibility that was placed upon you, Mr. Wall, to represent the government of the United States before this Court. You have our sincere appreciation.

Deputy Solicitor General Wall said:

Thank you, MR. CHIEF JUSTICE, and may it please the Court. I have the honor to present to the Court, the Solicitor General of the United States, the Honorable Noel J. Francisco of Washington, DC.

THE CHIEF JUSTICE said:

Mr. Solicitor General, the Court welcomes you to the performance of the important office that you have assumed, to represent the government of the United States before this Court. You follow in the footsteps of other outstanding at-

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torneys who have held your new office. Your commission will be duly recorded by the clerk.

Solicitor General Francisco said:

Thank you, MR. CHIEF JUSTICE.

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CASES ADJUDGED
IN THE
SUPREME COURT OF THE UNITED STATES
AT
OCTOBER TERM, 2017

KERNAN, SECRETARY, CALIFORNIA DEPARTMENT
OF CORRECTIONS AND REHABILITATION *v.*
CUERO

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

No. 16–1468. Decided November 6, 2017

Respondent Michael Cuero pleaded guilty to two California state felonies and entered a plea agreement under which he was subject to a maximum prison sentence of 14 years, 4 months. Before the sentencing hearing, the prosecution reevaluated Cuero’s criminal history and determined that Cuero was subject to a minimum sentence of 25 years under California’s “three strikes” law. The trial court permitted the State to amend the complaint accordingly and allowed Cuero to withdraw his guilty plea. Cuero entered a new guilty plea to the amended complaint and was sentenced to a term of 25 years to life. After an unsuccessful direct appeal and state habeas petition, Cuero sought federal habeas relief. The District Court denied his petition, but the Ninth Circuit reversed, holding that the state court’s refusal to enforce the original plea agreement was “contrary to . . . clearly established Federal law, as determined by the Supreme Court of the United States,” 28 U. S. C. § 2254(d)(1), and that Cuero was entitled to specific performance of the original plea agreement.

Held:

1. The Ninth Circuit’s issuance of its mandate in this case and the trial court’s resentencing of Cuero does not moot this case because a

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controversy remains over the proper length of Cuero's sentence. Neither the losing party's failure to obtain a stay of the mandate nor the trial court's action in light of that mandate makes the case moot. See, e. g., *Mancusi v. Stubbs*, 408 U. S. 204, 206–207, and n. 1.

2. A federal court may grant habeas relief to a state prisoner based on a claim adjudicated by a state court on the merits if the resulting decision is “contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States.” 28 U. S. C. § 2254(d)(1). The Ninth Circuit erred when it held that federal law as interpreted by this Court “clearly” establishes that specific performance is constitutionally required here. Even assuming that the State violated the Constitution when it moved to amend the complaint, no holding of this Court requires the remedy of specific performance here, and thus the state court's decision cannot be “contrary to” clearly established law. *Woods v. Donald*, 575 U. S. 312, 317. *Santobello v. New York*, 404 U. S. 257, distinguished.

Certiorari granted; 827 F. 3d 879, reversed and remanded.

PER CURIAM.

The Antiterrorism and Effective Death Penalty Act of 1996 provides that a federal court may grant habeas relief to a state prisoner based on a claim adjudicated by a state court on the merits if the resulting decision is “contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States.” 28 U. S. C. § 2254(d)(1). In this case, a California court permitted the State to amend a criminal complaint to which the respondent, Michael Cuero, had pleaded guilty. That guilty plea would have led to a maximum sentence of 14 years and 4 months. The court acknowledged that permitting the amendment would lead to a higher sentence, and it consequently permitted Cuero to withdraw his guilty plea. Cuero then pleaded guilty to the amended complaint and was sentenced to a term with a minimum of 25 years.

A panel of the Court of Appeals for the Ninth Circuit subsequently held that the California court had made a mistake of federal law. In its view, the law entitled Cuero to specific performance of the lower 14-year, 4-month sentence that he would have received had the complaint not been amended.

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The question here is whether the state-court decision “involved an unreasonable application of] clearly established Federal law, as determined by the Supreme Court of the United States.” *Ibid.* Did our prior decisions (1) clearly *require* the state court to impose the lower sentence that the parties originally expected or (2) instead permit the State’s sentence-raising amendment where the defendant was allowed to withdraw his guilty plea? Because no decision from this Court clearly establishes that a state court must choose the first alternative, we reverse the Ninth Circuit’s decision.

I

On October 27, 2005, the State of California charged Michael Cuero with two felonies and a misdemeanor. *Cuero v. Cate*, 827 F. 3d 879, 892–896 (CA9 2016). Its complaint alleged that on October 14, 2005, Cuero drove his car into, and seriously injured, Jeffrey Feldman, who was standing outside of his parked pickup truck. *Id.*, at 892–893. The complaint further alleged that Cuero was then on parole, that he was driving without a license, that he was driving under the influence of methamphetamine, and that he had in his possession a loaded 9-millimeter semiautomatic pistol. *Ibid.*

Cuero initially pleaded “not guilty.” But on December 8, he changed his plea. A form entitled “PLEA OF GUILTY/NO CONTEST—FELONY” signed by Cuero, the prosecutor, and the trial court memorialized the terms of Cuero’s guilty plea. See *id.*, at 915–917. On that form, Cuero pleaded guilty to the two felony counts. *Ibid.*; see Cal. Veh. Code Ann. § 23153(a) (West 2017) (causing bodily injury while driving under the influence of a drug); Cal. Penal Code Ann. § 12021(a)(1) (West 2005) (unlawful possession of a firearm). He also admitted that he had previously served four separate prison terms, including a term for residential burglary, which qualifies as a predicate offense under California’s “three strikes” law. Cal. Penal Code Ann. § 667(a)(1) (West 2017); see *Ewing v. California*, 538 U. S. 11, 15–17 (2003). Finally,

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Cuero acknowledged on this guilty-plea form that he understood that he “may receive this maximum punishment as a result of my plea: 14 years, 4 months in State Prison, \$10,000 fine and 4 years parole.” 827 F. 3d, at 916.

Following a hearing, the state trial court accepted the plea and granted California’s motion to dismiss the remaining misdemeanor charge. The court then scheduled the sentencing hearing for January 11, 2006.

Before the hearing took place, however, the prosecution determined that another of Cuero’s four prior convictions qualified as a “strike” and that the signed guilty-plea form had erroneously listed only one strike. See Cal. Penal Code Ann. § 245(a)(1) (assault with a deadly weapon). This second strike meant that Cuero faced not a maximum punishment of just over 14 years (172 months), but a *minimum* punishment of 25 years. §§ 667(e)(2)(A)(ii), 1170.12(c)(2)(A)(ii).

The State asked the trial court for permission to amend the criminal complaint accordingly. It pointed to Cal. Penal Code § 969.5(a), which provides:

“Whenever it shall be discovered that a pending complaint to which a plea of guilty has been made under Section 859a does not charge all prior felonies of which the defendant has been convicted either in this state or elsewhere, the complaint may be forthwith amended to charge the prior conviction or convictions and the amendments may and shall be made upon order of the court.”

Cuero argued that the State’s motion was untimely and prejudicial. But the trial court granted the motion. At the same time, the court permitted Cuero to withdraw his guilty plea in light of the change. It concluded that § 969.5(a) “guide[d]” its inquiry and was best read to reflect a legislative determination that criminal complaints should charge all prior felony convictions. App. to Pet. for Cert. 178a. The court added that the case was distinguishable from “a situa-

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tion where the [State] might, after a guilty plea, seek to amend” a criminal complaint by adding “new charges” or facts that fundamentally alter the substance of the complaint. *Id.*, at 179a. But here, where only “alleged prior convictions” were at issue, the court could eliminate any prejudice to Cuero by allowing him to withdraw his initial guilty plea, thereby restoring both parties to the status quo prior to its entry. *Ibid.*

Soon thereafter, California amended the complaint. The complaint as amended charged Cuero with one felony (causing bodily injury while driving under the influence of a drug under Cal. Veh. Code Ann. §23153(a)), and it alleged two prior strikes. Cuero then withdrew his initial guilty plea and entered a new guilty plea to the amended complaint. On April 20, 2006, the trial court sentenced Cuero to the stipulated term of 25 years to life. His conviction and sentence were affirmed on direct appeal, and the California Supreme Court denied a state habeas petition.

Cuero then filed a petition for federal habeas relief in the United States District Court for the Southern District of California. The Federal District Court denied Cuero’s petition, but the Court of Appeals for the Ninth Circuit reversed. 827 F. 3d 879.

The Ninth Circuit panel hearing the appeal held that the state trial court had “acted contrary to clearly established Supreme Court law” by “refusing to enforce the original plea agreement” with its 172-month maximum sentence. *Id.*, at 888. It wrote that “[i]n this context, specific performance” of that plea agreement—*i. e.*, sentencing Cuero to no more than the roughly 14-year sentence reflected in the 2005 guilty-plea form—was “necessary to maintain the integrity and fairness of the criminal justice system.” *Id.*, at 890, n. 14. The Ninth Circuit denied rehearing en banc over the dissent of seven judges. *Cuero v. Cate*, 850 F. 3d 1019 (2017). The State then filed a petition for certiorari here.

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II

The Ninth Circuit has already issued its mandate in this case. And the state trial court, in light of that mandate, has resentenced Cuero. Cuero argues that this fact renders this controversy moot. The State and Cuero, however, continue to disagree about the proper length of Cuero's sentence, a portion of which he has not yet served. Thus, neither the losing party's failure to obtain a stay preventing the mandate of the Court of Appeals from issuing nor the trial court's action in light of that mandate makes the case moot. *Mancusi v. Stubbs*, 408 U.S. 204, 206–207, and n. 1 (1972); *Eagles v. United States ex rel. Samuels*, 329 U.S. 304, 306–308 (1946). Reversal would simply “und[o] what the *habeas corpus* court did,” namely, permit the state courts to determine in the first instance the lawfulness of a longer sentence not yet served. *Id.*, at 308.

III

The Ninth Circuit, in ordering specific performance of the 172-month sentence set forth on Cuero's original guilty-plea form, reasoned as follows. First, the court concluded that Cuero's guilty-plea form amounts to an enforceable plea agreement. 827 F. 3d, at 884–885. Second, that plea agreement amounts to, and should be interpreted as, a contract under state contract law. *Id.*, at 883 (citing *Ricketts v. Adamson*, 483 U.S. 1, 5, n. 3 (1987)). Third, California contract law would consider the State's motion to amend the complaint as a breach of contract. 827 F. 3d, at 887–890. Fourth, “the remedy for breach must ‘repair the harm caused by the breach.’” *Id.*, at 890 (quoting *People v. Toscano*, 124 Cal. App. 4th 340, 20 Cal. Rptr. 3d 923, 927 (2004)). Fifth, rescission failed to “‘repair the harm.’” 827 F. 3d, at 891. Sixth, consequently Cuero was entitled to specific performance, namely, a maximum prison term of 172 months (14 years and 4 months). *Ibid.* And, seventh, the state court's contrary decision was itself “contrary to, or involved an un-

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reasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States.” 28 U. S. C. § 2254(d)(1); see 827 F. 3d, at 888.

We shall assume purely for argument’s sake that the State violated the Constitution when it moved to amend the complaint. But we still are unable to find in Supreme Court precedent that “clearly established federal law” demanding specific performance as a remedy. To the contrary, no “hold-in[g] of this Court” requires the remedy of specific performance under the circumstances present here. *Harrington v. Richter*, 562 U. S. 86, 100 (2011).

Two of our prior decisions address these issues. The first, *Santobello v. New York*, 404 U. S. 257 (1971), held that a defendant may not be bound to a plea agreement following a prosecutorial breach of an enforceable provision of such an agreement. *Id.*, at 262. As relevant here, however, Chief Justice Burger wrote in the opinion for the Court that the “ultimate relief to which petitioner is entitled” must be left “to the discretion of the state court, which is in a better position to decide whether the circumstances of this case require only that there be specific performance of the agreement on the plea” or, alternatively, that “the circumstances require granting the relief sought by petitioner, *i. e.*, the opportunity to withdraw his plea of guilty.” *Id.*, at 263.

The Ninth Circuit cited a concurrence in *Santobello* by Justice Douglas, which added that “a court ought to accord a defendant’s [remedial] preference considerable, if not controlling, weight inasmuch as the fundamental rights flouted by a prosecutor’s breach of a plea bargain are those of the defendant, not of the State.” 827 F. 3d, at 891, n. 14 (quoting *Santobello, supra*, at 267). Three other Justices agreed with Justice Douglas on this point, and because only seven Justices participated in the case, the Ninth Circuit suggested that a four-Justice majority in *Santobello* seemed to favor looking to the defendant’s preferred remedy. 827 F. 3d, at 891, n. 14 (citing *Santobello, supra*, at 268, and n. (Marshall,

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J., concurring in part and dissenting in part)). The Ninth Circuit also pointed in support to its own Circuit precedent, a criminal procedure treatise, a decision of the Washington Supreme Court, and a law review article. See 827 F. 3d, at 890–891, n. 14 (citing *Buckley v. Terhune*, 441 F. 3d 688, 699, n. 11 (CA9 2006); 5 W. LaFave, J. Israel, N. King, & O. Kerr, *Criminal Procedure* §21.2(e) (4th ed. 2015); *State v. Tourtelotte*, 88 Wash. 2d 579, 564 P. 2d 799, 802 (1977); and Fischer, *Beyond Santobello—Remedies for Reneged Plea Bargains*, 2 U. San Fernando Valley L. Rev. 121, 125 (1973)).

There are several problems with the Ninth Circuit’s reasoning below. First, “‘fairminded jurists could disagree’” with the Ninth Circuit’s reading of *Santobello*. *Richter, supra*, at 101 (quoting *Yarborough v. Alvarado*, 541 U. S. 652, 664 (2004)). Moreover, in *Mabry v. Johnson*, 467 U. S. 504 (1984), the Court wrote that “*Santobello* expressly declined to hold that the Constitution compels specific performance of a broken prosecutorial promise as the remedy for such a plea.” *Id.*, at 510–511, n. 11 (citing *Santobello*, 404 U. S., at 262–263; *id.*, at 268–269 (Marshall, J., concurring in part and dissenting in part)). The Court added that “‘permitting Santobello to replead was within the range of constitutionally appropriate remedies.’” 467 U. S., at 510, n. 11. Where, as here, none of our prior decisions clearly entitles Cuero to the relief he seeks, the “state court’s decision could not be ‘contrary to’ any holding from this Court.” *Woods v. Donald*, 575 U. S. 312, 317 (2015) (*per curiam*) (quoting *Lopez v. Smith*, 574 U. S. 1, 6 (2014) (*per curiam*)). Finally, as we have repeatedly pointed out, “circuit precedent does not constitute ‘clearly established Federal law, as determined by the Supreme Court.’” *Glebe v. Frost*, 574 U. S. 21, 24 (2014) (*per curiam*) (quoting 28 U. S. C. §2254(d)(1)). Nor, of course, do state-court decisions, treatises, or law review articles.

For all these reasons, we conclude that the Ninth Circuit erred when it held that “federal law” as interpreted by this

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Court “clearly” establishes that specific performance is constitutionally required here. We decide no other issue in this case.

The petition for a writ of certiorari and respondent’s motion to proceed *in forma pauperis* are granted. We reverse the judgment of the United States Court of Appeals for the Ninth Circuit and remand the case for further proceedings consistent with this opinion.

It is so ordered.

Page Proof Pending Publication

Per Curiam

DUNN, COMMISSIONER, ALABAMA DEPARTMENT
OF CORRECTIONS *v.* MADISON

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

No. 17–193. Decided November 6, 2017

Respondent Vernon Madison was convicted of capital murder and sentenced to death more than three decades ago. While awaiting execution, Madison suffered several strokes, which may have rendered him unable to remember the sequence of events leading to his arrest and conviction. Madison petitioned the state trial court for a suspension of his death sentence, arguing that he has become incompetent to be executed. The state trial court held that Madison was not entitled to relief under *Ford v. Wainwright*, 477 U. S. 399, and *Panetti v. Quarterman*, 551 U. S. 930, because he failed to show that a mental illness deprived him of the ability to understand that he would be executed as retribution for the murder he committed. On federal habeas review, the District Court held that the state court correctly applied *Ford* and *Panetti*, but the Eleventh Circuit reversed, holding that the trial court’s conclusion was “plainly unreasonable.”

Held: The state court did not unreasonably apply *Panetti* and *Ford* when it determined that Madison is competent to be executed. Neither of those decisions “clearly established” that a prisoner is incompetent to be executed because of a failure to remember his commission of the crime, as distinct from a failure to rationally comprehend the concepts of crime and punishment as applied in his case. 28 U. S. C. § 2254(d). Nor was the state court’s determination based on an “unreasonable determination of the facts in light of the evidence presented.” *Ibid.* The testimony of each psychologist who examined Madison supported the court’s finding that Madison understands that he was imprisoned for murder and that Alabama will put him to death as punishment for that crime.

Certiorari granted; 851 F. 3d 1173, reversed.

PER CURIAM.

More than 30 years ago, Vernon Madison crept up behind police officer Julius Schulte and shot him twice in the head at close range. An Alabama jury found Madison guilty of

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capital murder. The trial court sentenced him to death. See *Ex parte Madison*, 718 So. 2d 104, 105–106 (1998).

In 2016, as Madison’s execution neared, he petitioned the trial court for a suspension of his death sentence. He argued that, due to several recent strokes, he has become incompetent to be executed. The court held a hearing to receive testimony from two psychologists who had examined Madison and prepared reports concerning his competence. The court’s appointed psychologist, Dr. Karl Kirkland, reported that, although Madison may have “suffered a significant decline post-stroke, . . . [he] understands the exact posture of his case at this point,” and appears to have a “rational understanding of . . . the results or effects” of his death sentence. App. to Pet. for Cert. 75a (internal quotation marks omitted); *Madison v. Commissioner, Ala. Dept. of Corrections*, 851 F. 3d 1173, 1193 (CA11 2017) (internal quotation marks omitted). Asked at the hearing whether Madison understands that Alabama is seeking retribution against him for his criminal act, Dr. Kirkland answered, “Certainly.” *Id.*, at 1180 (internal quotation marks omitted).

Dr. John Goff, a psychologist hired by Madison’s counsel, reported that Madison’s strokes have rendered him unable to remember “numerous events that have occurred over the past thirty years or more.” App. to Pet. for Cert. 77a. Nevertheless, Dr. Goff found that Madison “is able to understand the nature of the pending proceeding and he has an understanding of what he was tried for”; that he knows he is “in prison . . . because of ‘murder’”; that he “understands that . . . [Alabama is] seeking retribution” for that crime; and that he “understands the sentence, specifically the meaning of a death sentence.” *Id.*, at 76a–78a (some internal quotation marks omitted). In Dr. Goff’s opinion, however, Madison does not “understan[d] the act that . . . he is being punished for” because he cannot recall “the sequence of events from the offense to his arrest to the trial or any of those

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details” and believes that he “never went around killing folks.” *Ibid.* (internal quotation marks omitted).

The trial court denied Madison’s petition. It held that, under this Court’s decisions in *Ford v. Wainwright*, 477 U. S. 399 (1986), and *Panetti v. Quarterman*, 551 U. S. 930 (2007), Madison was entitled to relief if he could show that he “suffers from a mental illness which deprives [him] of the mental capacity to rationally understand that he is being executed as a punishment for a crime.” App. to Pet. for Cert. 74a. The court concluded that Madison had failed to make that showing. Specifically, it found that Madison understands “that he is going to be executed because of the murder he committed[,] . . . that the State is seeking retribution[,] and that he will die when he is executed.” *Id.*, at 82a.

Madison then filed a petition for a writ of habeas corpus in Federal District Court. As a state prisoner, Madison is entitled to federal habeas relief under the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) only if the state trial court’s adjudication of his incompetence claim “was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by” this Court, or else was “based on an unreasonable determination of the facts in light of the evidence presented” in state court. 28 U. S. C. § 2254(d). A habeas petitioner meets this demanding standard only when he shows that the state court’s decision was “so lacking in justification that there was an error well understood and comprehended in existing law beyond any possibility for fairminded disagreement.” *Harrington v. Richter*, 562 U. S. 86, 103 (2011). The District Court denied Madison’s petition after concluding that the state court “correctly applied *Ford* and *Panetti*” and did not make an “unreasonable determination of the facts in light of the evidence.” App. to Pet. for Cert. 67a.

The Eleventh Circuit granted a certificate of appealability and, on appeal, reversed over Judge Jordan’s dissent. In the majority’s view, given the undisputed fact that Madison “has

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no memory of his capital offense,” it inescapably follows that he “does not rationally understand the connection between his crime and his execution.” 851 F. 3d, at 1185–1186. On that basis, the Eleventh Circuit held that the trial court’s conclusion that Madison is competent to be executed was “plainly unreasonable” and “cannot be reconciled with any reasonable application of *Panetti*.” *Id.*, at 1187–1188 (internal quotation marks omitted).

We disagree. In *Panetti*, this Court addressed the question whether the Eighth Amendment forbids the execution of a prisoner who lacks “the mental capacity to understand that [he] is being executed as a punishment for a crime.” 551 U. S., at 954 (internal quotation marks omitted). We noted that the retributive purpose of capital punishment is not well served where “the prisoner’s mental state is so distorted by a mental illness that his awareness of the crime and punishment has little or no relation to the understanding of those concepts shared by the community as a whole.” *Id.*, at 958–959. Similarly, in *Ford*, we questioned the “retributive value of executing a person who has no comprehension of why he has been singled out.” 477 U. S., at 409. Neither *Panetti* nor *Ford* “clearly established” that a prisoner is incompetent to be executed because of a failure to remember his commission of the crime, as distinct from a failure to rationally comprehend the concepts of crime and punishment as applied in his case. The state court did not unreasonably apply *Panetti* and *Ford* when it determined that Madison is competent to be executed because— notwithstanding his memory loss—he recognizes that he will be put to death as punishment for the murder he was found to have committed.

Nor was the state court’s decision founded on an unreasonable assessment of the evidence before it. Testimony from each of the psychologists who examined Madison supported the court’s finding that Madison understands both that he was tried and imprisoned for murder and that Alabama will put him to death as punishment for that crime.

BREYER, J., concurring

In short, the state court's determinations of law and fact were not "so lacking in justification" as to give rise to error "beyond any possibility for fairminded disagreement." *Richter, supra*, at 103. Under that deferential standard, Madison's claim to federal habeas relief must fail. We express no view on the merits of the underlying question outside of the AEDPA context.

The petition for a writ of certiorari and respondent's motion to proceed *in forma pauperis* are granted, and the judgment of the Court of Appeals is reversed.

It is so ordered.

JUSTICE GINSBURG, with whom JUSTICE BREYER and JUSTICE SOTOMAYOR join, concurring.

The issue whether a State may administer the death penalty to a person whose disability leaves him without memory of his commission of a capital offense is a substantial question not yet addressed by the Court. Appropriately presented, the issue would warrant full airing. But in this case, the restraints imposed by the Antiterrorism and Effective Death Penalty Act of 1996, I agree, preclude consideration of the question. With that understanding, I join the Court's *per curiam* disposition of this case.

JUSTICE BREYER, concurring.

I join the Court's *per curiam* disposition of this case for the reason set forth in JUSTICE GINSBURG's concurrence (which I also join). I write separately to underline the fact that this case illustrates one of the basic problems with the administration of the death penalty itself. That problem concerns the unconscionably long periods of time that prisoners often spend on death row awaiting execution. See *Glossip v. Gross*, 576 U. S. 863, 909, 923–938 (2015) (BREYER, J., dissenting).

As I have previously noted, this Court once said that delays in execution can produce uncertainty amounting to

BREYER, J., concurring

“‘one of the most horrible feelings to which’” a prisoner “‘can be subjected.’” *Id.*, at 926 (quoting *In re Medley*, 134 U. S. 160, 172 (1890)). Justice Stevens later observed that the delay in *Medley* was a delay of four *weeks*. *Lackey v. Texas*, 514 U. S. 1045, 1046 (1995) (memorandum respecting denial of certiorari). And he wrote that the *Medley* description “should apply with even greater force in the case of delays that last for many years.” 514 U. S., at 1046.

In light of those statements, consider the present case. The respondent, Vernon Madison, was convicted of a murder that took place in April 1985. He was sentenced to death and transferred to Alabama’s William C. Holman Correctional Facility in September 1985. Mr. Madison is now 67 years old. He has lived nearly half of his life on death row. During that time, he has suffered severe strokes, which caused vascular dementia and numerous other significant physical and mental problems. He is legally blind. His speech is slurred. He cannot walk independently. He is incontinent. His disability leaves him without a memory of his commission of a capital offense.

Moreover, Mr. Madison is one among a growing number of aging prisoners who remain on death row in this country for ever longer periods of time. In 1987, the average period of imprisonment between death sentence and execution was just over seven years. See Dept. of Justice, Bureau of Justice Statistics, T. Snell, *Capital Punishment, 2013—Statistical Tables 14* (rev. Dec. 19, 2014) (Table 10). A decade later, in 1997, the average delay was about 11 years. *Ibid.* In 2007, the average delay rose to a little less than 13 years. *Ibid.* In 2017, the 21 individuals who have been executed were on death row on average for more than 19 years. See Death Penalty Information Center, *Execution List 2017*, online at <https://deathpenaltyinfo.org/execution-list-2017> (as last visited Nov. 3, 2017). Alabama has executed three individuals this year, including Thomas Arthur, who spent 34 years on death row before his execution on

BREYER, J., concurring

May 26, 2017, at the age of 75; Robert Melson, who spent 21 years on death row before his execution on June 8, 2017; and Torrey McNabb, who spent nearly two decades on death row before his execution on October 19, 2017.

Given this trend, we may face ever more instances of state efforts to execute prisoners suffering the diseases and infirmities of old age. And we may well have to consider the ways in which lengthy periods of imprisonment between death sentence and execution can deepen the cruelty of the death penalty while at the same time undermining its penological rationale. *Glossip, supra*, at 923–924 (BREYER, J., dissenting) (recognizing the inevitability of delays in light of constitutional requirements needed to ensure procedural and substantive validity of death sentences); see *ante*, at 14 (GINSBURG, J., concurring).

Rather than develop a constitutional jurisprudence that focuses upon the special circumstances of the aged, however, I believe it would be wiser to reconsider the root cause of the problem—the constitutionality of the death penalty itself. *Glossip, supra*, at 908 (BREYER, J., dissenting).

Syllabus

HAMER *v.* NEIGHBORHOOD HOUSING SERVICES OF
CHICAGO ET AL.CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE SEVENTH CIRCUIT

No. 16–658. Argued October 10, 2017—Decided November 8, 2017

An appeal filing deadline prescribed by statute is considered “jurisdictional,” meaning that late filing of the appeal notice necessitates dismissal of the appeal. See *Bowles v. Russell*, 551 U.S. 205, 210–213. In contrast, a time limit prescribed only in a court-made rule is not jurisdictional. It is a mandatory claim-processing rule that may be waived or forfeited. *Ibid.* This Court and other forums have sometimes overlooked this critical distinction. See *Reed Elsevier, Inc. v. Muchnick*, 559 U.S. 154, 161.

Petitioner Charmaine Hamer filed an employment discrimination suit against respondents. The District Court granted respondents’ motion for summary judgment, entering final judgment on September 14, 2015. Before October 14, the date Hamer’s notice of appeal was due, her attorneys filed a motion to withdraw as counsel and a motion for an extension of the appeal filing deadline to give Hamer time to secure new counsel. The District Court granted both motions, extending the deadline to December 14, a two-month extension, even though the governing Federal Rule of Appellate Procedure, Rule 4(a)(5)(C), confines such extensions to 30 days. Concluding that Rule 4(a)(5)(C)’s time prescription is jurisdictional, the Court of Appeals dismissed Hamer’s appeal.

Held: The Court of Appeals erred in treating as jurisdictional Rule 4(a)(5)(C)’s limitation on extensions of time to file a notice of appeal. Pp. 22–28.

(a) The 1948 version of 28 U.S.C. § 2107 allowed extensions of time to file a notice of appeal, not exceeding 30 days, “upon a showing of excusable neglect based on failure of a party to learn of the entry of the judgment,” but the statute said nothing about extensions when the judgment loser did receive notice of the entry of judgment. In 1991, the statute was amended, broadening the class of prospective appellants who could gain extensions to include all who showed “excusable neglect or good cause” and reducing the time prescription for appellants who lacked notice of the entry of judgment from 30 to 14 days. § 2107(c). For other cases, the statute does not say how long an extension may run. Rule 4(a)(5)(C), however, does prescribe a limit: “No extension [of time for filing a notice of appeal] may exceed 30 days after the pre-

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scribed time [for filing a notice of appeal] or 14 days after the date [of] the order granting the [extension] motion . . . , whichever is later.” Pp. 22–24.

(b) This Court’s precedent shapes a rule of decision that is both clear and easy to apply: If a time prescription governing the transfer of adjudicatory authority from one Article III court to another appears in a statute, the limitation is jurisdictional; otherwise, the time specification fits within the claim-processing category.

In concluding otherwise, the Court of Appeals relied on *Bowles*. There, *Bowles* filed a notice of appeal outside a limitation set by Congress in §2107(c). This Court held that, as a result, the Court of Appeals lacked jurisdiction over his tardy appeal. 551 U. S., at 213. In conflating Rule 4(a)(5)(C) with §2107(c) here, the Seventh Circuit failed to grasp the distinction between jurisdictional appeal filing deadlines and deadlines stated only in mandatory claim-processing rules. It therefore misapplied *Bowles*. *Bowles*’s statement that “the taking of an appeal within the prescribed time is ‘mandatory and jurisdictional,’” *id.*, at 209, is a characterization left over from days when the Court was “less than meticulous” in using the term “jurisdictional,” *Kontrick v. Ryan*, 540 U. S. 443, 454. The statement was correct in *Bowles*, where the time prescription was imposed by Congress, but it would be incorrect here, where only Rule 4(a)(5)(C) limits the length of the extension. Pp. 24–27.

835 F. 3d 761, vacated and remanded.

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

Jonathan A. Herstoff argued the cause and filed the briefs for petitioner.

Damien G. Stewart argued the cause for respondents. With him on the brief were *Linda T. Coberly*, *Daniel J. Fazio*, *Benjamin M. Ostrander*, *Brian P. Brooks*, *Jeff Nowak*, and *Gwendolyn B. Morales*.*

JUSTICE GINSBURG delivered the opinion of the Court.

This case presents a question of time, specifically, time to file a notice of appeal from a district court’s judgment. In

**Charles A. Bird* and *Susan M. Freeman* filed a brief for the American Academy of Appellate Lawyers as *amicus curiae* urging reversal.

A brief of *amicus curiae* was filed for Scott Dodson by *Mr. Dodson*, *pro se*.

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Bowles v. Russell, 551 U. S. 205, 210–213 (2007), this Court clarified that an appeal filing deadline prescribed by statute will be regarded as “jurisdictional,” meaning that late filing of the appeal notice necessitates dismissal of the appeal. But a time limit prescribed only in a court-made rule, *Bowles* acknowledged, is not jurisdictional; it is, instead, a mandatory claim-processing rule subject to forfeiture if not properly raised by the appellee. *Ibid.*; *Kontrick v. Ryan*, 540 U. S. 443, 456 (2004). Because the Court of Appeals held jurisdictional a time limit specified in a rule, not in a statute, 835 F. 3d 761, 763 (CA7 2016), we vacate that court’s judgment dismissing the appeal.

I

A

“Only Congress may determine a lower federal court’s subject-matter jurisdiction.” *Kontrick*, 540 U. S., at 452 (citing U. S. Const., Art. III, § 1); *Owen Equipment & Erection Co. v. Kroger*, 437 U. S. 365, 370 (1978) (“[I]t is axiomatic that the Federal Rules of Civil Procedure do not create or withdraw federal jurisdiction.”). Accordingly, a provision governing the time to appeal in a civil action qualifies as jurisdictional only if Congress sets the time. See *Bowles*, 551 U. S., at 211–212 (noting “the jurisdictional distinction between court-promulgated rules and limits enacted by Congress”); *Sibbach v. Wilson & Co.*, 312 U. S. 1, 10 (1941) (noting “the inability of a court, by rule, to extend or restrict the jurisdiction conferred by a statute”). A time limit not prescribed by Congress ranks as a mandatory claim-processing rule, serving “to promote the orderly progress of litigation by requiring that the parties take certain procedural steps at certain specified times.” *Henderson v. Shinseki*, 562 U. S. 428, 435 (2011).

This Court and other forums have sometimes overlooked this distinction, “mischaracteriz[ing] claim-processing rules or elements of a cause of action as jurisdictional limitations,

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particularly when that characterization was not central to the case, and thus did not require close analysis.” *Reed Elsevier, Inc. v. Muchnick*, 559 U.S. 154, 161 (2010). But prevailing precedent makes the distinction critical. Failure to comply with a jurisdictional time prescription, we have maintained, deprives a court of adjudicatory authority over the case, necessitating dismissal—a “drastic” result. *Shinseki*, 562 U.S., at 435; *Bowles*, 551 U.S., at 213 (“[W]hen an ‘appeal has not been prosecuted . . . within the time limited by the acts of Congress, it must be dismissed for want of jurisdiction.’” (quoting *United States v. Curry*, 6 How. 106, 113 (1848))). The jurisdictional defect is not subject to waiver or forfeiture¹ and may be raised at any time in the court of first instance and on direct appeal. *Kontrick*, 540 U.S., at 455.² In contrast to the ordinary operation of our adversarial system, courts are obliged to notice jurisdictional issues and raise them on their own initiative. *Shinseki*, 562 U.S., at 434.

Mandatory claim-processing rules are less stern. If properly invoked, mandatory claim-processing rules must be enforced, but they may be waived or forfeited. *Manrique v. United States*, 581 U.S. 116, 121 (2017). “[C]laim-processing rules [ensure] relief to a party properly raising them, but do not compel the same result if the party forfeits them.” *Eberhart v. United States*, 546 U.S. 12, 19 (2005) (*per curiam*).³

¹The terms waiver and forfeiture—though often used interchangeably by jurists and litigants—are not synonymous. “[F]orfeiture is the failure to make the timely assertion of a right[;] waiver is the ‘intentional relinquishment or abandonment of a known right.’” *United States v. Olano*, 507 U.S. 725, 733 (1993) (quoting *Johnson v. Zerbst*, 304 U.S. 458, 464 (1938)).

²Subject-matter jurisdiction cannot be attacked collaterally, however. *Kontrick v. Ryan*, 540 U.S. 443, 455, n. 9 (2004) (citing *Des Moines Nav. & R. Co. v. Iowa Homestead Co.*, 123 U.S. 552, 557–559 (1887)).

³We have reserved whether mandatory claim-processing rules may be subject to equitable exceptions. See *Kontrick*, 540 U.S., at 457.

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B

Petitioner Charmaine Hamer filed a complaint against respondents Neighborhood Housing Services of Chicago and Fannie Mae alleging employment discrimination in violation of Title VII of the Civil Rights Act of 1964, 42 U. S. C. § 2000e *et seq.*, and the Age Discrimination in Employment Act of 1967, 29 U. S. C. § 621 *et seq.* The District Court granted respondents' motion for summary judgment on September 10, 2015, and entered final judgment on September 14, 2015. In the absence of a time extension, Hamer's notice of appeal would have been due by October 14, 2015. Fed. Rule App. Proc. 4(a)(1)(A).

On October 8, 2015, before the October 14 deadline for filing Hamer's notice of appeal, her attorneys made two motions.⁴ First, they sought to withdraw as counsel because of their disagreement with Hamer on pursuit of an appeal. Second, they sought a two-month extension of the notice of appeal filing date, so that Hamer would have adequate time to engage new counsel for her appeal. App. to Pet. for Cert. A-57-A-59. The District Court granted both motions on the same day and ordered extension of the deadline for Hamer's notice of appeal from October 14 to December 14, 2015. *Id.*, at A-60. Respondents did not move for reconsideration or otherwise raise any objection to the length of the extension.

In the docketing statement respondents filed in the Court of Appeals, they stated: "The United States Court of Appeals for the Seventh Circuit has jurisdiction over this appeal under 28 U. S. C. § 1291, in that on December 11, 2015, [Hamer] filed a timely Notice of Appeal from a final judgment of the United States District Court for the Northern District of Illinois that disposed of all of [Hamer's] claims against

⁴Movants were the attorney appointed by the court to represent Hamer and two other attorneys who entered appearances as co-counsel. App. to Pet. for Cert. A-57-A-59.

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[respondents].” *Id.*, at A–63. Respondents’ statement later reiterated: “On December 11, 2015, [Hamer] timely filed a Notice of Appeal” *Id.*, at A–64. Nevertheless, the Court of Appeals, on its own initiative, questioned the timeliness of the appeal and instructed respondents to brief the issue. 835 F. 3d, at 762. Respondents did so and, for the first time, asserted that the appeal was untimely, citing the relevant Rule confining extensions to 30 days. *Id.*, at 762–763 (citing Fed. Rule App. Proc. 4(a)(5)(C)). Concluding that it lacked jurisdiction to reach the merits, the Court of Appeals dismissed Hamer’s appeal. 835 F. 3d, at 763.⁵ We granted certiorari. 580 U. S. 1159 (2017).

II

A

Section 2107 of Title 28 of the U. S. Code, as enacted in 1948, allowed extensions of the time to file a notice of appeal, not exceeding 30 days, “upon a showing of excusable neglect based on failure of a party to learn of the entry of the judgment.” Act of June 25, 1948, § 2107, 62 Stat. 963.⁶ Nothing in the statute provided for extension of the time to file a

⁵The Court of Appeals incorrectly stated that respondents, answering the Seventh Circuit’s inquiry, asserted that the appeals court “lack[ed] jurisdiction over [Hamer’s] appeal.” 835 F. 3d, at 763. In fact, respondents maintained that “the timeliness of Hamer’s appeal d[id] not appear to be jurisdictional according to [Circuit] law.” App. to Pet. for Cert. A–71 (capitalization and footnote omitted). That was so, respondents explained, because “the time limits found [in] Fed. R[ule] App. P[roc.] 4(a)(5)(C) . . . lack a statutory basis.” *Id.*, at A–77. Even if not jurisdictional, respondents continued, the Rule is mandatory and must be observed unless forfeited or waived. *Ibid.*

⁶As enacted, the pertinent paragraph of § 2107 provided in full: “The district court, in any such action, suit or proceeding, may extend the time for appeal not exceeding thirty days from the expiration of the original time herein prescribed, upon a showing of excusable neglect based on failure of a party to learn of the entry of the judgment, order or decree.” Act of June 25, 1948, § 2107, 62 Stat. 963.

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notice of appeal when, as in this case, the judgment loser did receive notice of the entry of judgment. In 1991, Congress broadened the class of persons who could gain extensions to include all prospective appellants who showed “excusable neglect or good cause.” §12, 105 Stat. 1627. In addition, Congress retained a time prescription covering appellants who lacked notice of the entry of judgment: “[A] party entitled to notice of the entry of a judgment [who] did not receive such notice from the clerk or any party within 21 days of [the judgment’s] entry” qualifies for a 14-day extension,⁷ if “no party would be prejudiced [thereby].” §2107(c). In full, §2107(c) now provides:

“(c) The district court may, upon motion filed not later than 30 days after the expiration of the time otherwise set for bringing appeal, extend the time for appeal upon a showing of excusable neglect or good cause. In addition, if the district court finds—

“(1) that a party entitled to notice of the entry of a judgment or order did not receive such notice from the clerk or any party within 21 days of its entry, and

“(2) that no party would be prejudiced,

“the district court may, upon motion filed within 180 days after entry of the judgment or order or within 14 days after receipt of such notice, whichever is earlier, reopen the time for appeal for a period of 14 days from the date of entry of the order reopening the time for appeal.”

In short, current §2107(c), like the provision as initially enacted, specifies the length of an extension for cases in which the appellant lacked notice of the entry of judgment.⁸

⁷The 14-day prescription cuts back the original limit of 30 days.

⁸The statute describes the 14-day extension permitted in lack-of-notice cases as a “reopening [of] the time for appeal.” §2107(c). The “reopening” period is the functional equivalent of an extension. See Brief for American Academy of Appellate Lawyers as *Amicus Curiae* 5–6.

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For other cases, the statute does not say how long an extension may run.

But Federal Rule of Appellate Procedure 4(a)(5)(C) does prescribe a limit: “No extension [of time for filing a notice of appeal] may exceed 30 days after the prescribed time [for filing a notice of appeal] or 14 days after the date [of] the order granting the [extension] motion . . . , whichever is later.” Unlike §2107(c), we note, Rule 4(a)(5)(C) limits extensions of time to file a notice of appeal in *all* circumstances, not just in cases in which the prospective appellant lacked notice of the entry of judgment.

B

Although Rule 4(a)(5)(C)’s limit on extensions of time appears nowhere in the text of §2107(c), respondents now contend that Rule 4(a)(5)(C) has a “statutory basis” because §2107(c) once limited extensions (to the extent it did authorize them) to 30 days. Brief for Respondents 17. No matter, respondents submit, that Congress struck the 30-day limit in 1991 and replaced it with a 14-day limit governing, as the 30-day limit did, only lack-of-notice cases; deleting the 30-day prescription, respondents conjecture, was “probably inadvertent[t].” *Id.*, at 1. In support of their argument that Congress accidentally failed to impose an all-purpose limit on extensions, respondents observe that the 1991 statute identifies Congress’ aim as the enactment of “certain technical corrections in . . . provisions of law relating to the courts.” 105 Stat. 1623. They also note the caption of the relevant section of the amending statute: “Conformity with Rules of Appellate Procedure.” See *id.*, at 1627. Because striking the 30-day limit from §2107 made the statute *less* like Rule 4(a)(5)(C), respondents reason, Congress likely erased the relevant paragraph absentmindedly. Hence, respondents conclude, “there is no reason to interpret the 1991 amendment as stripping Rule 4(a)(5)(C) of its jurisdictional significance.” Brief for Respondents 2.

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Overlooked by respondents, pre-1991 §2107 never spoke to extensions for reasons other than lack of notice. In any event, we resist speculating whether Congress acted inadvertently. See *Henson v. Santander Consumer USA Inc.*, 582 U. S. 79, 89 (2017) (“[W]e will not presume with [respondents] that any result consistent with their account of the statute’s overarching goal must be the law but will presume more modestly instead ‘that [the] legislature says . . . what it means and means . . . what it says.’” (quoting *Dodd v. United States*, 545 U. S. 353, 357 (2005))); *Magwood v. Patterson*, 561 U. S. 320, 334 (2010) (“We cannot replace the actual text with speculation as to Congress’ intent.”). The rule of decision our precedent shapes is both clear and easy to apply: If a time prescription governing the transfer of adjudicatory authority from one Article III court to another appears in a statute, the limitation is jurisdictional, *supra*, at 19; otherwise, the time specification fits within the claim-processing category, *ibid.*⁹

In dismissing Hamer’s appeal for want of jurisdiction, the Court of Appeals relied heavily on our decision in *Bowles*. We therefore reiterate what that precedent conveys. There,

⁹ In cases not involving the timebound transfer of adjudicatory authority from one Article III court to another, we have additionally applied a clear-statement rule: “A rule is jurisdictional ‘[i]f the Legislature clearly states that a threshold limitation on a statute’s scope shall count as jurisdictional.’” *Gonzalez v. Thaler*, 565 U. S. 134, 141 (2012) (quoting *Arbaugh v. Y & H Corp.*, 546 U. S. 500, 515 (2006)). See also, *e. g.*, *Henderson v. Shinseki*, 562 U. S. 428, 431 (2011) (statutory deadline for filing notice of appeal with Article I tribunal held not jurisdictional). “This is not to say that Congress must incant magic words in order to speak clearly,” however. *Sebelius v. Auburn Regional Medical Center*, 568 U. S. 145, 153 (2013). In determining whether Congress intended a particular provision to be jurisdictional, “[w]e consider ‘context, including this Court’s interpretations of similar provisions in many years past,’ as probative of [Congress’ intent].” *Id.*, at 153–154 (quoting *Reed Elsevier, Inc. v. Muchnick*, 559 U. S. 154, 168 (2010)). Even so, “in applying th[e] clear statement rule, we have made plain that most [statutory] time bars are nonjurisdictional.” *United States v. Kwai Fun Wong*, 575 U. S. 402, 410 (2015).

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petitioner Keith Bowles did not receive timely notice of the entry of a postjudgment order and consequently failed to file a timely notice of appeal. *Bowles v. Russell*, 432 F. 3d 668, 670 (CA6 2005). When Bowles learned of the postjudgment order, he moved for an extension under Federal Rule of Appellate Procedure 4(a)(6), which implements §2107(c)'s authorization of extensions in lack-of-notice cases. *Ibid.* The District Court granted Bowles's motion, but inexplicably provided a 17-day extension, rather than the 14-day extension authorized by §2107(c). *Bowles*, 551 U. S., at 207. Bowles filed his notice of appeal within the 17 days allowed by the District Court but outside the 14 days allowed by §2107(c). *Ibid.* "Because Congress specifically limited the amount of time by which district courts can extend the notice-of-appeal period in §2107(c)," we explained, the Court of Appeals lacked jurisdiction over Bowles's tardy appeal. *Id.*, at 213.

Quoting *Bowles* at length, the Court of Appeals in this case reasoned that "[l]ike Rule 4(a)(6), Rule 4(a)(5)(C) is the vehicle by which §2107(c) is employed and it limits a district court's authority to extend the notice of appeal filing deadline to no more than an additional 30 days." 835 F. 3d, at 763. In conflating Rule 4(a)(5)(C) with §2107(c), the Court of Appeals failed to grasp the distinction our decisions delineate between jurisdictional appeal filing deadlines and mandatory claim-processing rules, and therefore misapplied *Bowles*.

Several Courts of Appeals,¹⁰ including the Court of Appeals in Hamer's case, have tripped over our statement in *Bowles* that "the taking of an appeal within the prescribed time is 'mandatory and jurisdictional.'" 551 U. S., at 209 (quoting *Griggs v. Provident Consumer Discount Co.*, 459 U. S. 56, 61 (1982) (*per curiam*)). The "mandatory and juris-

¹⁰ See *Freidzon v. OAO LUKOIL*, 644 Fed. Appx. 52, 53 (CA2 2016); *Peters v. Williams*, 353 Fed. Appx. 136, 137 (CA10 2009); *United States v. Hawkins*, 298 Fed. Appx. 275 (CA4 2008).

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dictional” formulation is a characterization left over from days when we were “less than meticulous” in our use of the term “jurisdictional.” *Kontrick*, 540 U. S., at 454.¹¹ The statement was correct as applied in *Bowles* because, as the Court there explained, the time prescription at issue in *Bowles* was imposed by Congress. 551 U. S., at 209–213. But “mandatory and jurisdictional” is erroneous and confounding terminology where, as here, the relevant time prescription is absent from the U. S. Code. Because Rule 4(a)(5)(C), not §2107, limits the length of the extension granted here, the time prescription is not jurisdictional. See *Youkelsone v. FDIC*, 660 F. 3d 473, 475 (CAD9 2011) (“Rule 4(a)(5)(C)’s thirty-day limit on the length of any extension ultimately granted appears nowhere in the U. S. Code.”).

* * *

For the reasons stated, the Court of Appeals erroneously treated as jurisdictional Rule 4(a)(5)(C)’s 30-day limitation on extensions of time to file a notice of appeal. We therefore vacate that court’s judgment and remand the case for further proceedings consistent with this opinion. We note, in this regard, that our decision does not reach issues raised by Hamer, but left unaddressed by the Court of Appeals, including: (1) whether respondents’ failure to raise any objection in the District Court to the overlong time extension, by itself, effected a forfeiture, see Brief for Petitioner 21–22; (2) whether respondents could gain review of the District Court’s time extension only by filing their own appeal notice,

¹¹ Indeed, the formulation took flight from a case in which we mistakenly suggested that a claim-processing rule was “mandatory and jurisdictional.” See *United States v. Robinson*, 361 U. S. 220, 224 (1960). We have since clarified that “*Robinson* is correct not because the District Court lacked *subject-matter jurisdiction*, but because district courts must observe the clear limits of the Rules of Criminal Procedure when they are properly invoked.” *Eberhart v. United States*, 546 U. S. 12, 17 (2005) (*per curiam*).

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see *id.*, at 23–27; and (3) whether equitable considerations may occasion an exception to Rule 4(a)(5)(C)’s time constraint, see *id.*, at 29–43.

It is so ordered.

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Per Curiam

IN RE UNITED STATES ET AL.
ON PETITION FOR WRIT OF MANDAMUS

No. 17–801. Decided December 20, 2017

This case involves five related lawsuits that challenge a determination by the Acting Secretary of the Department of Homeland Security to take immediate steps to rescind the Deferred Action for Childhood Arrivals program. On October 17, 2017, the District Court ordered the Government to complete the administrative record by turning over certain “emails, letters, memoranda, notes, media items, opinions and other materials.” The Government moved to stay the implementation of that October 17 order until certain threshold arguments could be resolved. The District Court instead stayed the order for one month. The Government now seeks relief in this Court.

Held: On the facts of this case, the District Court should have granted the motion to stay implementation of the October 17 order and first resolved the Government’s threshold arguments regarding jurisdiction and reviewability. On remand, the District Court should proceed to rule on the Government’s threshold arguments. The Court of Appeals or District Court may then consider whether narrower amendments to the record are necessary and appropriate.

Certiorari granted; vacated and remanded.

PER CURIAM.

This case arises from five related lawsuits that challenge a determination adopted by the Acting Secretary of the Department of Homeland Security (DHS). The determination, announced by the Acting Secretary, is to take immediate steps to rescind a program known as Deferred Action for Childhood Arrivals, or DACA, by March 5, 2018. The Acting Secretary stated that her determination was based in part on the Attorney General’s conclusion that DACA is unlawful and likely would be enjoined in potentially imminent litigation.

The five suits were filed in the United States District Court for the Northern District of California, and the plaintiffs in those actions are the respondents in the matter now

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before this Court. The defendants in the District Court, and the petitioners here, include the Government of the United States, the Acting Secretary, and the President of the United States, all referred to here as the Government.

In the District Court litigation respondents argue that the Acting Secretary's determination to rescind DACA in the near future is unlawful because, among other reasons, it violates the Administrative Procedure Act and the Due Process Clause of the Fifth Amendment, including the equal protection guarantee implicit in that Clause.

The issue to be considered here involves respondents' contention that the administrative record the Government filed to support the Acting Secretary's determination to rescind DACA is incomplete. The record consists of 256 pages of documents, and the Government contends that it contains all of the nondeliberative material considered by the Acting Secretary in reaching her determination. (Nearly 200 pages consist of published opinions from various federal courts.)

On October 17, the District Court, on respondents' motion, ordered the Government to complete the administrative record. See *Regents of Univ. of Cal. v. Department of Homeland Security*, App. C to Pet. for Mandamus, 2017 WL 4642324 (ND Cal., Oct. 17, 2017) (District Court Order). The details of that order are recounted further below.

The Government petitioned for a writ of mandamus in the Court of Appeals for the Ninth Circuit. The Court of Appeals, in a divided opinion, denied the Government's petition. See 875 F. 3d 1200 (2017).

On November 19, three days after the Court of Appeals issued its opinion, respondents moved the District Court to stay its order requiring completion of the administrative record until after the District Court resolved the Government's motion to dismiss and respondents' motion for a preliminary injunction. See Motion To Stay in No. 17-cv-5211, Doc. 190. The District Court did not grant respondents' request, instead staying its order for one month.

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Still objecting to the District Court’s order, the Government now seeks relief in this Court. It has filed here a petition for a writ of mandamus to the District Court, or, in the alternative, for a writ of certiorari to the Court of Appeals.

The Court now grants the petition for a writ of certiorari, vacates the order of the Court of Appeals for the Ninth Circuit, and remands the case.

The District Court’s October 17 order requires the Government to turn over all “emails, letters, memoranda, notes, media items, opinions and other materials” that fall within the following categories:

“(1) all materials actually seen or considered, however briefly, by Acting Secretary [Elaine] Duke in connection with the potential or actual decision to rescind DACA . . . , (2) all DACA-related materials considered by persons (anywhere in the government) who thereafter provided Acting Secretary Duke with written advice or input regarding the actual or potential rescission of DACA, (3) all DACA-related materials considered by persons (anywhere in the government) who thereafter provided Acting Secretary Duke with verbal input regarding the actual or potential rescission of DACA, (4) all comments and questions propounded by Acting Secretary Duke to advisors or subordinates or others regarding the actual or potential rescission of DACA and their responses, and (5) all materials directly or indirectly considered by former Secretary of DHS John Kelly leading to his February 2017 memorandum not to rescind DACA.” District Court Order, 2017 WL 4642324, *8.

The Government makes serious arguments that at least portions of the District Court’s order are overly broad. (The Government appears to emphasize certain materials in categories 2, 3, and 4.) Under the specific facts of this case, the District Court should have granted respondents’ motion

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on November 19 to stay implementation of the challenged October 17 order and first resolved the Government's threshold arguments (that the Acting Secretary's determination to rescind DACA is unreviewable because it is "committed to agency discretion," 5 U. S. C. § 701(a)(2), and that the Immigration and Nationality Act deprives the District Court of jurisdiction). Either of those arguments, if accepted, likely would eliminate the need for the District Court to examine a complete administrative record.

On remand of the case, the Court of Appeals shall take appropriate action so that the following steps can be taken. The District Court should proceed to rule on the Government's threshold arguments and, in doing so, may consider certifying that ruling for interlocutory appeal under 28 U. S. C. § 1292(b) if appropriate. Thereafter, the Court of Appeals or the District Court in the first instance may consider whether narrower amendments to the record are necessary and appropriate. In any event, the District Court may not compel the Government to disclose any document that the Government believes is privileged without first providing the Government with the opportunity to argue the issue.

This order does not suggest any view on the merits of respondents' claims or the Government's defenses, or that the District Court's rulings on the Government's motion to dismiss and respondents' motion for preliminary injunction should be delayed.

The judgment of the Court of Appeals for the Ninth Circuit is vacated, and the case is remanded for further proceedings consistent with this opinion.

It is so ordered.

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THARPE *v.* SELLERS, WARDEN

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

No. 17–6075. Decided January 8, 2018

Petitioner Keith Tharpe sought to reopen his federal habeas proceedings based on his claim that one white juror who voted in Tharpe’s murder trial to impose the death penalty was biased against Tharpe, who is black. The District Court held that Tharpe’s claim was procedurally defaulted in state court, and further that Tharpe could not overcome that default because he could not produce any clear and convincing evidence contradicting the state court’s determination that the juror’s presence did not prejudice him. The Eleventh Circuit denied Tharpe’s certificate of appealability, holding that jurists of reason could not dispute the District Court’s procedural ruling.

Held: The Eleventh Circuit erred in reaching its conclusion. Tharpe produced a remarkable sworn affidavit by the juror in question which detailed the juror’s views on race and provided a strong factual basis for the argument that Tharpe’s race affected that juror’s vote for a death verdict. At the very least, a reasonable jurist could debate whether Tharpe has shown by clear and convincing evidence that the state court’s factual determination was wrong, and the Eleventh Circuit was wrong to conclude otherwise.

Certiorari granted; vacated and remanded.

PER CURIAM.

Petitioner Keith Tharpe moved to reopen his federal habeas corpus proceedings regarding his claim that the Georgia jury that convicted him of murder included a white juror, Barney Gattie, who was biased against Tharpe because he is black. See Fed. Rule Civ. Proc. 60(b)(6). The District Court denied the motion on the ground that, among other things, Tharpe’s claim was procedurally defaulted in state court. The District Court also noted that Tharpe could not overcome that procedural default because he had failed to produce any clear and convincing evidence contradicting the state court’s determination that Gattie’s presence on the jury

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did not prejudice him. See *Tharpe v. Warden*, No. 5:10-cv-433 (MD Ga., Sept. 5, 2017), App. B to Pet. for Cert. 19.

Tharpe sought a certificate of appealability (COA). The Eleventh Circuit denied his COA application after deciding that jurists of reason could not dispute that the District Court's procedural ruling was correct. See *Tharpe v. Warden*, 2017 WL 4250413, *3 (Sept. 21, 2017). The Eleventh Circuit's decision, as we read it, was based solely on its conclusion, rooted in the state court's factfinding, that Tharpe had failed to show prejudice in connection with his procedurally defaulted claim, *i. e.*, that Tharpe had "failed to demonstrate that Barney Gattie's behavior 'had substantial and injurious effect or influence in determining the jury's verdict.'" *Ibid.* (quoting *Brecht v. Abrahamson*, 507 U.S. 619, 637 (1993)).

Our review of the record compels a different conclusion. The state court's prejudice determination rested on its finding that Gattie's vote to impose the death penalty was not based on Tharpe's race. See *Tharpe v. Warden*, No. 93-cv-144 (Super. Ct. Butts Cty., Ga., Dec. 1, 2008), App. F to Pet. for Cert. 102. And that factual determination is binding on federal courts, including this Court, in the absence of clear and convincing evidence to the contrary. See 28 U.S.C. § 2254(e)(1). Here, however, Tharpe produced a sworn affidavit, signed by Gattie, indicating Gattie's view that "there are two types of black people: 1. Black folks and 2. Niggers"; that Tharpe, "who wasn't in the 'good' black folks category in my book, should get the electric chair for what he did"; that "[s]ome of the jurors voted for death because they felt that Tharpe should be an example to other blacks who kill blacks, but that wasn't my reason"; and that, "[a]fter studying the Bible, I have wondered if black people even have souls." App. B to Pet. for Cert. 15–16 (internal quotation marks omitted). Gattie's remarkable affidavit—which he never retracted—presents a strong factual basis for the argument that Tharpe's race affected Gattie's vote for a death

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verdict. At the very least, jurists of reason could debate whether Tharpe has shown by clear and convincing evidence that the state court’s factual determination was wrong. The Eleventh Circuit erred when it concluded otherwise.

The question of prejudice—the ground on which the Eleventh Circuit chose to dispose of Tharpe’s application—is not the only question relevant to the broader inquiry whether Tharpe should receive a COA. The District Court denied Tharpe’s Rule 60(b) motion on several grounds not addressed by the Eleventh Circuit. We express no view of those issues here. In light of the standard for relief from judgment under Rule 60(b)(6), which is available only in “‘extraordinary circumstances,’” *Gonzalez v. Crosby*, 545 U. S. 524, 536 (2005), Tharpe faces a high bar in showing that jurists of reason could disagree whether the District Court abused its discretion in denying his motion. It may be that, at the end of the day, Tharpe should not receive a COA. And review of the denial of a COA is certainly not limited to grounds expressly addressed by the court whose decision is under review. But on the unusual facts of this case, the Court of Appeals’ review should not have rested on the ground that it was indisputable among reasonable jurists that Gattie’s service on the jury did not prejudice Tharpe.

We therefore grant Tharpe’s motion to proceed *in forma pauperis*, grant the petition for certiorari, vacate the judgment of the Court of Appeals, and remand the case for further consideration of the question whether Tharpe is entitled to a COA.

It is so ordered.

JUSTICE THOMAS, with whom JUSTICE ALITO and JUSTICE GORSUCH join, dissenting.

If bad facts make bad law, then “unusual facts” inspire unusual decisions. *Ante*, at 35. In its brief *per curiam* opinion, the Court misreads a lower court’s opinion to find an error that is not there, and then refuses to entertain alter-

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native grounds for affirmance. The Court does this to accomplish little more than a do-over in the Court of Appeals: As it concedes, petitioner Keith Tharpe faces a “high bar” on remand to obtain even a certificate of appealability (COA). *Ibid.*

One might wonder why the Court engages in this pointless exercise. The only possible explanation is its concern with the “unusual facts” of this case, specifically a juror affidavit that expresses racist opinions about blacks. The opinions in the affidavit are certainly odious. But their odiousness does not excuse us from doing our job correctly or allow us to pretend that the lower courts have not done theirs.

The responsibility of courts is to decide cases, both usual and unusual, by neutrally applying the law. The law reflects society’s considered judgments about the balance of competing interests, and we must respect those judgments. In bending the rules here to show its concern for a black capital inmate, the Court must think it is showing its concern for racial justice. It is not. Its summary vacatur will not stop Tharpe’s execution or erase the “unusual fac[t]” of the affidavit. It will only delay justice for Jaquelin Freeman, who was also black, who is ignored by the majority, and who was murdered by Tharpe 27 years ago. I respectfully dissent.

I

The Court’s terse opinion tells the reader that this case involves a petitioner, a juror, an affidavit, and a prejudice determination. But it involves much more than that. This case also has a victim, a second affidavit, numerous depositions, factfinding by a state court, and several decisions from federal judges that provide multiple grounds for denying a COA. I will briefly provide this omitted context.

A

Keith Tharpe’s wife, Migrisus, left him in 1990. Despite a no-contact order, Tharpe called her and told her that if she

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wanted to “‘play dirty’” he would show her “‘what dirty was.’” *Tharpe v. Warden*, 834 F. 3d 1323, 1325 (CA11 2016). The next morning, Tharpe ambushed his wife and her sister, Jaquelin Freeman, as they drove to work, pulling his truck in front of their car and forcing them to stop. Tharpe aimed a shotgun at the car and ordered his wife to get into his truck. He then told Freeman that he was going to “‘f— [her] up’” and took her to the rear of his truck. *Ibid.* Tharpe shot Freeman, rolled her body into a ditch, reloaded, and shot her again, killing her. After murdering Freeman, Tharpe kidnaped and raped his wife, leaving Freeman’s body lying in the ditch. Freeman’s husband found her a short time later, while driving their children to school.

A jury convicted Tharpe of malice murder and two counts of aggravated kidnaping. After hearing the evidence, the jury needed less than two hours to return a unanimous sentence of death. As aggravating factors, the jury found that Tharpe murdered Freeman while committing two other capital felonies—the aggravated kidnapings of his wife and Freeman—and that the murder was outrageously or wantonly vile, horrible, or inhuman.

B

More than seven years after his trial, Tharpe’s lawyers interviewed one of his jurors, Barney Gattie. The resulting affidavit stated that Gattie knew Freeman, and that her family was “what [he] would call a nice [b]lack family.” *Tharpe v. Warden*, No. 5:10-cv-433 (MD Ga., Sept. 5, 2017), App. B to Pet. for Cert. 15. The affidavit continued that, in Gattie’s view, “there are two types of black people: 1. Black folks and 2. Niggers.” *Ibid.* Tharpe “wasn’t in the ‘good’ black folks category,” according to the affidavit, and if Freeman had been “the type Tharpe is, then picking between life and death for Tharpe wouldn’t have mattered so much.” *Id.*, at 16. But because Freeman and her family were “good black folks,” the affidavit continued, Gattie thought Tharpe “should get the electric chair for what he did.” *Ibid.* Gattie’s affi-

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davit went on to explain that “[a]fter studying the Bible,” he had “wondered if black people even have souls.” *Ibid.* The affidavit also noted that some of the other jurors “wanted blacks to know they weren’t going to get away with killing each other.” *Ibid.*

A couple of days later, the State obtained another affidavit from Gattie. In that second affidavit, Gattie stated that he “did not vote to impose the death penalty because [Tharpe] was a black man,” but instead because the evidence presented at trial justified it and because Tharpe showed no remorse. Record in No. 5:10-cv-433 (MD Ga., June 21, 2017), Doc. 77-3, p. 2. The affidavit explained that Gattie had consumed “seven or more beers” on the afternoon he signed the first affidavit. *Ibid.* Although he had signed it, he “never swore to [it] nor was [he] ever asked if [the] statement was true and accurate.” *Id.*, at 3. He also attested that many of the statements in the first affidavit “were taken out of context and simply not accurate.” *Ibid.* And he felt that the lawyers who took it “were deceiving and misrepresented what they stood for.” *Id.*, at 5.

A state postconviction court presided over Gattie’s deposition. Gattie again testified that, although he signed the affidavit, he did not swear to its contents. Gattie also testified that when he signed the affidavit he had consumed “[m]aybe a 12 pack, [and] a few drinks of whiskey, over the period of the day.” *Id.*, Doc. 15-8, p. 80. Tharpe’s lawyers did not question Gattie about the contents of his first affidavit at the deposition. They instead spent much of the deposition asking Gattie unrelated questions about race, which the state court ruled irrelevant—like whether he was familiar with Uncle Tom’s Cabin or whether his granddaughter would play with a black doll. The lawyers’ failure to address the contents of Gattie’s first affidavit troubled the state court. Just before it permitted Gattie to leave, the court advised Tharpe’s lawyers that it might “totally discoun[t]” Gattie’s first affidavit, and it again invited them to ask Gattie questions about

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its contents. *Id.*, at 105. Tharpe’s lawyers declined the opportunity.

The state court also heard deposition testimony from 10 of Tharpe’s other jurors and received an affidavit from the 11th. None of the jurors, two of whom were black, corroborated the statements in Gattie’s first affidavit about how some of the jurors had considered race. The 10 jurors who testified all said that race played no role in the jury’s deliberations. The 11th juror did not mention any consideration of race either.

C

Tharpe sought state postconviction relief. One of his claims was that “improper racial animus . . . infected the deliberations of the jury.” *Tharpe v. Warden*, 2017 WL 4250413, *1 (CA11, Sept. 21, 2017).

The state court rejected this claim for two reasons. First, Tharpe could not prove juror misconduct because Georgia law did not allow parties to impeach a jury verdict with post-trial testimony from jurors. *Tharpe v. Warden*, No. 93–cv–144 (Super. Ct. Butts Cty., Ga., Dec. 1, 2008), App. F to Pet. for Cert. 99–101. Second, Tharpe had procedurally defaulted his claim because he had failed to raise it on direct appeal, and he could not establish cause and prejudice to overcome that default. *Id.*, at 102. Tharpe’s allegation of ineffective assistance of counsel was insufficient to establish cause because he had “failed to establish the requisite deficiency or prejudice.” *Ibid.* And Tharpe failed to establish prejudice because the state court credited Gattie’s testimony that he had not relied on race when voting to sentence Tharpe. *Id.*, at 102–103.

D

Tharpe then raised his juror-bias claim in a federal petition for a writ of habeas corpus. The United States District Court for the Middle District of Georgia denied his claim as procedurally defaulted. The District Court acknowledged

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that ineffective assistance of counsel can provide cause to overcome a procedural default, but it explained that Tharpe “fail[ed] to provide any details regarding this allegation.” 2017 WL 4250413, *2. The District Court concluded that Tharpe “ha[d] not established that his counsels’ ineffectiveness constituted cause to overcome the procedural default[t]” and that he “failed to show actual prejudice.” *Ibid.*

Tharpe did not seek a COA on his juror-bias claim. The United States Court of Appeals for the Eleventh Circuit affirmed the District Court’s decision, *Tharpe*, 834 F. 3d 1323, and this Court denied certiorari, *Tharpe v. Sellers*, 582 U. S. 934 (2017).

In June 2017, Tharpe moved to reopen his federal habeas proceedings under Federal Rule of Civil Procedure 60(b). He pointed to this Court’s recent decisions in *Buck v. Davis*, 580 U. S. 100 (2017), and *Pena-Rodriguez v. Colorado*, 580 U. S. 206 (2017), as extraordinary circumstances that entitled him to relief. According to Tharpe, *Buck* established that extraordinary circumstances are present when a defendant was sentenced due to his race and new law provides an opportunity to consider the merits of his previously defaulted, race-based sentencing claim. *Pena-Rodriguez* supplied that new law, Tharpe argued, because it held that a state no-impeachment rule must yield when there is a “clear statement that indicates [a juror] relied on racial stereotypes or animus to convict a criminal defendant.” 580 U. S., at 225.

The District Court denied Tharpe’s motion. It first explained that *Pena-Rodriguez* announced a new procedural rule that does not apply retroactively on federal collateral review. App. B to Pet. for Cert. 6–14. It alternatively deferred to the state court’s finding that Tharpe could not prove cause or prejudice to overcome his procedural default. *Id.*, at 18–21. After the depositions of Gattie and 10 other jurors, the state court credited Gattie’s testimony that he did not vote for death based on race. *Id.*, at 21. The District Court deferred to that credibility determination, and nothing

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in *Pena-Rodriguez* undermined that determination. App. B to Pet. for Cert. 19–21.

The Eleventh Circuit denied a COA. It explained that the District Court had concluded in its first decision that Tharpe failed to prove cause and prejudice. 2017 WL 4250413, *2. The District Court had later rejected Tharpe’s Rule 60(b) motion both because *Pena-Rodriguez* was not retroactively applicable on federal collateral review and because it “presumed the correctness” of the state court’s finding that Tharpe failed to “‘establish cause and prejudice.’” 2017 WL 4250413, *2. The Eleventh Circuit then offered two reasons why Tharpe was not entitled to a COA. First, Tharpe had not “‘made a substantial showing of the denial of a constitutional right.’” *Id.*, at *3 (quoting 28 U.S.C. § 2253(c)(2)). “As the [state court] and the District Court found, Tharpe failed to demonstrate that Barney Gattie’s behavior ‘had substantial and injurious effect or influence in determining the jury’s verdict.’” 2017 WL 4250413, *3 (quoting *Brecht v. Abrahamson*, 507 U.S. 619, 637 (1993)). “Nor,” the Eleventh Circuit continued, “has Tharpe shown that ‘jurists of reason would find it debatable whether the district court was correct in its procedural ruling.’” 2017 WL 4250413, *3 (quoting *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).¹

Shortly before his scheduled execution, Tharpe filed a petition for a writ of certiorari and a stay application with this Court. We issued a stay.

II

To obtain a COA, Tharpe must show “that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right” and “that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Id.*, at 484. The

¹The Eleventh Circuit also held that Tharpe had not exhausted his *Pena-Rodriguez* claim in state court. 2017 WL 4250413, *4.

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Court is not willing to say that Tharpe can satisfy this standard. See *ante*, at 35 (“It may be that, at the end of the day, Tharpe should not receive a COA”). Instead, its opinion makes two moves. First, it “read[s]” the decision below as resting “solely” on Tharpe’s “fail[ure] to show prejudice” to overcome his procedural default. *Ante*, at 34. It does not read the decision as reaching cause, and it declines to consider that or any other alternative reason to affirm the Eleventh Circuit. See *ante*, at 34–35. Second, the Court holds, contrary to the Eleventh Circuit, that jurists of reason could debate whether Tharpe has proved prejudice. See *ante*, at 35. Neither of the Court’s moves is justified.

A

1

The majority misreads the decision below as resting “solely” on prejudice. See *ante*, at 34. The Eleventh Circuit addressed cause as well.

The Eleventh Circuit first held that Tharpe had failed to make a “‘substantial showing of the denial of a constitutional right,’” explaining that he had “failed to demonstrate that . . . Gattie’s behavior ‘had substantial and injurious effect or influence in determining the jury’s verdict.’” 2017 WL 4250413, *3 (quoting *Brecht, supra*, at 637). Then the Eleventh Circuit alternatively held that Tharpe had not “shown that ‘jurists of reason would find it debatable whether the district court was correct in its procedural ruling.’” 2017 WL 4250413, *3 (quoting *Slack, supra*, at 484). The “procedural ruling” of the District Court rested on both cause and prejudice—as the Eleventh Circuit explained earlier in its opinion, quoting the District Court at length. See 2017 WL 4250413, *2. Indeed, neither party suggests that the Eleventh Circuit’s decision did not reach cause, and both parties briefed the issue to this Court. See Brief in Opposition 16–17; Reply Brief 7–8. The Court’s reading of the decision below is untenable.

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Even if its reading were tenable, the Court does not explain why the strong medicine of a summary disposition is warranted here. Summary decisions are “rare” and “usually reserved by this Court for situations in which . . . the decision below is clearly in error.” *Schweiker v. Hansen*, 450 U. S. 785, 791 (1981) (Marshall, J., dissenting). The majority’s reading of the decision below is not the better one, much less the clearly correct one. By adopting the least charitable reading of the Eleventh Circuit’s decision, the majority “disrespects the judges of the courts of appeals, who are appointed and confirmed as we are.” *Wellons v. Hall*, 558 U. S. 220, 228 (2010) (Scalia, J., dissenting). This Court should not “vacate and send back their authorized judgments for inconsequential imperfection of opinion—as though we were schoolmasters grading their homework.” *Ibid.* In fact, “[a]n appropriately self-respecting response to today’s summary vacatur would be summary reissuance of the same opinion,” *ibid.*, with a sentence clarifying that the Eleventh Circuit agrees with the District Court’s decision on cause.

2

Putting aside its misreading of the decision below, the Court inexplicably declines to consider alternative grounds for affirmance. The Court acknowledges that our review “is certainly not limited to grounds expressly addressed by the court whose decision is under review.” *Ante*, at 35. But the Court does not explain why it nonetheless limits itself to the question of prejudice. The Court’s self-imposed limitation is inexcusable given that Tharpe’s collateral challenges to his sentence have lasted 24 years, the Court’s failure to consider alternative grounds has halted an imminent execution, the alternative grounds were reached below, several of them were briefed here, and many of them are obviously correct. In fact, the District Court identified two grounds for denying Tharpe relief that no reasonable jurist could debate.

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First, no reasonable jurist could argue that *Pena-Rodriguez* applies retroactively on collateral review. *Pena-Rodriguez* established a new rule: The opinion states that it is answering a question “left open” by this Court’s earlier precedents. 580 U.S., at 221. A new rule does not apply retroactively unless it is substantive or a “watershed rul[e] of criminal procedure.” *Teague v. Lane*, 489 U.S. 288, 311 (1989) (plurality opinion). Since *Pena-Rodriguez* permits a trial court “to consider [certain] evidence,” 580 U.S., at 225, and does not “alte[r] the range of conduct or the class of persons that the law punishes,” *Schriro v. Summerlin*, 542 U.S. 348, 353 (2004), it cannot be a substantive rule.² And Tharpe does not even attempt to argue that *Pena-Rodriguez* established a watershed rule of criminal procedure—a class of rules that is so “narrow” that it is “unlikely that any has yet to emerge.” *Schriro, supra*, at 352 (quoting *Tyler v. Cain*, 533 U.S. 656, 667, n. 7 (2001); alterations omitted). Nor could he. Not even the right to have a jury decide a defendant’s eligibility for death counts as a watershed rule of criminal procedure. *Schriro, supra*, at 355–358.³

² Moreover, because the state court considered Tharpe’s evidence of racial bias anyway, despite Georgia’s no-impeachment rule, no reasonable jurist could argue that *Pena-Rodriguez* presents an extraordinary circumstance that entitles Tharpe to reopen his judgment under Rule 60(b). He has already received the benefit of the rule announced in *Pena-Rodriguez*.

³ Even if Tharpe could show that *Pena-Rodriguez* is retroactive under *Teague* and could overcome his procedural default, no reasonable jurist could argue that he has stated a valid juror-bias claim on the merits. The state court concluded that his claim failed in the absence of any admissible evidence to support it. See *Tharpe v. Warden*, No. 93-cv-144 (Super. Ct. Butts Cty., Ga., Dec. 1, 2008), App. F to Pet. for Cert. 102. To obtain federal habeas relief, Tharpe must show that this merits decision “was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States.” 28 U.S.C. § 2254(d)(1). Since the state court issued its decision nearly a decade before *Pena-Rodriguez*, no reasonable jurist could argue that the state court’s decision was contrary to clearly established law at “the time

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Second, no reasonable jurist could argue that Tharpe demonstrated cause for his procedural default. The only cause that Tharpe raised in state court was ineffective assistance of counsel. The state court rejected this claim because Tharpe presented only a conclusory allegation to support it. No reasonable jurist could debate that decision. Nor could a reasonable jurist debate the cause argument that Tharpe raises here. In his reply brief in support of certiorari in this Court, Tharpe argues that he did not have to raise his claim of juror bias on direct appeal. Reply Brief 7–8. But Tharpe never raised this argument in state court, so the state court did not err in failing to accept it. Nor did the District Court abuse its discretion in failing to address it, since Tharpe merely mentioned it in a footnote in his reply brief where he was explaining the state court’s decision. And even if Tharpe’s description of Georgia law is correct and relevant in a federal habeas proceeding, he offers no explanation for why he waited seven years after his trial to obtain Gattie’s affidavit. See *Fults v. GDCP Warden*, 764 F. 3d 1311, 1317 (CA11 2014). In short, Tharpe has not offered a viable argument on cause in any court.

B

On the one issue it does address—prejudice—the Court falters again. Its conclusion that reasonable jurists could debate prejudice plows through three levels of deference. First, it ignores the deference that appellate courts must give to trial courts’ findings on questions of juror bias. See *Skilling v. United States*, 561 U. S. 358, 396 (2010) (“In reviewing claims [of juror bias], the deference due to district courts is at its pinnacle: ‘A trial court’s findings of juror impartiality may be overturned only for manifest error’” (quoting *Mu’Min v. Virginia*, 500 U. S. 415, 428 (1991))). Then,

the state court render[ed] its decision.” *Cullen v. Pinholster*, 563 U. S. 170, 182 (2011) (internal quotation marks omitted).

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it ignores the deference that federal habeas courts must give to state courts' factual findings. See 28 U. S. C. § 2254(e)(1). Finally, it ignores the deference that federal appellate courts must give to federal district courts' discretionary decisions under Rule 60(b). See *Browder v. Director, Dept. of Corrections of Ill.*, 434 U. S. 257, 263, n. 7 (1978).

With all this deference, no reasonable jurist could debate the question of prejudice. The state court's finding that Tharpe "failed to show that any alleged racial bias of Mr. Gattie's was the basis for sentencing" him, App. F to Pet. for Cert. 102, was supported by ample evidence. Gattie testified in his second affidavit that he did not impose a death sentence because of Tharpe's race. He also denied having sworn to the first affidavit and explained that he had consumed a substantial amount of alcohol on the day he signed it. Gattie's testimony was consistent with the testimony of the other 10 jurors deposed in front of the trial court, all of whom testified that they did not consider race and that race was not discussed during their deliberations. To be sure, there was some evidence cutting the other way—most notably, Gattie's first affidavit. But the state court heard all of the evidence, saw the witnesses' demeanor, and decided to credit Gattie's testimony that he did not vote for the death penalty because of Tharpe's race. Even if we were reviewing the state court directly, its finding would be entitled to substantial deference. See *Skilling, supra*, at 396.

But we are not reviewing the state court directly. Instead, the relevant question is whether a reasonable jurist could argue that the District Court abused its discretion by concluding that the state court's decision to credit Gattie's testimony has not been rebutted by clear and convincing evidence. Even if "[r]easonable minds reviewing the record might disagree about" the evidence, "on habeas review that does not suffice to supersede the [state] court's credibility determination." *Rice v. Collins*, 546 U. S. 333, 341–342 (2006). And even if we might have made a different call,

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abuse-of-discretion review means we cannot “substitute [our] judgment for that of the district court.” *Horne v. Flores*, 557 U. S. 433, 493 (2009) (BREYER, J., dissenting). Under these standards, no reasonable jurist could argue that Tharpe rebutted the state court’s decision by clear and convincing evidence, much less that the District Court’s deference to the state court’s credibility determination was an abuse of discretion.

III

The Court is cognizant of the weakness of Tharpe’s claims. It openly anticipates that he will not be able to obtain a COA, which makes sense given the insurmountable barriers he faces on remand. Moreover, the Court’s preliminary decision that reasonable jurists could debate prejudice says little about how a court of appeals could ever rule in Tharpe’s favor on the merits of that question, given the multiple levels of deference that apply. At most, then, the Court’s decision merely delays Tharpe’s inevitable execution.

The Court tries to justify its decision “on the unusual facts of this case.” *Ante*, at 35. But there is nothing unusual about deferring to a district court’s decision to defer to a state court’s credibility findings. This case involves a mine-run denial of a COA by a lower court on the eve of an execution, one that this Court routinely denies certiorari to address.

Today’s decision can be explained only by the “unusual fac[t]” of Gattie’s first affidavit. *Ibid.* The Court must be disturbed by the racist rhetoric in that affidavit, and must want to do something about it. But the Court’s decision is no profile in moral courage. By remanding this case to the Court of Appeals for a useless do-over, the Court is not doing Tharpe any favors. And its unusual disposition of his case callously delays justice for Jaquelin Freeman, the black woman who was brutally murdered by Tharpe 27 years ago. Because this Court should not be in the business of ceremonial handwringing, I respectfully dissent.

Syllabus

DISTRICT OF COLUMBIA ET AL. *v.* WESBY ET AL.CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE DISTRICT OF COLUMBIA CIRCUIT

No. 15–1485. Argued October 4, 2017—Decided January 22, 2018

District of Columbia police officers responded to a complaint about loud music and illegal activities in a vacant house. Inside, they found the house nearly barren and in disarray. The officers smelled marijuana and observed beer bottles and cups of liquor on the floor, which was dirty. They found a makeshift strip club in the living room, and a naked woman and several men in an upstairs bedroom. Many partygoers scattered when they saw the uniformed officers, and some hid. The officers questioned everyone and got inconsistent stories. Two women identified “Peaches” as the house’s tenant and said that she had given the partygoers permission to have the party. But Peaches was not there. When the officers spoke by phone to Peaches, she was nervous, agitated, and evasive. At first, she claimed that she was renting the house and had given the partygoers permission to have the party, but she eventually admitted that she did not have permission to use the house. The owner confirmed that he had not given anyone permission to be there. The officers then arrested the partygoers for unlawful entry.

Several partygoers sued for false arrest under the Fourth Amendment and District law. The District Court concluded that the officers lacked probable cause to arrest the partygoers for unlawful entry and that two of the officers, petitioners here, were not entitled to qualified immunity. A divided panel of the D. C. Circuit affirmed.

Held:

1. The officers had probable cause to arrest the partygoers. Pp. 56–62.

(a) Considering the “totality of the circumstances,” *Maryland v. Pringle*, 540 U.S. 366, 371, the officers made an “entirely reasonable inference” that the partygoers knew they did not have permission to be in the house, *id.*, at 372. Taken together, the condition of the house and the conduct of the partygoers allowed the officers to make several “‘common-sense conclusions about human behavior.’” *Illinois v. Gates*, 462 U.S. 213, 231. Because most homeowners do not live in such conditions or permit such activities in their homes, the officers could infer that the partygoers knew the party was not authorized. The officers also could infer that the partygoers knew that they were not supposed

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to be in the house because they scattered and hid when the officers arrived. See *Illinois v. Wardlow*, 528 U. S. 119, 124–125. The partygoers’ vague and implausible answers to questioning also gave the officers reason to infer that the partygoers were lying and that their lies suggested a guilty mind. Cf. *Devenpeck v. Alford*, 543 U. S. 146, 149, 155–156. Peaches’ lying and evasive behavior gave the officers reason to discredit everything she said. The officers also could have inferred that she lied when she said she had invited the partygoers to the house, or that she told the partygoers that she was not actually renting the house. Pp. 57–60.

(b) The panel majority failed to follow two basic and well-established principles of law. First, it viewed each fact “in isolation, rather than as a factor in the totality of the circumstances.” *Pringle, supra*, at 372, n. 2. Second, it believed that it could dismiss outright any circumstances that were “susceptible of innocent explanation,” *United States v. Arvizu*, 534 U. S. 266, 277. Instead, it should have asked whether a reasonable officer could conclude—considering all of the surrounding circumstances, including the plausibility of the explanation itself—that there was a “substantial chance of criminal activity,” *Gates, supra*, at 244, n. 13. Pp. 60–62.

2. The officers are entitled to qualified immunity. Pp. 62–68.

(a) As relevant here, officers are entitled to qualified immunity under 42 U. S. C. § 1983 unless the unlawfulness of their conduct was “clearly established at the time,” *Reichle v. Howards*, 566 U. S. 658, 664. To be clearly established, a legal principle must be “settled law,” *Hunter v. Bryant*, 502 U. S. 224, 228, and it must clearly prohibit the officer’s conduct in the particular circumstances before him, see *Saucier v. Katz*, 533 U. S. 194, 202. In the warrantless arrest context, “a body of relevant case law” is usually necessary to “‘clearly establish’ the answer” with respect to probable cause. *Brosseau v. Haugen*, 543 U. S. 194, 199.

Even assuming that the officers lacked actual probable cause to arrest the partygoers, they are entitled to qualified immunity because, given “the circumstances with which [they] w[ere] confronted,” they “reasonably but mistakenly conclude[d] that probable cause [wa]s present.” *Anderson v. Creighton*, 483 U. S. 635, 640, 641. The panel majority and the partygoers have failed to identify a single precedent finding a Fourth Amendment violation “under similar circumstances.” *White v. Pauly*, 580 U. S. 73, 79. And this is not an “obvious case” where “a body of relevant case law” is unnecessary. *Brosseau, supra*, at 199. Pp. 62–65.

(b) Instead of following this straightforward analysis, the panel majority reasoned that, under clearly established District law, a suspect’s

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bona fide belief of a right to enter vitiates probable cause to arrest for unlawful entry. Thus, it concluded that the “uncontroverted evidence” of an invitation in this case meant that the officers could not infer the partygoers’ intent from other circumstances or disbelieve their story. But looking at the entire legal landscape at the time of the arrests, a reasonable officer could have interpreted the law as permitting the arrests here. There was no controlling case holding that a bona fide belief of a right to enter defeats probable cause, that officers cannot infer a suspect’s guilty state of mind based on his conduct alone, or that officers must accept a suspect’s innocent explanation at face value. And several precedents suggested the opposite. Pp. 65–68.

765 F. 3d 13, reversed and remanded.

THOMAS, J., delivered the opinion of the Court, in which ROBERTS, C. J., and KENNEDY, BREYER, ALITO, KAGAN, and GORSUCH, JJ., joined. SOTOMAYOR, J., filed an opinion concurring in part and concurring in the judgment, *post*, p. 68. GINSBURG, J., filed an opinion concurring in the judgment in part, *post*, p. 69.

Todd S. Kim, Solicitor General of the District of Columbia, argued the cause for petitioners. With him on the briefs were *Karl A. Racine*, Attorney General, *Loren L. Alikhan*, Deputy Solicitor General, and *Carl J. Schifferle*, Assistant Attorney General.

Robert A. Parker argued the cause for the United States as *amicus curiae* urging reversal. With him on the brief were *Acting Solicitor General Wall*, *Acting Assistant Attorney General Readler*, *Deputy Solicitor General Dreeben*, *Rachel P. Kovner*, *Douglas N. Letter*, *Barbara L. Herwig*, *H. Thomas Byron III*, and *Dana Kaersvang*.

Nathaniel P. Garrett argued the cause for respondents. With him on the brief were *Charlotte H. Taylor* and *Julia Fong Sheketoff*.*

*Briefs of *amici curiae* urging reversal were filed for the State of Utah et al. by *Sean D. Reyes*, Attorney General of Utah, *Tyler R. Green*, Solicitor General, and *Kyle J. Kaiser* and *Meb W. Anderson*, Assistant Attorneys General, and by the Attorneys General for their respective jurisdictions as follows: *Steven T. Marshall* of Alabama, *Leslie Rutledge* of Arkansas, *Douglas S. Chin* of Hawaii, *Lisa Madigan* of Illinois, *Curtis T. Hill, Jr.*, of Indiana, *Derek Schmidt* of Kansas, *Andy Beshear* of Kentucky, *Jeff*

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JUSTICE THOMAS delivered the opinion of the Court.

This case involves a civil suit against the District of Columbia and five of its police officers, brought by 16 individuals who were arrested for holding a raucous, late-night party in a house they did not have permission to enter. The United States Court of Appeals for the District of Columbia Circuit held that there was no probable cause to arrest the partygoers, and that the officers were not entitled to qualified immunity. We reverse on both grounds.

I

Around 1 a.m. on March 16, 2008, the District’s Metropolitan Police Department received a complaint about loud music and illegal activities at a house in Northeast D. C. The caller, a former neighborhood commissioner, told police that the house had been vacant for several months. When officers arrived at the scene, several neighbors confirmed that the house should have been empty. The officers approached the house and, consistent with the complaint, heard loud music playing inside.

After the officers knocked on the front door, they saw a man look out the window and then run upstairs. One of the partygoers opened the door, and the officers entered. They immediately observed that the inside of the house “‘was in disarray’” and looked like “‘a vacant property.’” 841

Landry of Louisiana, *Brian E. Frosh* of Maryland, *Bill Schuette* of Michigan, *Jim Hood* of Mississippi, *Doug Peterson* of Nebraska, *Adam Paul Laxalt* of Nevada, *Gordon J. MacDonald* of New Hampshire, *Christopher S. Porrino* of New Jersey, *Michael DeWine* of Ohio, *Mike Hunter* of Oklahoma, *Ellen F. Rosenblum* of Oregon, *Josh Shapiro* of Pennsylvania, *Peter F. Kilmartin* of Rhode Island, *Alan Wilson* of South Carolina, *Herbert H. Slatery III* of Tennessee, *Ken Paxton* of Texas, *Patrick Morrissey* of West Virginia, and *Brad D. Schimel* of Wisconsin; and for the National Association of Counties et al. by *John J. Korzen* and *Lisa Soronen*.

Andrew J. Pincus, *Eugene R. Fidell*, *Cecillia D. Wang*, *Ezekiel R. Edwards*, *Arthur B. Spitzer*, and *Scott Michelman* filed a brief for the American Civil Liberties Union et al. as *amici curiae* urging affirmance.

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F. Supp. 2d 20, 31 (DC 2012) (quoting Defs. Exh. A). The officers smelled marijuana and saw beer bottles and cups of liquor on the floor. In fact, the floor was so dirty that one of the partygoers refused to sit on it while being questioned. Although the house had working electricity and plumbing, it had no furniture downstairs other than a few padded metal chairs. The only other signs of habitation were blinds on the windows, food in the refrigerator, and toiletries in the bathroom.

In the living room, the officers found a makeshift strip club. Several women were wearing only bras and thongs, with cash tucked into their garter belts. The women were giving lap dances while other partygoers watched. Most of the onlookers were holding cash and cups of alcohol. After seeing the uniformed officers, many partygoers scattered into other parts of the house.

The officers found more debauchery upstairs. A naked woman and several men were in the bedroom. A bare mattress—the only one in the house—was on the floor, along with some lit candles and multiple open condom wrappers. A used condom was on the windowsill. The officers found one partygoer hiding in an upstairs closet, and another who had shut himself in the bathroom and refused to come out.

The officers found a total of 21 people in the house. After interviewing all 21, the officers did not get a clear or consistent story. Many partygoers said they were there for a bachelor party, but no one could identify the bachelor. Each of the partygoers claimed that someone had invited them to the house, but no one could say who. Two of the women working the party said that a woman named “Peaches” or “Tasty” was renting the house and had given them permission to be there. One of the women explained that the previous owner had recently passed away, and Peaches had just started renting the house from the grandson who inherited it. But the house had no boxes or moving supplies. She did not know Peaches’ real name. And Peaches was not there.

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An officer asked the woman to call Peaches on her phone so he could talk to her. Peaches answered and explained that she had just left the party to go to the store. When the officer asked her to return, Peaches refused because she was afraid of being arrested. The sergeant supervising the investigation also spoke with Peaches. At first, Peaches claimed to be renting the house from the owner, who was fixing it up for her. She also said that she had given the attendees permission to have the party. When the sergeant again asked her who had given her permission to use the house, Peaches became evasive and hung up. The sergeant called her back, and she began yelling and insisting that she had permission before hanging up a second time. The officers eventually got Peaches on the phone again, and she admitted that she did not have permission to use the house.

The officers then contacted the owner. He told them that he had been trying to negotiate a lease with Peaches, but they had not reached an agreement. He confirmed that he had not given Peaches (or anyone else) permission to be in the house—let alone permission to use it for a bachelor party. At that point, the officers arrested the 21 partygoers for unlawful entry. See D. C. Code § 22–3302 (2008). The police transported the partygoers to the police station, where the lieutenant decided to charge them with disorderly conduct. See § 22–1321. The partygoers were released, and the charges were eventually dropped.¹

¹ In their merits brief, the partygoers attempt to dispute several of these facts. See Brief for Respondents 26–30. But the facts they now contest were presented in the petition for a writ of certiorari, and the partygoers did not contest them in their brief in opposition. Under this Court’s Rule 15.2, the partygoers’ failure to contest these factual assertions at the certiorari stage waived their right to do so at the merits stage. See *Carciere v. Salazar*, 555 U. S. 379, 395–396 (2009).

Furthermore, although both parties moved for summary judgment, the undisputed facts here are sufficient to resolve both probable cause and qualified immunity. Our analysis thus would not change no matter which party is considered the moving party. Cf. *Scott v. Harris*, 550 U. S. 372,

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II

Respondents, 16 of the 21 partygoers, sued the District and five of the arresting officers. They sued the officers for false arrest under the Fourth Amendment, Rev. Stat. § 1979, 42 U.S.C. § 1983, and under District law. They sued the District for false arrest and negligent supervision under District law. The partygoers' claims were all "predicated upon the allegation that [they] were arrested without probable cause." 841 F. Supp. 2d, at 32.

On cross-motions for summary judgment, the District Court awarded partial summary judgment to the partygoers. *Id.*, at 48–49. It concluded that the officers lacked probable cause to arrest the partygoers for unlawful entry.² *Id.*, at 32–33. The officers were told that Peaches had invited the partygoers to the house, the District Court reasoned, and nothing the officers learned in their investigation suggested the partygoers "knew or should have known that [they were] entering against the [owner's] will." *Id.*, at 32. The District Court also concluded that the officers were not entitled to qualified immunity under § 1983.³ It noted that, under District case law, "probable cause to arrest for unlawful entry requires evidence that the alleged intruder knew or should have known, upon entry, that such entry was

378–379 (2007) (explaining that, at summary judgment, courts must view the facts and draw reasonable inferences in favor of the nonmoving party).

²Because probable cause is an objective standard, an arrest is lawful if the officer had probable cause to arrest for any offense, not just the offense cited at the time of arrest or booking. See *Devenpeck v. Alford*, 543 U.S. 146, 153–155, and n. 2 (2004). Because unlawful entry is the only offense that the District and its officers discuss in their briefs to this Court, we likewise limit our analysis to that offense.

³The District Court granted summary judgment against two of the officers, but denied summary judgment against the other three because there were triable issues regarding qualified immunity. See 841 F. Supp. 2d 20, 32–46 (DC 2012). The partygoers voluntarily dismissed their claims against those three officers. See 765 F. 3d 13, 17 (CADDC 2014).

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against the will of the owner.” *Id.*, at 37. And in its view, the officers had no such evidence. *Id.*, at 32–33, 37–38.

With liability resolved, the case proceeded to trial on damages. The jury awarded the partygoers a total of \$680,000 in compensatory damages. After the District Court awarded attorney’s fees, the total award was nearly \$1 million.

On appeal, a divided panel of the D. C. Circuit affirmed. On the question of probable cause, the panel majority made Peaches’ invitation “central” to its determination that the officers lacked probable cause to arrest the partygoers for unlawful entry. 765 F. 3d 13, 21 (2014). The panel majority asserted that, “in the absence of any conflicting information, Peaches’ invitation vitiates the necessary element of [the partygoers’] intent to enter against the will of the lawful owner.” *Ibid.* And the panel majority determined that “there is simply no evidence in the record that [the partygoers] had any reason to think the invitation was invalid.” *Ibid.*

On the question of qualified immunity, the panel majority determined that it was “perfectly clear” that a person with “a good purpose and bona fide belief of her right to enter” lacks the necessary intent for unlawful entry. *Id.*, at 27. In other words, the officers needed “some evidence” that the partygoers “knew or should have known that they were entering against the will of the lawful owner.” *Ibid.* And here, the panel majority asserted, the officers must “have known that uncontroverted evidence of an invitation to enter the premises would vitiate probable cause for unlawful entry.” *Ibid.*

Judge Brown dissented. She concluded that summary judgment on the false-arrest claims was improper because, under the totality of the circumstances, a reasonable officer “could disbelieve [the partygoers’] claim of innocent entry” and infer that they knew or should have known that they did not have permission to be in the house. *Id.*, at 34. She also

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disagreed with the denial of qualified immunity, contending that a reasonable officer could have found probable cause to arrest in this “unusual factual scenario, not well represented in the controlling case law.” *Id.*, at 36.

The D. C. Circuit denied rehearing en banc over the dissent of four judges. The dissenters focused on qualified immunity, contending that the panel opinion “contravened . . . emphatic Supreme Court directives” that “police officers may not be held liable for damages unless the officers were ‘plainly incompetent’ or ‘knowingly violate[d]’ clearly established law.” 816 F. 3d 96, 102 (2016) (quoting *Carroll v. Carman*, 574 U. S. 13, 17 (2014) (*per curiam*)). The panel majority—Judges Pillard and Edwards—responded in a joint concurrence. 816 F. 3d, at 96–101. They insisted that the panel opinion did not misapply the law of qualified immunity, and that their disagreement with the dissenters was a mere “case-specific assessment of the circumstantial evidence in the record.” *Id.*, at 100.

We granted certiorari to resolve two questions: whether the officers had probable cause to arrest the partygoers, and whether the officers were entitled to qualified immunity. See 580 U. S. 1097 (2017). We address each question in turn.

III

The Fourth Amendment protects “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” Because arrests are “seizures” of “persons,” they must be reasonable under the circumstances. See *Payton v. New York*, 445 U. S. 573, 585 (1980). A warrantless arrest is reasonable if the officer has probable cause to believe that the suspect committed a crime in the officer’s presence. *Atwater v. Lago Vista*, 532 U. S. 318, 354 (2001).

To determine whether an officer had probable cause for an arrest, “we examine the events leading up to the arrest, and then decide ‘whether these historical facts, viewed from the

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standpoint of an objectively reasonable police officer, amount to 'probable cause.'" *Maryland v. Pringle*, 540 U. S. 366, 371 (2003) (quoting *Ornelas v. United States*, 517 U. S. 690, 696 (1996)). Because probable cause "deals with probabilities and depends on the totality of the circumstances," 540 U. S., at 371, it is "a fluid concept" that is "not readily, or even usefully, reduced to a neat set of legal rules," *Illinois v. Gates*, 462 U. S. 213, 232 (1983). It "requires only a probability or substantial chance of criminal activity, not an actual showing of such activity." *Id.*, at 243–244, n. 13. Probable cause "is not a high bar." *Kaley v. United States*, 571 U. S. 320, 338 (2014).

A

There is no dispute that the partygoers entered the house against the will of the owner. Nonetheless, the partygoers contend that the officers lacked probable cause to arrest them because the officers had no reason to believe that they "knew or should have known" their "entry was unwanted." *Ortberg v. United States*, 81 A. 3d 303, 308 (D. C. 2013). We disagree. Considering the totality of the circumstances, the officers made an "entirely reasonable inference" that the partygoers were knowingly taking advantage of a vacant house as a venue for their late-night party. *Pringle, supra*, at 372.

Consider first the condition of the house. Multiple neighbors, including a former neighborhood official, informed the officers that the house had been vacant for several months.⁴ The house had no furniture, except for a few padded metal chairs and a bare mattress. The rest of the house was empty, save for some fixtures and large appliances. The house had a few signs of inhabitation—working electricity and plumbing, blinds on the windows, toiletries in the bathroom, and food in the refrigerator. But those facts are not

⁴At oral argument, the partygoers argued that the house was not formally "vacant" under District law. Tr. of Oral Arg. 34. But a reasonable officer could infer that the complaining neighbors used the term "vacant" in the colloquial, not the legal, sense.

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necessarily inconsistent with the house being unoccupied. The owner could have paid the utilities and kept the blinds while he looked for a new tenant, and the partygoers could have brought the food and toiletries. Although one woman told the officers that Peaches had recently moved in, the officers had reason to doubt that was true. There were no boxes or other moving supplies in the house; nor were there other possessions, such as clothes in the closet, suggesting someone lived there.

In addition to the condition of the house, consider the partygoers' conduct. The party was still going strong when the officers arrived after 1 a.m., with music so loud that it could be heard from outside. Upon entering the house, multiple officers smelled marijuana.⁵ The partygoers left beer bottles and cups of liquor on the floor, and they left the floor so dirty that one of them refused to sit on it. The living room had been converted into a makeshift strip club. Strippers in bras and thongs, with cash stuffed in their garter belts, were giving lap dances. Upstairs, the officers found a group of men with a single, naked woman on a bare mattress—the only bed in the house—along with multiple open condom wrappers and a used condom.

Taken together, the condition of the house and the conduct of the partygoers allowed the officers to make several “‘common-sense conclusions about human behavior.’” *Gates, supra*, at 231 (quoting *United States v. Cortez*, 449 U. S. 411, 418 (1981)). Most homeowners do not live in near-

⁵The panel majority dismissed this fact because the officers “did not see any evidence of drugs” and did “not attempt to justify [the] arrests” based on drug use. 765 F. 3d, at 23, n. 5. But a reasonable officer could infer, based on the smell, that marijuana had been used in the house. See *Johnson v. United States*, 333 U. S. 10, 13 (1948) (noting that “the odor” of narcotics can “be evidence of most persuasive character”). And the officers could consider the drug use inside the house as evidence that the partygoers knew their presence was unwelcome.

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barren houses. And most homeowners do not invite people over to use their living room as a strip club, to have sex in their bedroom, to smoke marijuana inside, and to leave their floors filthy. The officers could thus infer that the partygoers knew their party was not authorized.

The partygoers' reaction to the officers gave them further reason to believe that the partygoers knew they lacked permission to be in the house. Many scattered at the sight of the uniformed officers. Two hid themselves, one in a closet and the other in a bathroom. "[U]nprovoked flight upon noticing the police," we have explained, "is certainly suggestive" of wrongdoing and can be treated as "suspicious behavior" that factors into the totality of the circumstances. *Illinois v. Wardlow*, 528 U. S. 119, 124–125 (2000). In fact, "deliberately furtive actions and flight at the approach of . . . law officers are *strong* indicia of *mens rea*." *Sibron v. New York*, 392 U. S. 40, 66 (1968) (emphasis added). A reasonable officer could infer that the partygoers' scattering and hiding was an indication that they knew they were not supposed to be there.

The partygoers' answers to the officers' questions also suggested their guilty state of mind. When the officers asked who had given them permission to be there, the partygoers gave vague and implausible responses. They could not say who had invited them. Only two people claimed that Peaches had invited them, and they were working the party instead of attending it. If Peaches was the hostess, it was odd that none of the partygoers mentioned her name. Additionally, some of the partygoers claimed the event was a bachelor party, but no one could identify the bachelor. The officers could have disbelieved them, since people normally do not throw a bachelor party without a bachelor. Based on the vagueness and implausibility of the partygoers' stories, the officers could have reasonably inferred that they were lying and that their lies suggested a guilty mind. Cf. *De-*

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venpeck v. Alford, 543 U. S. 146, 149, 155–156 (2004) (noting that the suspect’s “untruthful and evasive” answers to police questioning could support probable cause).

The panel majority relied heavily on the fact that Peaches said she had invited the partygoers to the house. But when the officers spoke with Peaches, she was nervous, agitated, and evasive. Cf. *Wardlow*, *supra*, at 124 (explaining that the police can take a suspect’s “nervous, evasive behavior” into account). After initially insisting that she had permission to use the house, she ultimately confessed that this was a lie—a fact that the owner confirmed. Peaches’ lying and evasive behavior gave the officers reason to discredit everything she had told them. For example, the officers could have inferred that Peaches lied to them when she said she had invited the others to the house, which was consistent with the fact that hardly anyone at the party knew her name. Or the officers could have inferred that Peaches told the partygoers (like she eventually told the police) that she was not actually renting the house, which was consistent with how the partygoers were treating it.

Viewing these circumstances as a whole, a reasonable officer could conclude that there was probable cause to believe the partygoers knew they did not have permission to be in the house.

B

In concluding otherwise, the panel majority engaged in an “excessively technical dissection” of the factors supporting probable cause. *Gates*, 462 U. S., at 234. Indeed, the panel majority failed to follow two basic and well-established principles of law.

First, the panel majority viewed each fact “in isolation, rather than as a factor in the totality of the circumstances.” *Pringle*, 540 U. S., at 372, n. 2. This was “mistaken in light of our precedents.” *Ibid.* The “totality of the circumstances” requires courts to consider “the whole picture.” *Cortez*, 449 U. S., at 417. Our precedents recognize that the

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whole is often greater than the sum of its parts—especially when the parts are viewed in isolation. See *United States v. Arvizu*, 534 U. S. 266, 277–278 (2002). Instead of considering the facts as a whole, the panel majority took them one by one. For example, it dismissed the fact that the partygoers “scattered or hid when the police entered the house” because that fact was “not sufficient *standing alone* to create probable cause.” 765 F. 3d, at 23 (emphasis added). Similarly, it found “nothing in the record suggesting that the condition of the house, *on its own*, should have alerted the [partygoers] that they were unwelcome.” *Ibid.* (emphasis added). The totality-of-the-circumstances test “precludes this sort of divide-and-conquer analysis.” *Arvizu*, 534 U. S., at 274.

Second, the panel majority mistakenly believed that it could dismiss outright any circumstances that were “susceptible of innocent explanation.” *Id.*, at 277. For example, the panel majority brushed aside the drinking and the lap dances as “consistent with” the partygoers’ explanation that they were having a bachelor party. 765 F. 3d, at 23. And it similarly dismissed the condition of the house as “entirely consistent with” Peaches being a “new tenant.” *Ibid.* But probable cause does not require officers to rule out a suspect’s innocent explanation for suspicious facts. As we have explained, “the relevant inquiry is not whether particular conduct is ‘innocent’ or ‘guilty,’ but the degree of suspicion that attaches to particular types of noncriminal acts.” *Gates*, 462 U. S., at 244, n. 13. Thus, the panel majority should have asked whether a reasonable officer could conclude—considering all of the surrounding circumstances, including the plausibility of the explanation itself—that there was a “substantial chance of criminal activity.” *Ibid.*

The circumstances here certainly suggested criminal activity. As explained, the officers found a group of people who claimed to be having a bachelor party with no bachelor, in a near-empty house, with strippers in the living room and sexual activity in the bedroom, and who fled at the first sign

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of police. The panel majority identified innocent explanations for most of these circumstances in isolation, but again, this kind of divide-and-conquer approach is improper. A factor viewed in isolation is often more “readily susceptible to an innocent explanation” than one viewed as part of a totality. *Arvizu, supra*, at 274. And here, the totality of the circumstances gave the officers plenty of reasons to doubt the partygoers’ protestations of innocence.

For all of these reasons, we reverse the D. C. Circuit’s holding that the officers lacked probable cause to arrest. Accordingly, the District and its officers are entitled to summary judgment on all of the partygoers’ claims.⁶

IV

Our conclusion that the officers had probable cause to arrest the partygoers is sufficient to resolve this case. But where, as here, the Court of Appeals erred on both the merits of the constitutional claim and the question of qualified immunity, “we have discretion to correct its errors at each step.” *Ashcroft v. al-Kidd*, 563 U.S. 731, 735 (2011); see, e.g., *Plumhoff v. Rickard*, 572 U.S. 765 (2014). We exercise that discretion here because the D. C. Circuit’s analysis, if followed elsewhere, would “undermine the values qualified immunity seeks to promote.” *al-Kidd, supra*, at 735.⁷

A

Under our precedents, officers are entitled to qualified immunity under § 1983 unless (1) they violated a federal statu-

⁶The partygoers do not contest that the presence of probable cause defeats all of their claims.

⁷We continue to stress that lower courts “should think hard, and then think hard again,” before addressing both qualified immunity and the merits of an underlying constitutional claim. *Camreta v. Greene*, 563 U.S. 692, 707 (2011). We addressed the merits of probable cause here, however, because a decision on qualified immunity alone would not have resolved all of the claims in this case.

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tory or constitutional right, and (2) the unlawfulness of their conduct was “clearly established at the time.” *Reichle v. Howards*, 566 U. S. 658, 664 (2012). “Clearly established” means that, at the time of the officer’s conduct, the law was “‘sufficiently clear’ that every ‘reasonable official would understand that what he is doing’” is unlawful. *al-Kidd, supra*, at 741 (quoting *Anderson v. Creighton*, 483 U. S. 635, 640 (1987)). In other words, existing law must have placed the constitutionality of the officer’s conduct “beyond debate.” *al-Kidd, supra*, at 741. This demanding standard protects “all but the plainly incompetent or those who knowingly violate the law.” *Malley v. Briggs*, 475 U. S. 335, 341 (1986).

To be clearly established, a legal principle must have a sufficiently clear foundation in then-existing precedent. The rule must be “settled law,” *Hunter v. Bryant*, 502 U. S. 224, 228 (1991) (*per curiam*), which means it is dictated by “controlling authority” or “a robust ‘consensus of cases of persuasive authority,’” *al-Kidd, supra*, at 741–742 (quoting *Wilson v. Layne*, 526 U. S. 603, 617 (1999)). It is not enough that the rule is suggested by then-existing precedent. The precedent must be clear enough that every reasonable official would interpret it to establish the particular rule the plaintiff seeks to apply. See *Reichle*, 566 U. S., at 666. Otherwise, the rule is not one that “every reasonable official” would know. *Id.*, at 664 (internal quotation marks omitted).

The “clearly established” standard also requires that the legal principle clearly prohibit the officer’s conduct in the particular circumstances before him. The rule’s contours must be so well defined that it is “clear to a reasonable officer that his conduct was unlawful in the situation he confronted.” *Saucier v. Katz*, 533 U. S. 194, 202 (2001). This requires a high “degree of specificity.” *Mullenix v. Luna*, 577 U. S. 7, 13 (2015) (*per curiam*). We have repeatedly stressed that courts must not “define clearly established law at a high level of generality, since doing so avoids the crucial question whether the official acted reasonably in the particular cir-

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cumstances that he or she faced.” *Plumhoff, supra*, at 779 (internal quotation marks and citation omitted). A rule is too general if the unlawfulness of the officer’s conduct “does not follow immediately from the conclusion that [the rule] was firmly established.” *Anderson, supra*, at 641. In the context of a warrantless arrest, the rule must obviously resolve “whether ‘the circumstances with which [the particular officer] was confronted . . . constitute[d] probable cause.’” *Mullenix, supra*, at 13 (quoting *Anderson, supra*, at 640–641; some alterations in original).

We have stressed that the “specificity” of the rule is “especially important in the Fourth Amendment context.” *Mullenix, supra*, at 12. Probable cause “turn[s] on the assessment of probabilities in particular factual contexts” and cannot be “reduced to a neat set of legal rules.” *Gates*, 462 U. S., at 232. It is “incapable of precise definition or quantification into percentages.” *Pringle*, 540 U. S., at 371. Given its imprecise nature, officers will often find it difficult to know how the general standard of probable cause applies in “the precise situation encountered.” *Ziglar v. Abbasi*, 582 U. S. 120, 151 (2017). Thus, we have stressed the need to “identify a case where an officer acting under similar circumstances . . . was held to have violated the Fourth Amendment.” *White v. Pauly*, 580 U. S. 73, 79 (2017) (*per curiam*); *e. g.*, *Plumhoff, supra*, at 778–779. While there does not have to be “a case directly on point,” existing precedent must place the lawfulness of the particular arrest “beyond debate.” *al-Kidd, supra*, at 741. Of course, there can be the rare “obvious case,” where the unlawfulness of the officer’s conduct is sufficiently clear even though existing precedent does not address similar circumstances. *Brosseau v. Haugen*, 543 U. S. 194, 199 (2004) (*per curiam*). But “a body of relevant case law” is usually necessary to “‘clearly establish’ the answer” with respect to probable cause. *Ibid.*

Under these principles, we readily conclude that the officers here were entitled to qualified immunity. We start by

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defining “the circumstances with which [the officers] w[ere] confronted.” *Anderson*, 483 U. S., at 640. The officers found a group of people in a house that the neighbors had identified as vacant, that appeared to be vacant, and that the partygoers were treating as vacant. The group scattered, and some hid, at the sight of law enforcement. Their explanations for being at the house were full of holes. The source of their claimed invitation admitted that she had no right to be in the house, and the owner confirmed that fact.

Even assuming the officers lacked actual probable cause to arrest the partygoers, the officers are entitled to qualified immunity because they “reasonably but mistakenly conclude[d] that probable cause [wa]s present.” *Id.*, at 641. Tellingly, neither the panel majority nor the partygoers have identified a single precedent—much less a controlling case or robust consensus of cases—finding a Fourth Amendment violation “under similar circumstances.” *Pauly, supra*, at 79. And it should go without saying that this is not an “obvious case” where “a body of relevant case law” is not needed. *Brosseau, supra*, at 199. The officers were thus entitled to qualified immunity.

B

The panel majority did not follow this straightforward analysis. It instead reasoned that, under clearly established District law, a suspect’s “good purpose and bona fide belief of her right to enter” vitiates probable cause to arrest her for unlawful entry. 765 F. 3d, at 26–27. The panel majority then concluded—in a two-sentence paragraph without any explanation—that the officers must have known that “uncontroverted evidence of an invitation to enter the premises would vitiate probable cause for unlawful entry.” *Id.*, at 27. By treating the invitation as “uncontroverted evidence,” the panel majority assumed that the officers could not infer the partygoers’ intent from other circumstances. And by treating the invitation as if it automatically vitiated probable

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cause, the panel majority assumed that the officers could not disbelieve the partygoers' story.

The rule applied by the panel majority was not clearly established because it was not "settled law." *Hunter*, 502 U. S., at 228. The panel majority relied on a single decision, *Smith v. United States*, 281 A. 2d 438 (D. C. 1971).⁸ The defendant in *Smith*, who was found trespassing in a locked construction site near midnight, asserted that he was entitled to a jury instruction explaining that a bona fide belief of a right to enter is a complete defense to unlawful entry. *Id.*, at 439–440. The D. C. Court of Appeals affirmed the trial court's refusal to give the instruction because the defendant had not established a "reasonable basis" for his alleged bona fide belief. *Ibid.* *Smith* does not say anything about whether the officers here could infer from all the evidence that the partygoers knew that they were trespassing.

Nor would it have been clear to every reasonable officer that, in these circumstances, the partygoers' bona fide belief that they were invited to the house was "uncontroverted." The officers knew that the partygoers had entered the home against the will of the owner. And District case law suggested that officers can infer a suspect's guilty state of mind based solely on his conduct.⁹ In *Tillman v. Washington*

⁸We have not yet decided what precedents—other than our own—qualify as controlling authority for purposes of qualified immunity. See, e. g., *Reichle v. Howards*, 566 U. S. 658, 665–666 (2012) (reserving the question whether court of appeals decisions can be "a dispositive source of clearly established law"). We express no view on that question here. Relatedly, our citation to and discussion of various lower court precedents should not be construed as agreeing or disagreeing with them, or endorsing a particular reading of them. See *City and County of San Francisco v. Sheehan*, 575 U. S. 600, 615, n. 4 (2015). Instead, we address only how a reasonable official "could have interpreted" them. *Reichle*, *supra*, at 667.

⁹The officers cited many of these authorities in their opening brief to the Court of Appeals. See Brief for Appellants in No. 12–7127 (CADDC), pp. 28–29. Yet the panel majority failed to mention any of them in its analysis of qualified immunity.

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Metropolitan Area Transit Authority, 695 A. 2d 94 (D. C. 1997), for example, the D. C. Court of Appeals held that officers had probable cause to believe the plaintiff knowingly entered the paid area of a subway station without paying. *Id.*, at 96. The court rejected the argument that “the officers had no reason to believe that [the suspect] was ‘knowingly’ in the paid area” because the officers “reasonably could have inferred from [the suspect’s] undisputed conduct that he had the intent required.” *Ibid.* The court emphasized that officers can rely on “the ordinary and reasonable inference that people know what they are doing when they act.” *Ibid.* The court also noted that “it would be an unusual case where the circumstances, while undoubtedly proving an unlawful act, nonetheless demonstrated so clearly that the suspect lacked the required intent that the police would not even have probable cause for an arrest.” *Ibid.* And the fact that a case is unusual, we have held, is “an important indication . . . that [the officer’s] conduct did not violate a ‘clearly established’ right.” *Pauly*, 580 U. S., at 80.

Moreover, existing precedent would have given the officers reason to doubt that they had to accept the partygoers’ assertion of a bona fide belief. The D. C. Court of Appeals has held that officers are not required to take a suspect’s innocent explanation at face value. See, e.g., *Nichols v. Woodward & Lothrop, Inc.*, 322 A. 2d 283, 286 (1974) (holding that an officer was not “obliged to believe the explanation of a suspected shoplifter”). Similar precedent exists in the Federal Courts of Appeals, which have recognized that officers are free to disregard either all innocent explanations,¹⁰

¹⁰See, e.g., *Borgman v. Kedley*, 646 F. 3d 518, 524 (CA8 2011) (“[An officer] need not rely on an explanation given by the suspect”); *Cox v. Hainey*, 391 F. 3d 25, 32, n. 2 (CA1 2004) (“A reasonable police officer is not required to credit a suspect’s story”); *Marx v. Gumbinner*, 905 F. 2d 1503, 1507, n. 6 (CA11 1990) (“[Officers a]re not required to forego arresting [a suspect] based on initially discovered facts showing probable cause simply because [the suspect] offered a different explanation”); *Criss*

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or at least innocent explanations that are inherently or circumstantially implausible.¹¹ These cases suggest that innocent explanations—even uncontradicted ones—do not have any automatic, probable-cause-vitiating effect.

For these reasons, a reasonable officer, looking at the entire legal landscape at the time of the arrests, could have interpreted the law as permitting the arrests here. There was no controlling case holding that a bona fide belief of a right to enter defeats probable cause, that officers cannot infer a suspect’s guilty state of mind based on his conduct alone, or that officers must accept a suspect’s innocent explanation at face value. Indeed, several precedents suggested the opposite. The officers were thus entitled to summary judgment based on qualified immunity.

* * *

The judgment of the D. C. Circuit is therefore reversed, and the case is remanded for further proceedings consistent with this opinion.

It is so ordered.

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

I agree with the majority that the officers here are entitled to qualified immunity and, for that reason alone, I concur in

v. Kent, 867 F. 2d 259, 263 (CA6 1988) (“A policeman . . . is under no obligation to give any credence to a suspect’s story . . .”).

¹¹ See, e. g., *Ramirez v. Buena Park*, 560 F. 3d 1012, 1024 (CA9 2009) (holding that “innocent explanations for [a suspect’s] odd behavior cannot eliminate the suspicious facts” and that “law enforcement officers do not have to rule out the possibility of innocent behavior” (internal quotation marks omitted)); *United States v. Edwards*, 632 F. 3d 633, 640 (CA10 2001) (holding that probable cause existed where the suspect “offered only implausible, inconsistent explanations of how he came into possession of the money”); *Bradway v. Gonzales*, 26 F. 3d 313, 321 (CA2 1994) (holding that “[a] reasonable officer who found the [stolen items], and who heard [the suspect’s] implausible explanation for possessing them, would have believed that probable cause existed”).

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the Court's judgment reversing the judgment of the Court of Appeals for the District of Columbia. But I disagree with the majority's decision to reach the merits of the probable-cause question, which it does apparently only to ensure that, in addition to respondents' 42 U. S. C. § 1983 claims, the Court's decision will resolve respondents' state-law claims of false arrest and negligent supervision. See *ante*, at 62, n. 7. It is possible that our qualified-immunity decision alone will resolve those claims. See Reply Brief 20, n. 7. In light of the lack of a dispute on an important legal question and the heavily factbound nature of the probable-cause determination here, I do not think that the Court should have reached that issue. The lower courts are well equipped to handle the remaining state-law claims in the first instance.

JUSTICE GINSBURG, concurring in the judgment in part.

This case, well described in the opinion of the Court of Appeals,* leads me to question whether this Court, in assessing probable cause, should continue to ignore why police in fact acted. See *ante*, at 54, n. 2. No arrests of plaintiffs-respondents were made until Sergeant Suber so instructed. His instruction, when conveyed to the officers he superintended, was based on an error of law. Sergeant Suber believed that the absence of the premises owner's consent, an uncontested fact in this case, sufficed to justify arrest of the partygoers for unlawful entry. See App. 60 (Suber deposition) (officers had probable cause to arrest because "Peaches did not have the right, nor did the [partygoers] have the right[,] to be inside that location"). An essential element of unlawful entry in the District of Columbia is that the defendant "knew or should have known that his entry was unwanted." *Ortberg v. United States*, 81 A. 3d 303, 308 (D. C.

*The Court's account of the undisputed facts goes beyond those recited by the Court of Appeals. Compare *ante*, at 51–53, with 765 F. 3d 13, 17–18 (CADDC 2014).

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2013). But under Sergeant Suber’s view of the law, what the arrestees knew or should have known was irrelevant. They could be arrested, as he comprehended the law, even if they believed their entry was invited by a lawful occupant.

Ultimately, plaintiffs-respondents were not booked for unlawful entry. Instead, they were charged at the police station with disorderly conduct. Yet no police officers at the site testified to having observed any activities warranting a disorderly conduct charge. Quite the opposite. The officers at the scene of the arrest uniformly testified that they had neither seen nor heard anything that would justify such a charge, and Sergeant Suber specifically advised his superiors that the charge was unwarranted. See 765 F. 3d 13, 18 (CADC 2014); App. 56, 62–63, 79, 84, 90, 103.

The Court’s jurisprudence, I am concerned, sets the balance too heavily in favor of police unaccountability to the detriment of Fourth Amendment protection. A number of commentators have criticized the path we charted in *Whren v. United States*, 517 U. S. 806 (1996), and follow-on opinions, holding that “an arresting officer’s state of mind . . . is irrelevant to the existence of probable cause,” *Devenpeck v. Alford*, 543 U. S. 146, 153 (2004). See, *e.g.*, 1 W. LaFare, *Search and Seizure* § 1.4(f), p. 186 (5th ed. 2012) (“The apparent assumption of the Court in *Whren*, that no significant problem of police arbitrariness can exist as to actions taken with probable cause, blinks at reality.”). I would leave open, for reexamination in a future case, whether a police officer’s reason for acting, in at least some circumstances, should factor into the Fourth Amendment inquiry. Given the current state of the Court’s precedent, however, I agree that the disposition gained by plaintiffs-respondents was not warranted by “settled law.” The defendants-petitioners are therefore sheltered by qualified immunity.

Syllabus

ARTIS *v.* DISTRICT OF COLUMBIA

CERTIORARI TO THE DISTRICT OF COLUMBIA COURT OF APPEALS

No. 16–460. Argued November 1, 2017—Decided January 22, 2018

Federal district courts may exercise supplemental jurisdiction over state claims not otherwise within their adjudicatory authority if those claims are “part of the same case or controversy” as the federal claims the plaintiff asserts. 28 U. S. C. § 1367(a). When a district court dismisses all claims independently qualifying for the exercise of federal jurisdiction, it ordinarily also dismisses all related state claims. See § 1367(c)(3). Section 1367(d) provides that the “period of limitations for” refiling in state court a state claim so dismissed “shall be tolled while the claim is pending [in federal court] and for a period of 30 days after it is dismissed unless State law provides for a longer tolling period.”

When petitioner Artis filed a federal-court suit against respondent District of Columbia (District), alleging a federal employment-discrimination claim and three allied claims under D. C. law, nearly two years remained on the applicable statute of limitations for the D. C.-law violations. Two and a half years later, the Federal District Court ruled against Artis on her sole federal claim and dismissed the D. C.-law claims under § 1367(c). Fifty-nine days after the dismissal, Artis refiled her state-law claims in the D. C. Superior Court, but that court dismissed them as time barred. The D. C. Court of Appeals affirmed, holding that § 1367(d) accorded Artis only a 30-day grace period to refile in state court and rejecting her argument that the word “tolled” in § 1367(d) means that the limitations period is suspended during the pendency of the federal suit.

Held:

1. Section 1367(d)’s instruction to “toll” a state limitations period means to hold it in abeyance, *i. e.*, to stop the clock. Pp. 80–88.

(a) Statutes that shelter from time bars claims earlier commenced in another forum generally employ one of two means. First, the period of limitations may be “tolled,” *i. e.*, suspended, while the claim is pending elsewhere; the time clock starts running again when the tolling period ends, picking up where it left off. A legislature may instead elect simply to provide a grace period, permitting the statute of limitations to run while the claim is pending in another forum and averting the risk of a time bar by according the plaintiff a fixed period in which to refile.

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The District has identified no federal statute in which a grace-period meaning has been ascribed to the word “tolled” or any word similarly rooted. And the one case in which this Court used tolling language to describe a grace period, see *Hardin v. Straub*, 490 U. S. 536, is a feather on the scale against the weight of decisions in which “tolling” a statute of limitations signals stopping the clock. Pp. 80–83.

(b) Considering first the ordinary meaning of the statutory language, § 1367(d) is phrased as a tolling provision. It suspends the statute of limitations both while the claim is pending in federal court and for 30 days postdismissal. Artis’ interpretation is a natural fit with this language. The District, in contrast, reads “tolled” to mean to remove, temporarily, the bar that would ordinarily accompany the expiration of the limitations period. But the District offers no reason to home in only on the word “tolled” itself and ignore information about the verb’s ordinary meaning gained from its grammatical object, “period of limitations.” That object sheds light on what it means to “be tolled.” The District’s reading also tenders a strained interpretation of the phrase “period of limitations”; makes the first portion of the tolling period, the duration of the claim’s pendency in federal court, superfluous; and could yield an absurdity, permitting a plaintiff to refile in state court even if the limitations period on her claim had expired before she filed in federal court. Pp. 83–85.

(c) The D. C. Court of Appeals erred in concluding that Congress adopted an American Law Institute (ALI) recommendation to allow re-filing in state court only for 30 days after a dismissal. The ALI provision, like § 1367(d), established a 30-day federal floor on the time allowed for re-filing, but it did not provide for tolling “while the [state] claim is pending” in federal court. Pp. 85–86.

(d) The 30-day provision casts no large shadow on Artis’ stop-the-clock interpretation. The provision accounts for cases in which a plaintiff commenced a federal action close to the expiration date of the relevant state statute of limitations, by giving such a plaintiff breathing space to refile in state court. Adding a brief span of days to the tolling period is not unusual in stop-the-clock statutes. See, e. g., 46 U. S. C. § 53911. Section 1367(d)’s proviso “unless State law provides for a longer tolling period” could similarly aid a plaintiff who filed in federal court just short of the expiration of the state limitations period. Pp. 87–88.

2. The stop-the-clock interpretation of § 1367(d) does not present a serious constitutional problem. In *Jinks v. Richland County*, 538 U. S. 456, the Court rejected an argument that § 1367(d) impermissibly exceeds Congress’ authority under the Necessary and Proper Clause. *Id.*, at 464–465. The District contends that a stop-the-clock prescription

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serves “no federal purpose” that could not be served by a grace-period prescription. But both devices are standard, off-the-shelf means of accounting for the fact that a claim was timely pressed in another forum. Requiring Congress to choose one over the other would impose a tighter constraint on Congress’ discretion than this Court has countenanced. A concern that a stop-the-clock prescription entails a greater imposition on the States than a grace-period prescription may also be more theoretical than real. Finally, a stop-the-clock rule like § 1367(d) is suited to the primary purposes of limitations statutes: “preventing surprises” to defendants and “barring a plaintiff who has slept on his rights.” *American Pipe & Constr. Co. v. Utah*, 414 U.S. 538, 554. Pp. 89–92. 135 A. 3d 334, reversed and remanded.

GINSBURG, J., delivered the opinion of the Court, in which ROBERTS, C. J., and BREYER, SOTOMAYOR, and KAGAN, JJ., joined. GORSUCH, J., filed a dissenting opinion, in which KENNEDY, THOMAS, and ALITO, JJ., joined, *post*, p. 92.

Adam G. Unikowsky argued the cause for petitioner. With him on the briefs were *David A. Strauss*, *Sarah M. Konsky*, *Matthew S. Hellman*, and *Donald M. Temple*.

Loren L. Alikhan, Deputy Solicitor General of the District of Columbia, argued the cause for respondent. With her on the brief were *Karl A. Racine*, Attorney General, *Todd S. Kim*, Solicitor General, and *Sonya L. Lebsack*, Assistant Attorney General.*

*Briefs of *amici curiae* urging affirmance were filed for the State of Wisconsin et al. by *Brad D. Schimel*, Attorney General of Wisconsin, *Misha Tseytlin*, Solicitor General, and *Ryan J. Walsh*, Chief Deputy Solicitor General, and by the Attorneys General for their respective States as follows: *Steve Marshall* of Alabama, *Mark Brnovich* of Arizona, *Leslie Rutledge* of Arkansas, *Cynthia Coffman* of Colorado, *Douglas S. Chin* of Hawaii, *Lawrence G. Wasden* of Idaho, *Curtis T. Hill, Jr.*, of Indiana, *Derek Schmidt* of Kansas, *Jeff Landry* of Louisiana, *Bill Schuette* of Michigan, *Timothy C. Fox* of Montana, *Douglas J. Peterson* of Nebraska, *Adam Paul Laxalt* of Nevada, *Michael DeWine* of Ohio, *Mike Hunter* of Oklahoma, *Josh Shapiro* of Pennsylvania, *Peter F. Kilmartin* of Rhode Island, *Alan Wilson* of South Carolina, *Herbert H. Slatery III* of Tennessee, *Ken Paxton* of Texas, *Sean D. Reyes* of Utah, *Patrick Morrissey* of West Virginia, and *Peter K. Michael* of Wyoming; and for the National Conference

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JUSTICE GINSBURG delivered the opinion of the Court.

The Supplemental Jurisdiction statute, 28 U. S. C. § 1367, enables federal district courts to entertain claims not otherwise within their adjudicatory authority when those claims “are so related to claims . . . within [federal-court competence] that they form part of the same case or controversy.” § 1367(a). Included within this supplemental jurisdiction are state claims brought along with federal claims arising from the same episode. When district courts dismiss all claims independently qualifying for the exercise of federal jurisdiction, they ordinarily dismiss as well all related state claims. See § 1367(c)(3). A district court may also dismiss the related state claims if there is a good reason to decline jurisdiction. See § 1367(c)(1), (2), and (4). This case concerns the time within which state claims so dismissed may be refiled in state court.

Section 1367(d), addressing that issue, provides:

“The period of limitations for any [state] claim [joined with a claim within federal-court competence] shall be tolled while the claim is pending [in federal court] and for a period of 30 days after it is dismissed unless State law provides for a longer tolling period.”

The question presented: Does the word “tolled,” as used in § 1367(d), mean the state limitations period is suspended during the pendency of the federal suit; or does “tolled” mean that, although the state limitations period continues to run, a plaintiff is accorded a grace period of 30 days to refile in state court post dismissal of the federal case? Petitioner urges the first, or stop-the-clock, reading. Respondent urges, and the District of Columbia Court of Appeals adopted, the second, or grace-period, reading.

In the case before us, plaintiff-petitioner Stephanie C. Artis refiled her state-law claims in state court 59 days after

of State Legislatures et al. by *Lisa Soronen, Katharine M. Mapes, William S. Huang, and Jeffrey M. Bayne.*

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dismissal of her federal suit.¹ Reading § 1367(d) as a grace-period prescription, her complaint would be time barred. Reading § 1367(d) as stopping the limitations clock during the pendency of the federal-court suit, her complaint would be timely. We hold that § 1367(d)'s instruction to “toll” a state limitations period means to hold it in abeyance, *i. e.*, to stop the clock. Because the D. C. Court of Appeals held that § 1367(d) did not stop the D. C. Code's limitations clock, but merely provided a 30-day grace period for refileing in D. C. Superior Court, we reverse the D. C. Court of Appeals' judgment.

I

A

Section 1367, which Congress added to Title 28 as part of the Judicial Improvements Act of 1990, 104 Stat. 5089, codifies the court-developed pendent and ancillary jurisdiction doctrines under the label “supplemental jurisdiction.” See *Exxon Mobil Corp. v. Allapattah Services, Inc.*, 545 U. S. 546, 552–558 (2005) (describing the development of pendent and ancillary jurisdiction doctrines and subsequent enactment of § 1367); *id.*, at 579–584 (GINSBURG, J., dissenting) (same). The House Report accompanying the Act explains that Congress sought to clarify the scope of federal courts' authority to hear claims within their supplemental jurisdiction, appreciating that “[s]upplemental jurisdiction has enabled federal courts and litigants to . . . deal economically—in single rather than multiple litigation—with related matters.” H. R. Rep. No. 101–734, p. 28 (1990) (H. R. Rep.). Section 1367(a) provides, in relevant part, that a district court with

¹The nonfederal claims Artis asserted arose under the D. C. Code and common law; on dismissal of her federal-court suit, she refiled those claims in D. C. Superior Court. For the purpose at hand, District of Columbia law and courts are treated as state law and courts. See 28 U. S. C. § 1367(e) (“As used in this section, the term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.”).

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original jurisdiction over a claim “shall have supplemental jurisdiction over all other claims . . . form[ing] part of the same case or controversy.”

“[N]ot every claim within the same ‘case or controversy’ as the claim within the federal courts’ original jurisdiction will be decided by the federal court.” *Jinks v. Richland County*, 538 U.S. 456, 459 (2003). Section 1367(c) states:

“The district courts may decline to exercise supplemental jurisdiction over a claim under subsection (a) if—

“(1) the claim raises a novel or complex issue of State law,

“(2) the claim substantially predominates over the claim or claims over which the district court has original jurisdiction,

“(3) the district court has dismissed all claims over which it has original jurisdiction, or

“(4) in exceptional circumstances, there are other compelling reasons for declining jurisdiction.”

If a district court declines to exercise jurisdiction over a claim asserted under § 1367(a) and the plaintiff wishes to continue pursuing it, she must refile the claim in state court. If the state court would hold the claim time barred, however, then, absent a curative provision, the district court’s dismissal of the state-law claim without prejudice would be tantamount to a dismissal with prejudice. See, e.g., *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 352 (1988) (under the doctrine of pendent jurisdiction, if the statute of limitations on state-law claims expires before the federal court “relinquish[es] jurisdiction[,] . . . a dismissal will foreclose the plaintiff from litigating his claims”). To prevent that result, § 1367(d) supplies “a tolling rule that must be applied by state courts.” *Jinks*, 538 U.S., at 459. Section 1367(d) provides:

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“The period of limitations for any claim asserted under subsection (a), and for any other claim in the same action that is voluntarily dismissed at the same time as or after the dismissal of the claim under subsection (a), shall be tolled while the claim is pending and for a period of 30 days after it is dismissed unless State law provides for a longer tolling period.”

This case requires us to determine how § 1367(d)’s tolling rule operates.

B

Petitioner Artis worked as a health inspector for respondent, the District of Columbia (District). In November 2010, Artis was told she would lose her job. Thirteen months later, Artis sued the District in the United States District Court for the District of Columbia, alleging that she had suffered employment discrimination in violation of Title VII of the Civil Rights Act of 1964, 78 Stat. 253, as amended, 42 U. S. C. § 2000e *et seq.* She also asserted three allied claims under D. C. law: retaliation in violation of the District of Columbia Whistleblower Act, D. C. Code § 1–615.54 (2001); termination in violation of the District of Columbia False Claims Act, § 2–381.04; and wrongful termination against public policy, a common-law claim. Artis alleged that she had been subjected to gender discrimination by her supervisor, and thereafter encountered retaliation for reporting the supervisor’s unlawful activities. See *Artis v. District of Columbia*, 51 F. Supp. 3d 135, 137 (2014).

On June 27, 2014, the District Court granted the District’s motion for summary judgment on the Title VII claim. Having dismissed Artis’ sole federal claim, the District Court, pursuant to § 1367(c)(3), declined to exercise supplemental jurisdiction over her remaining state-law claims. “Artis will not be prejudiced,” the court noted, “because 28 U. S. C. § 1367(d) provides for a tolling of the statute of limitations

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during the period the case was here and for at least 30 days thereafter.” *Id.*, at 142.

Fifty-nine days after the dismissal of her federal action, Artis refiled her state-law claims in the D. C. Superior Court, the appropriate local court. The Superior Court granted the District’s motion to dismiss, holding that Artis’ claims were time barred, because they were filed 29 days too late. See App. to Pet. for Cert. 14a. When Artis first asserted her state-law claims in the District Court, nearly two years remained on the applicable three-year statute of limitations.² But two and a half years passed before the federal court relinquished jurisdiction. Unless § 1367(d) paused the limitations clock during that time, Artis would have had only 30 days to refile. The Superior Court rejected Artis’ stop-the-clock reading of § 1367(d), reasoning that Artis could have protected her state-law claims by “pursuing [them] in a state court while the federal court proceeding [was] pending.” *Ibid.* In tension with that explanation, the court noted that duplicative filings in federal and state court are “generally disfavored . . . as ‘wasteful’ and . . . ‘against [the interests of] judicial efficiency.’” *Id.*, at 14a, n. 1 (quoting *Stevens v. Arco Management of Wash. D. C., Inc.*, 751 A. 2d 995, 1002 (D. C. 2000); alteration in original).

The D. C. Court of Appeals affirmed. That court began by observing that two “competing approaches [to § 1367(d)] have evolved nationally”: the stop-the-clock reading and the

²The D. C. False Claims Act and the tort of wrongful termination each have a three-year statute of limitations that started to run on the day Artis lost her job in November 2010. See D. C. Code § 2–381.04(c) (2001) (D. C. False Claims Act); *Stephenson v. American Dental Assn.*, 789 A. 2d 1248, 1249, 1252 (D. C. 2002) (tort of wrongful termination governed by the District’s catchall three-year limitations period and claim accrues on the date when plaintiff has unequivocal notice of termination). Artis’ whistleblower claim had a one-year limitations period, which began to accrue when Artis “first bec[ame] aware” that she had been terminated for reporting her supervisor’s misconduct. D. C. Code § 1–615.54(a)(2). The parties dispute the date the whistleblower claim accrued. See Brief for Petitioner 10, n. 2; Brief for Respondent 8, n. 2.

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grace-period reading. 135 A. 3d 334, 337 (2016).³ Without further comment on § 1367(d)'s text, the D. C. Court of Appeals turned to the legislative history. Section 1367(d)'s purpose, the court noted, was “to prevent the loss of claims to statutes of limitations where state law might fail to toll the running of the period of limitations while a supplemental claim was pending in federal court.” *Id.*, at 338 (quoting H. R. Rep., at 30; internal quotation marks omitted). Following the lead of the California Supreme Court, the D. C. Court of Appeals determined that Congress had intended to implement a 1969 recommendation by the American Law Institute (ALI) to allow refiling in state court “within 30 days after dismissal.” 135 A. 3d, at 338 (quoting *Los Angeles v. County of Kern*, 59 Cal. 4th 618, 629, 328 P. 3d 56, 63 (2014)).

The D. C. Court of Appeals also concluded that the grace-period approach “better accommodates federalism concerns,” by trenching significantly less on state statutes of limitations than the stop-the-clock approach. 135 A. 3d, at 338–339. Construing § 1367(d) as affording only a 30-day grace period, the court commented, was “consistent with [its] presumption favoring narrow interpretations of federal preemption of state law.” *Id.*, at 339.

To resolve the division of opinion among State Supreme Courts on the proper construction of § 1367(d), see *supra*, at 79, n. 3, we granted certiorari. 580 U. S. 1159 (2017).

³The high courts of Maryland and Minnesota, along with the Sixth Circuit, have held that § 1367(d)'s tolling rule pauses the clock on the statute of limitations until 30 days after the state-law claim is dismissed. See *In re Vertrue Inc. Marketing & Sales Practices Litigation*, 719 F. 3d 474, 481 (CA6 2013); *Goodman v. Best Buy, Inc.*, 777 N. W. 2d 755, 759–760 (Minn. 2010); *Turner v. Kight*, 406 Md. 167, 180–182, 957 A. 2d 984, 992–993 (2008). In addition to the D. C. Court of Appeals, the high courts of California and the Northern Mariana Islands have held that § 1367(d) provides only a 30-day grace period for the refiling of otherwise time-barred claims. See *Los Angeles v. County of Kern*, 59 Cal. 4th 618, 622, 328 P. 3d 56, 58 (2014); *Juan v. Commonwealth*, 2001 MP 18, 6 N. Mar. I. 322, 327 (2001).

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II

A

As just indicated, statutes that shelter from time bars claims earlier commenced in another forum generally employ one of two means.

First, the period (or statute) of limitations may be “tolled” while the claim is pending elsewhere.⁴ Ordinarily, “tolled,” in the context of a time prescription like § 1367(d), means that the limitations period is suspended (stops running) while the claim is *sub judice* elsewhere, then starts running again when the tolling period ends, picking up where it left off. See Black’s Law Dictionary 1488 (6th ed. 1990) (“toll,” when paired with the grammatical object “statute of limitations,” means “to suspend or stop temporarily”). This dic-

⁴ Among illustrations: 21 U. S. C. § 1604 (allowing suits to proceed against certain biomaterial providers and providing that “[a]ny applicable statute of limitations shall toll during the period from the time a claimant files a petition with the Secretary under this paragraph until such time as either (i) the Secretary issues a final decision on the petition, or (ii) the petition is withdrawn,” § 1604(b)(3)(C)); 28 U. S. C. § 1332 (permitting the removal of “mass actions” to federal court and providing that “[t]he limitations periods on any claims asserted in a mass action that is removed to Federal court pursuant to this subsection shall be deemed tolled during the period that the action is pending in Federal court,” § 1332(d)(11)(D)); 42 U. S. C. § 233 (providing a remedy against the United States for certain injuries caused by employees of the Public Health Service, and stating that “[t]he time limit for filing a claim under this subsection . . . shall be tolled during the pendency of a[n] [administrative] request for benefits,” § 233(p)(3)(A)(ii)). See also Wis. Stat. § 893.15(3) (2011–2012) (“A Wisconsin law limiting the time for commencement of an action on a Wisconsin cause of action is tolled from the period of commencement of the action in a non-Wisconsin forum until the time of its final disposition in that forum.”). The dissent maintains that “stopclock examples [from the U. S. Code] often involve situations where some disability prevents the plaintiff from proceeding to court.” *Post*, at 103, n. 7. Plainly, however, the several statutes just set out do not fit that description: They do not involve “disabilities.” Instead, like § 1367(d), they involve claims earlier commenced in another forum.

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tionary definition captures the rule generally applied in federal courts. See, e. g., *Chardon v. Fumero Soto*, 462 U. S. 650, 652, n. 1 (1983) (Court’s opinion “use[d] the word ‘tolling’ to mean that, during the relevant period, the statute of limitations ceases to run”).⁵ Our decisions employ the terms “toll” and “suspend” interchangeably. For example, in *American Pipe & Constr. Co. v. Utah*, 414 U. S. 538 (1974), we characterized as a “tolling” prescription a rule “suspend[ing] the applicable statute of limitations,” *id.*, at 554; accordingly, we applied the rule to stop the limitations clock, *id.*, at 560–561.⁶ We have similarly comprehended what tolling means in decisions on equitable tolling. See, e. g., *CTS Corp. v. Waldburger*, 573 U. S. 1, 9 (2014) (describing equitable tolling as “a doctrine that pauses the running of, or ‘tolls,’ a statute of limitations” (some internal quotation marks omitted)); *United States v. Ibarra*, 502 U. S. 1, 4, n. 2 (1991) (*per curiam*) (“Principles of equitable tolling usually dictate that when a time bar has been suspended and then begins to run again upon a later event, the time remaining on the clock is calculated by subtracting from the full limitations period whatever time ran before the clock was stopped.”).

⁵As we recognized in *Chardon v. Fumero Soto*, 462 U. S. 650 (1983), there may be different ways of “calculating the amount of time available to file suit *after tolling has ended*.” *Id.*, at 652, n. 1 (emphasis added). In addition to the “common-law” stop-the-clock effect, *id.*, at 655, under which the plaintiff must file within the amount of time left in the limitations period, a statute might either provide for the limitations period to be “renewed,” so that “the plaintiff has the benefit of a new period as long as the original,” or “establish a fixed period such as six months or one year during which the plaintiff may file suit, without regard to the length of the original limitations period or the amount of time left when tolling began.” *Id.*, at 652, n. 1. Notably, under each of the “tolling effect[s]” enumerated in *Chardon*, *ibid.*, the word “tolled” means that the progression of the limitations clock is stopped for the duration of “tolling.”

⁶The dissent’s notion that federal tolling periods may be understood as grace periods, not stop-the-clock periods, see *post*, at 97–98, is entirely imaginative.

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In lieu of “tolling” or “suspending” a limitations period by pausing its progression, a legislature might elect simply to provide a grace period. When that mode is adopted, the statute of limitations continues to run while the claim is pending in another forum. But the risk of a time bar is averted by according the plaintiff a fixed period in which to refile. A federal statute of that genre is 28 U. S. C. §2415. That provision prescribes a six-year limitations period for suits seeking money damages from the United States for breach of contract. §2415(a). The statute further provides: “In the event that any action . . . is timely brought and is thereafter dismissed without prejudice, the action may be recommenced within one year after such dismissal, regardless of whether the action would otherwise then be barred by this section.” §2415(e).⁷ Many States have enacted similar grace-period provisions. See App. to Brief for National Conference of State Legislatures et al. as *Amici Curiae* 1a–25a. For example, Georgia law provides:

“When any case has been commenced in either a state or federal court within the applicable statute of limitations and the plaintiff discontinues or dismisses the same, it may be recommenced in a court of this state or in a federal court either within the original applicable period of limitations or within six months after the discontinuance or dismissal, whichever is later” Ga. Code Ann. §9–2–61(a) (2007).

Tellingly, the District has not identified any federal statute in which a grace-period meaning has been ascribed to the word “tolled” or any word similarly rooted. Nor has the dissent, for all its mighty strivings, identified even one fed-

⁷Also illustrative, the Equal Credit Opportunity Act prescribes a five-year limitations period for certain suits. 15 U. S. C. §1691e(f). Where a government agency has brought a timely suit, however, an individual may bring an action “not later than one year after the commencement of that proceeding or action.” *Ibid.*

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eral statute that fits its bill, *i. e.*, a federal statute that says “tolled” but means something other than “suspended,” or “paused,” or “stopped.” From what statutory text, then, does the dissent start? See *post*, at 95–96.⁸

Turning from statutory texts to judicial decisions, only once did an opinion of this Court employ tolling language to describe a grace period: *Hardin v. Straub*, 490 U. S. 536 (1989). In *Hardin*, we held that, in 42 U. S. C. § 1983 suits, federal courts should give effect to state statutes sheltering claims from time bars during periods of a plaintiff’s legal disability. We there characterized a state statute providing a one-year grace period as “tolling” or “suspend[ing]” the limitations period “until one year after the disability has been removed.” 490 U. S., at 537. This atypical use of “tolling” or “suspending” to mean something other than stopping the clock on a limitations period is a feather on the scale against the weight of decisions in which “tolling” a statute of limitations signals stopping the clock.

B

In determining the meaning of a statutory provision, “we look first to its language, giving the words used their ordinary meaning.” *Moskal v. United States*, 498 U. S. 103, 108 (1990) (citation and internal quotation marks omitted). Section 1367(d) is phrased as a tolling provision. It suspends the statute of limitations for two adjacent time periods: while the claim is pending in federal court and for 30 days postdismissal. Artis urges that the phrase “shall be tolled” in § 1367(d) has the same meaning it does in the statutes cited

⁸Reasons of history, context, and policy, the dissent maintains, would have made it sensible for Congress to have written a grace-period statute. See *post*, at 95–96. But “[t]he controlling principle in this case is the basic and unexceptional rule that courts must give effect to the clear meaning of statutes as written[,] . . . giving each word its ordinary, contemporary, common meaning.” *Star Athletica, L. L. C. v. Varsity Brands, Inc.*, 580 U. S. 405, 414 (2017) (internal quotation marks omitted).

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supra, at 80, n. 4. That is, the limitations clock stops the day the claim is filed in federal court and, 30 days postdismissal, restarts from the point at which it had stopped.

The District reads “tolled” for § 1367(d)’s purposes differently. To “toll,” the District urges, means to “remove or take away an effect.” Brief for Respondent 12–13. To “toll” a limitations period, then, would mean to “remov[e] the bar that ordinarily would accompany its expiration.” *Id.*, at 14.⁹ “[T]here is nothing special,” the District maintains, “about tolling limitations periods versus tolling any other fact, right, or consequence.” *Id.*, at 13. But the District offers no reason why, in interpreting “tolled” as used in § 1367(d), we should home in only on the word itself, ignoring the information about the verb’s ordinary meaning gained from its grammatical object. Just as when the object of “tolled” is “bell” or “highway traveler,” the object “period of limitations” sheds light on what it means to “be tolled.”

The District’s reading, largely embraced by the dissent, is problematic for other reasons as well. First, it tenders a strained interpretation of the phrase “period of limitations.” In the District’s view, “period of limitations” means “the effect of the period of limitations as a time bar.” See *id.*, at 18 (“Section 1367(d) . . . provides that ‘the period of limita-

⁹This is indeed a definition sometimes used in reference to a right. See, e. g., *Ricard v. Williams*, 7 Wheat. 59, 120 (1822) (“[A]n adverse possession . . . toll[s] the right of entry of the heirs, and, consequently, extinguish[es], by the lapse of time, their right of action for the land.”). See also Black’s Law Dictionary 1488 (6th ed. 1990) (“toll” can mean “bar, defeat, or take away; thus, to toll the entry means to deny or take away the right of entry”). The dissent, also relying on this sense of the word “toll,” cites *Chardon* as support for the proposition that § 1367(d)’s tolling instruction is ambiguous. See *post*, at 94; *supra*, at 81, n. 5. But, importantly, the grace-period statutes noted in *Chardon*, 462 U. S., at 660, n. 13, were precise about their operation. *Chardon* provides no support for the notion that a statute’s instruction that a “period of limitations shall be tolled” plausibly could mean that the limitations clock continues to run but its effect as a bar is removed during the tolling. See *post*, at 93.

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tions’—here its effect as a time bar—‘shall be [removed or taken away] while the claim is pending [in federal court] and for a period of 30 days after it is dismissed.’” (alterations in original)). Second, the first portion of the tolling period, the duration of the claim’s pendency in federal court, becomes superfluous under the District’s construction. The “effect” of the limitations period as a time bar, on the District’s reading, becomes operative only after the case has been dismissed. That being so, what need would there be to remove anything while the claim is pending in federal court?

Furthermore, the District’s reading could yield an absurdity: It could permit a plaintiff to refile in state court even if the limitations period on her claim had expired before she filed in federal court. To avoid that result, the District’s proposed construction of “tolled” as “removed” could not mean simply “removed.” Instead, “removed” would require qualification to express “removed, unless the period of limitations expired before the claim was filed in federal court.” In sum, the District’s interpretation maps poorly onto the language of § 1367(d), while Artis’ interpretation is a natural fit.

C

The D. C. Court of Appeals adopted the District’s grace-period construction primarily because it was convinced that in drafting § 1367(d), Congress embraced an ALI recommendation. 135 A. 3d, at 338. Two decades before the enactment of § 1367(d), the ALI, in its 1969 Study of the Division of Jurisdiction Between State and Federal Courts, did recommend a 30-day grace period for refileing certain claims. The ALI proposed the following statutory language:

“If any claim in an action timely commenced in a federal court is dismissed for lack of jurisdiction over the subject matter of the claim, a new action on the same claim brought in another court shall not be barred by a statute of limitations that would not have barred the original

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action had it been commenced in that court, if such new action is brought in a proper court, federal or State, within thirty days after dismissal of the original claim has become final or within such longer period as may be available under applicable State law.” ALI, Study of the Division of Jurisdiction Between State and Federal Courts § 1386(b), p. 65 (1969) (ALI Study).

Congress, however, did not adopt the ALI’s grace-period formulation. Instead, it ordered tolling of the state limitations period “while the claim is pending” in federal court. Although the provision the ALI proposed, like § 1367(d), established a 30-day federal floor on the time allowed for refiling, it did not provide for tolling the period of limitations while a claim is pending.¹⁰ True, the House Report contained a citation to the ALI Study, but only in reference to a different provision, 28 U.S.C. § 1391 (the general venue statute). There, Congress noted that its approach was “taken from the ALI Study,” H. R. Rep., at 23. Had Congress similarly embraced the ALI’s grace-period formulation in § 1367(d), one might expect the House Report to have said as much.¹¹

¹⁰The District emphasizes that the reporter’s note accompanying the ALI’s proposed statute stated: “[A]ny governing statute of limitations is tolled by the commencement of an action in a federal court, and for at least thirty days following dismissal . . . in any case in which the dismissal was for lack of jurisdiction.” ALI Study 66. The similarity between *this* language and § 1367(d), the District argues, rebuts any argument that Congress did not adopt the ALI’s recommendation. We are unpersuaded. The District offers no explanation why, if Congress wanted to follow the substance of the ALI’s grace-period recommendation, it would neither cite the ALI Study in the legislative history of § 1367(d), see *infra* this page, nor adopt the precise language of either the proposed statute or the reporter’s note. The ALI Study, moreover, cautions that the reporter’s notes reflect “the Reporter’s work alone,” not a position taken by the Institute. ALI Study, p. x.

¹¹The dissent offers a history lesson on the ancient common-law principle of “journey’s account,” see *post*, at 95–97, and n. 4, but nothing suggests that the 101st Congress had any such ancient law in mind when it drafted § 1367(d). Cf. *post*, at 100. More likely, Congress was mindful

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D

The District asks us to zero in on § 1367(d)'s "express inclusion" of the "period of 30 days after the claim is dismissed" within the tolling period. Brief for Respondent 20 (internal quotation marks omitted). Under Artis' stop-the-clock interpretation, the District contends, "the inclusion of 30 days within the tolling period would be relegated to insignificance in the mine-run of cases." *Id.*, at 21 (citation and internal quotation marks omitted). In § 1367(d), Congress did provide for tolling not only while the claim is pending in federal court, but also for 30 days thereafter. Including the 30 days within § 1367(d)'s tolling period accounts for cases in which a federal action is commenced close to the expiration date of the relevant state statute of limitations. In such a case, the added days give the plaintiff breathing space to refile in state court.

Adding a brief span of days to the tolling period is not unusual in stop-the-clock statutes. In this respect, § 1367(d) closely resembles 46 U. S. C. § 53911, which provides, in a subsection titled "Tolling of limitations period," that if a plaintiff submits a claim for war-related vessel damage to the Secretary of Transportation, "the running of the limitations period for bringing a civil action is suspended until the Secretary denies the claim, and for 60 days thereafter." § 53911(d). Numerous other statutes similarly append a fixed number of days to an initial tolling period. See, e. g., 22 U. S. C. § 1631k(c) ("Statutes of limitations on assessments . . . shall be suspended with respect to any vested property . . . while vested and for six months thereafter . . ."); 26 U. S. C. § 6213(f)(1) ("In any case under title 11 of the United States Code, the running of the time prescribed by subsection (a) for filing a petition in the Tax Court with respect to any deficiency shall be suspended for the period during

that "suspension" during the pendency of other litigation is "the common-law rule." *Chardon*, 462 U. S., at 655.

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which the debtor is prohibited by reason of such case from filing a petition in the Tax Court with respect to such deficiency, and for 60 days thereafter.”); § 6503(a)(1) (“The running of the period of limitations provided in section 6501 or 6502 . . . shall . . . be suspended for the period during which the Secretary is prohibited from making the assessment . . . and for 60 days thereafter.”); 50 U. S. C. § 4000(c) (“The running of a statute of limitations against the collection of tax deferred under this section . . . shall be suspended for the period of military service of the servicemember and for an additional period of 270 days thereafter.”). Thus, the “30 days” provision casts no large shadow on Artis’ interpretation.

Section 1367(d)’s proviso, “unless State law provides for a longer tolling period,” could similarly aid a plaintiff who filed in federal court just short of the expiration of the state limitations period. She would have the benefit of § 1367(d)’s 30-days-to-refile prescription, or such longer time as state law prescribes.¹² It may be that, in most cases, the state-law tolling period will not be longer than § 1367(d)’s. But in some cases it undoubtedly will. For example, Indiana permits a plaintiff to refile within three years of dismissal. See Ind. Code § 34–11–8–1 (2017). And Louisiana provides that after dismissal the limitations period “runs anew.” La. Civ. Code Ann., Arts. 3462, 3466 (West 2007).

¹² The dissent, *post*, at 99–100, conjures up absurdities not presented by this case, for the District of Columbia has no law of the kind the dissent describes. All agree that the phrase “unless State law provides for a longer tolling period” leaves room for a more generous state-law regime. The dissent posits a comparison between the duration of the federal suit, plus 30 days, and a state-law grace period. But of course, as the dissent recognizes, *post*, at 99, the more natural comparison is between the amount of time a plaintiff has left to refile, given the benefit of § 1367(d)’s tolling rule, and the amount of time she would have to refile under the applicable state law. Should the extraordinary circumstances the dissent envisions in fact exist in a given case, the comparison the dissent makes would be far from inevitable.

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III

Satisfied that Artis’ text-based arguments overwhelm the District’s, we turn to the District’s contention that the stop-the-clock interpretation of § 1367(d) raises a significant constitutional question: Does the statute exceed Congress’ authority under the Necessary and Proper Clause, Art. I, § 8, cl. 18, because its connection to Congress’ enumerated powers is too attenuated or because it is too great an incursion on the States’ domain? Brief for Respondent 46–49. To avoid constitutional doubt, the District urges, we should adopt its reading. “[W]here an alternative interpretation of [a] statute is fairly possible,” the District reminds, we have construed legislation in a manner that “avoid[s] [serious constitutional] problems” raised by “an otherwise acceptable construction.” *INS v. St. Cyr*, 533 U. S. 289, 299–300 (2001) (internal quotation marks omitted). But even if we regard the District’s reading of § 1367(d) as “fairly possible,” our precedent would undermine the proposition that § 1367(d) presents a serious constitutional problem. See *Jinks*, 538 U. S., at 461–465.

In *Jinks*, we unanimously rejected an argument that § 1367(d) impermissibly exceeds Congress’ enumerated powers.¹³ Section 1367(d), we held, “is necessary and proper for carrying into execution Congress’s power ‘[t]o constitute Tribunals inferior to the supreme Court,’ . . . and to assure that those tribunals may fairly and efficiently exercise ‘[t]he

¹³The dissent refers to an “understanding,” *post*, at 104, by the Court in *Jinks v. Richland County*, 538 U. S. 456 (2003), that § 1367(d) accords only a 30-day “window” for refiling in state court. Scattered characterizations in the *Jinks* briefing might be seen as conveying that understanding. See *post*, at 104–105, n. 9. The opinion itself, however, contains nary a hint of any such understanding. And indeed, one year earlier, we described § 1367(d) as having the effect of stopping the clock, *i. e.*, “toll[ing] the state statute of limitations for 30 days in addition to however long the claim had been pending in federal court.” *Raygor v. Regents of Univ. of Minn.*, 534 U. S. 533, 542 (2002).

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judicial Power of the United States.’” *Id.*, at 462 (quoting U. S. Const., Art. I, § 8, cl. 9, and Art. III, § 1).

In two principal ways, we explained, § 1367(d) is “conducive to the due administration of justice in federal court.” 538 U. S., at 462 (internal quotation marks omitted). First, “it provides an alternative to the unsatisfactory options that federal judges faced when they decided whether to retain jurisdiction over supplemental state-law claims that might be time barred in state court.” *Ibid.* Section 1367(d) thus “unquestionably promotes fair and efficient operation of the federal courts.” *Id.*, at 463. Second, § 1367(d) “eliminates a serious impediment to access to the federal courts on the part of plaintiffs pursuing federal- and state-law claims” arising from the same episode. *Ibid.* With tolling available, a plaintiff disinclined to litigate simultaneously in two forums is no longer impelled to choose between forgoing either her federal claims or her state claims.

Moreover, we were persuaded that § 1367(d) was “plainly adapted” to Congress’ exercise of its enumerated power: There was no cause to suspect that Congress had enacted § 1367(d) as a “‘pretext’ for ‘the accomplishment of objects not entrusted to [it],’”; nor was there reason to believe that the connection between § 1367(d) and Congress’ authority over the federal courts was too attenuated. *Id.*, at 464 (quoting *McCulloch v. Maryland*, 4 Wheat. 316, 423 (1819)).

Our decision in *Jinks* also rejected the argument that § 1367(d) was not “proper” because it violates principles of state sovereignty by prescribing a procedural rule for state courts’ adjudication of purely state-law claims. 538 U. S., at 464–465. “Assuming [without deciding] that a principled dichotomy can be drawn, for purposes of determining whether an Act of Congress is ‘proper,’ between federal laws that regulate state-court ‘procedure’ and laws that change the ‘substance’ of state-law rights of action,” we concluded that the tolling of state limitations periods “falls on the [permissible] ‘substantive’ side of the line.” *Ibid.*

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The District’s contention that a stop-the-clock prescription serves “no federal purpose” that could not be served by a grace-period prescription is unavailing. Brief for Respondent 49. Both devices are standard, off-the-shelf means of accounting for the fact that a claim was timely pressed in another forum. Requiring Congress to choose one over the other would impose a tighter constraint on Congress’ discretion than we have ever countenanced.

The concern that a stop-the-clock prescription entails a greater imposition on the States than a grace-period prescription, moreover, may be more theoretical than real. Consider the alternative suggested by the D. C. Superior Court. Plaintiffs situated as Artis was could simply file two actions and ask the state court to hold the suit filed there in abeyance pending disposition of the federal suit. See *supra*, at 78. Were the dissent’s position to prevail, cautious plaintiffs would surely take up the D. C. Superior Court’s suggestion. How it genuinely advances federalism concerns to drive plaintiffs to resort to wasteful, inefficient duplication to preserve their state-law claims is far from apparent. See, e. g., *Stevens*, 751 A. 2d, at 1002 (it “work[s] against judicial efficiency . . . to compel prudent federal litigants who present state claims to file duplicative and wasteful protective suits in state court”).

We do not gainsay that statutes of limitations are “fundamental to a well-ordered judicial system.” *Board of Regents of Univ. of State of N. Y. v. Tomanio*, 446 U. S. 478, 487 (1980). We note in this regard, however, that a stop-the-clock rule is suited to the primary purposes of limitations statutes: “preventing surprises” to defendants and “barring a plaintiff who has slept on his rights.” *American Pipe & Constr. Co.*, 414 U. S., at 554 (internal quotation marks omitted). Whenever § 1367(d) applies, the defendant will have notice of the plaintiff’s claims within the state-prescribed limitations period. Likewise, the plaintiff will not have slept on her rights. She will have timely as-

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served those rights, endeavoring to pursue them in one litigation.

* * *

For the reasons stated, we resist unsettling the usual understanding of the word “tolled” as it appears in legislative time prescriptions and court decisions thereon. The judgment of the D. C. Court of Appeals is therefore reversed, and the case is remanded for further proceedings not inconsistent with this opinion.

It is so ordered.

JUSTICE GORSUCH, with whom JUSTICE KENNEDY, JUSTICE THOMAS, and JUSTICE ALITO join, dissenting.

Chesterton reminds us not to clear away a fence just because we cannot see its point. Even if a fence doesn’t seem to have a reason, sometimes all that means is we need to look more carefully for the reason it was built in the first place. The same might be said about the law before us. Section 1367(d) provides that “[t]he period of limitations . . . shall be tolled while the claim is pending and for a period of 30 days after it is dismissed unless State law provides for a longer tolling period.” 28 U. S. C. § 1367(d). Grown from a rich common law and state statutory tradition, this provision serves a modest role. If a federal court dismisses a party’s state law claim without ruling on its merits, the law ensures the party will enjoy whatever time state law allows, or at least 30 days, to refile the claim in state court.

Today the Court clears away this traditional rule because it overlooks the original reasons for it. For the first time in the statute’s history the Court now reads the law to guarantee parties not 30 days or whatever state law permits but months or years more to refile their dismissed state law claims in state court. Rather than reading the statute as generally deferring to state law judgments about the appropriate lifespan of state law claims brought in state courts, the Court now reads the statute as generally displacing them

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in favor of a new federal rule. Indeed, the Court today tells state courts that they must routinely disregard clearly expressed state law defining the appropriate length of time parties should have to sue on state law claims in state tribunals. Under the Court's rule, too, the disregard of state limitations law promises to be not only routine but substantial. The Court's approach will require state courts to entertain state law claims that state law deems untimely not only by weeks or months but by many years, as 24 States, the National Conference of State Legislatures, and the Council of State Governments warn us. And the Court demands all this without offering any rational account why it is necessary or proper to the exercise of one of the federal government's limited and enumerated powers. It may only be a small statute we are interpreting, but the result the Court reaches today represents no small intrusion on traditional state functions and no small departure from our foundational principles of federalism. Respectfully, I dissent.

Start with the statute's key term. Where, as here, a law instructs us to "toll" a limitations period, we know it may be telling us to do one of (at least) two different things. The dictionary informs that to "toll" means "[t]o take away, bar, defeat, [or] annul." See 18 Oxford English Dictionary 204 (2d ed. 1989); Webster's New International Dictionary 2662 (2d ed. 1957) ("[t]o take away; to vacate; to annul"); Oxford Latin Dictionary 1947 (1982) ("tollere," the Latin origin, means to "remove" or "lift"). So when a statute speaks of tolling a limitations period it can, naturally enough, mean *either* that the running of the limitations period is suspended *or* that the effect of the limitations period is defeated. The first understanding stops the limitations clock running until a specified event begins it running again: Call it the stop clock approach. The second understanding allows the limitations clock to continue to run but defeats the effect of the clock's expiration for an additional specified period of time: Call it the grace period approach.

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That both of these understandings of the word “toll” are indeed possible and in fact historically common this Court has already explained in *Chardon v. Fumero Soto*, 462 U. S. 650 (1983):

“‘Tolling effect’ refers to the method of calculating the amount of time available to file suit after tolling has ended. The statute of limitations *might merely be suspended*; if so, the plaintiff must file within the amount of time left in the limitations period. . . . *It is also possible to establish a fixed period such as six months or one year during which the plaintiff may file suit, without regard to the length of the original limitations period or the amount of time left when tolling began.*” *Id.*, at 652, n. 1 (emphasis added).

When it comes to federal law today, *Chardon* has further explained, both kinds of tolling can be found. “[S]ome federal statutes provide for suspension” of the running of the limitations period, or the stop clock approach, while “other statutes establish a variety of different tolling effects,” including grace periods for refile after dismissal. *Id.*, at 660, n. 13.

Neither is it a surprise that *Chardon* acknowledged tolling statutes might come in (at least) these two varieties. At common law, both types of tolling were well and long known, if often employed in different circumstances to address different problems in equitably tailored ways.

Take the stop clock approach. While any generalization is subject to its exceptions, the stop clock approach was often used at common law to suspend a plaintiff’s duty to bring a timely lawsuit if, and for the period, the plaintiff was prevented from coming to court due to some disability. And this common law rule made common sense in those circumstances. After all, if (say) a defendant’s fraud prevented the plaintiff from discovering his injury, it’s easy enough to see

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why the limitations clock should stop running until the fraud is revealed and the disability thus dissipated.¹

By contrast, the grace period approach was commonly used in cases where, as here, the plaintiff made it to court in time but arrived in the wrong court and had to refile in the right one. In this situation, equity didn't necessarily call for suspending the running of the limitations period for whatever arbitrary period of time—weeks or months or years—the suit happened to sit in court before dismissal. It's not as if the defendant or uncontrollable circumstances had conspired to prevent the plaintiff from proceeding during that period. Instead, the law commonsensically held that in these circumstances a grace period would suffice to allow the plaintiff a brief time to find his way to and refile in the correct court.²

Indeed, grace periods appear to find their roots in a common law rule known as the “journey's account” that ex-

¹See Developments in the Law: Statutes of Limitations, 63 Harv. L. Rev. 1177, 1220 (1950) (“[C]ircumstances which—despite the existence of a right to sue—hinder or prevent suit have been recognized by courts and legislatures as cause for postponing the start of the statutory period until the occurrence of some additional fact, or for interrupting the running of limitations while some condition exists”); 13 American and English Encyclopaedia of Law 739–745 (1890) (discussing “disabilities which postpone the running of the statute,” such as infancy, absence of the defendant, insanity, and imprisonment).

²See, e.g., *Woods v. Houghton*, 67 Mass. 580, 583 (1854) (grace period allowed after plaintiff filed in the “wrong county”); *Pittsburg, C., C. & St. L. R. Co. v. Bemis*, 64 Ohio St. 26, 27–28, 59 N. E. 745 (1901) (grace period allowed after suit was dismissed by federal court); *Cox v. Strickland*, 120 Ga. 104, 110, 47 S. E. 912, 915 (1904) (grace period allowed for refiling “in the proper forum”). Indeed, courts have rejected the stop clock approach in determining the time to refile. See *Martin v. Archer*, 21 S. C. L. 211, 215 (1837) (“A former suit is not a suspension of the statute during the time it is pending”). Simply put, when it came to tolling effects, the “pendency of legal proceedings” was “quite different from disabilities.” 13 American and English Encyclopaedia of Law, at 745–746.

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pressly sought to account for and afford to a dismissed party “the number of days which [he] must spend in journeying to the court” to refile his claim. 37 C. J., Limitations of Actions § 526, p. 1082 (1925); see 1 E. Coke, Second Part of the Institutes of the Laws of England 567 (1797) (“[T]he common law set downe the certaine time of 15 dayes,” because “a dayes journey is accounted in law 20 miles,” as “a reasonable time . . . within which time wheresoever the court of justice sate in England, the party . . . wheresoever he dwelt in England . . . might . . . by the said account of dayes journies appeare in court”); *Spencer’s Case*, 6 Co. Rep. 96, 10a, 77 Eng. Rep. 267 (K. B. 1603) (party has “the benefit of a new writ by journeys accompts” after first writ “abated”); *Elstob v. Thorowgood*, 1 Raym. Ld. 283, 91 Eng. Rep. 1086, 1087 (K. B. 1697) (party has 30 days to bring an action “by journeys account” to avoid “the Statute of Limitations”).

When it comes to the statute before us, the textual and contextual clues point in the same and unsurprising direction. Much like the journey’s account from which it originated, section 1367(d)’s “tolling” provision seeks to provide the plaintiff who finds her case dismissed because she filed in the wrong court a reasonable grace period to journey to the right court to refile. No more and no less.

Take the textual clues. Section 1367(d) says that “the period of limitations . . . shall be *tolled* while the claim is pending and for a period of 30 days after it is dismissed unless State law provides for a longer *tolling* period.” (Emphasis added.) Note that the law uses the words “tolled” and “tolling” in the same sentence. Normally, we assume that when Congress repeats a term in a statute the term’s meaning remains constant throughout. And that assumption is surely “at its most vigorous” where, as here, Congress repeats the same term in the same sentence. *Brown v. Gardner*, 513 U. S. 115, 118 (1994).

This traditional rule of construction tells us a great deal. It does because no one doubts that the state law “tolling

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period[s]” referenced in the second half of the sentence were at the time of section 1367(d)’s enactment—and still are—grace periods allowing parties a specified number of days or months after dismissal to refile in the proper court. See, e. g., Colo. Rev. Stat. § 13–80–111(1) (1990) (providing that the plaintiff “may commence a new action upon the same cause of action within ninety days after the termination of the original action”).³ In fact, these statutes were often self-consciously patterned on the journey’s account doctrine, seeking to address much the same problem the common law faced with much the same solution.⁴ And the fact that Congress used a variant of the word “toll” in the second half of the sentence to refer to grace periods strongly suggests it did so in the first half of the sentence too. So the first phrase “shall be *tolled* while the claim is pending and for a

³ At the time of section 1367(d)’s enactment, it appears at least 31 of 36 States that provided tolling of some kind guaranteed a grace period. See also App. to Brief for National Conference of State Legislatures et al. as *Amici Curiae* 1a–25a (discussing current state statutes).

⁴ The “[p]rinciple of journeys account became definitely fixed and somewhat enlarged in England by an early statute This statute, with varying changes, has been enacted in nearly all of the states of the Union.” 19 American and English Encyclopaedia of Law 262 (2d ed. 1901); *Cox, supra*, at 109, 47 S. E., at 915 (explaining that, “in lieu” of the journey’s account, the colonial act of 1767 permitted “a new action within one year” of dismissal, and then the act of 1847 allowed a new action within six months of dismissal “notwithstanding the intervening bar of the statute”); *Denton v. Atchison*, 76 Kan. 89, 91, 90 P. 764, 765 (1907) (statute adopted “the common-law rule of ‘journeys account’”); *English v. T. H. Rogers Lumber Co.*, 68 Okla. 238, 240, 173 P. 1046, 1048 (1918) (“Statutes such as ours are said to have their origin in the common law rule of ‘journeys account’”); *Baker v. Cohn*, 266 App. Div. 236, 239, 41 N. Y. S. 2d 765, 767 (1943) (“Historically, the extension of one year’s time . . . is said to be an outgrowth of the ancient common law rule of ‘journey’s account’”); *Sorensen v. Overland Corp.*, 142 F. Supp. 354, 362 (Del. 1956) (“The statute of ‘journeys’ account’ is one founded under English law, and enacted in most jurisdictions today”); *Wilt v. Smack*, 147 F. Supp. 700, 702 (ED Pa. 1957) (“Statutes of Journey’s Account originated in England and have long existed, in varying forms, among the states”).

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period of 30 days” should be understood to extend a grace period of 30 days after dismissal much as the second phrase “*tolling period*” is understood to refer the reader to parallel state law grace periods affording short periods for refile after dismissal.

The alternative reading endorsed by the Court today extends too little respect to Congress’s competency as drafter. It asks us to assume the legislature was so garbled in its expression that it switched the meaning of the term “toll” halfway through a single sentence without telling anyone. It asks us to conclude that when Congress spoke of the period “tolled” in the first part of the sentence it meant to refer (unambiguously, no less) to a stop clock approach even though it used the term “tolling period” to refer to existing state law grace periods in the second part of the sentence. The statute’s text drops no hint of such a silent switch and it’s a lexicographical leap our traditional rules of statutory interpretation warn against.

That, though, represents just the beginning of the textual troubles with the approach the Court adopts. Consider next the fact that section 1367(d) tells us to apply its federal tolling rule “unless” state law provides a “longer tolling period.” In this way, the statute asks us to compare the length of the state “tolling period” with the length of the federal “tolling period” set by section 1367(d) and apply the longer one. See *ante*, at 88 (courts apply the federal rule if “the state-law tolling period will not be longer than §1367(d)’s”). The equation we’re asked to perform is straightforward and sensible if we understand both the state and federal “tolling periods” discussed in this statute as grace periods. We simply pick the longer grace period: Is it the federal 30-day period or one provided by state law?

By contrast, the equation is anything but straightforward or sensible under the Court’s approach. The Court tells us that, under its reading of the statute, the federal “tolling period” is the “duration of the claim’s pendency in federal

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court” plus 30 days. See *ante*, at 85, 88. So the decision whether to apply the federal or the state tolling period turns not on the sensible question which would afford the plaintiff more time to refile but instead on the happenstance of how long the plaintiff’s claim sat in federal court before dismissal. Under the Court’s interpretation, we apply the federal stop clock rule if, but only if, the time the case happened to linger in federal court before dismissal (plus 30 days) is longer than the relevant state grace period. But to state the test is to see it is a nonsense—one we would not lightly attribute to any rational drafter, let alone Congress.

Consider some examples of the absurdities that follow from the apples-to-oranges comparison the Court’s test requires. Say state law provides a 5-year statute of limitations and a 1-year grace period for refileing. The plaintiff files in federal court one day before the statute of limitations expires. The litigation in federal court lasts one year. Under the Court’s view, the federal “tolling period” would be 1 year plus 30 days—the time the claim was pending in federal court plus 30 days after dismissal. That period is longer than the state tolling period of one year and so the federal tolling rule, not the state rule, controls—leaving the plaintiff only 31 days to refile her claim after dismissal even though state law would have allowed a full year.

That may be curious enough, but curiouser it gets. Now suppose the litigation in federal court lasts only 10 months. That makes the federal tolling period only 11 months (10 months plus 30 days). Under the Court’s view, state law now provides a longer tolling period (one year) and the litigant gets a full year to refile in state court instead of 31 days. No one has offered a reason why the happenstance of how long the federal litigation lasted should determine how much time a litigant has to refile in state court. Yet that is what the Court’s reading of section 1367(d) demands.

Of course, it’s easy enough to imagine the rule the Court really wants to adopt today: It would like to afford litigants

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as a matter of federal law the benefit of a stop clock approach whenever doing so would yield more time to refile than the State’s grace period would permit. But to accomplish so much we would need a very different statute than the one we have. We would need to be able to compare the relevant state-law grace “tolling period” *not* with the federal “tolling period” as the statute says but with the *amount of time left under the relevant state limitations period on the date the plaintiff filed her federal suit*. The problem is, no one has even hinted how we might lawfully superimpose all those italicized words (entirely of our own devise) onto the statutory text.⁵

There are still more textual clues that we have lost our way today. Congress spoke of the federal tolling period as embracing “30 days after . . . dismissal.” That language sounds like and fits with a traditional grace period or journey’s account approach. As we’ve seen, grace periods often speak about affording parties some short period of time after dismissal to refile their claims. Meanwhile, this language proves no small challenge to square with a stop clock approach. Generally we say a clock is stopped due to the onset of a particular event like a disability: *Something* usually causes the stopping of the clock and when that *something* goes away, the clock restarts. Here, the Court says, the clock stops once a claim is pending in federal court. Yet it doesn’t restart when that something—the claim’s pendency—goes away but instead waits another 30 days before ticking again. All without any apparent reason for the additional delay.

⁵The Court suggests that a comparison between state and federal tolling periods may not be “inevitable” and that in “extraordinary circumstances” like those discussed above a comparison between the state tolling period and the time left on the clock before the federal filing might prove “more natural.” *Ante*, at 88, n. 12. But even here the Court does not attempt to explain how the latter comparison might be fairly extracted from the statutory text—let alone only in “extraordinary circumstances.”

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This case illustrates the oddity. Petitioner filed her suit in federal court with 23 months remaining on the 3-year statute of limitations. The case remained in federal district court for nearly three years before dismissal. Under the grace period approach the 30-day provision does just as it appears, providing petitioner with 30 days to journey to and refile in the correct court. Under the stop clock approach, though, the statute affords petitioner 23 months *plus* a random 30-days more to refile. Indeed, on the stop clock approach the *only* work the 30-day period is even imaginably left to do comes in cases where the plaintiff filed her federal suit at the very end of the limitations period. And if that's the only problem Congress sought to address, it chose a mighty murky way to do it, for the parties point to not a single stop clock provision in all of federal law that includes language anything like this. All while (again) this language fits hand in glove with every grace period statute known.⁶

⁶The Court offers a couple of competing textual arguments but neither can bear much weight.

First, the Court suggests that deriving a grace period from the statutory term “period of limitations” requires “strain[ing].” *Ante*, at 84. But the fact is both the grace period and stop clock interpretations require some (and some very similar) inferences. The grace period approach construes the term “period of limitations” as directing us to the “effect of the period of limitations” that is tolled or taken away. For its part meanwhile, the stop clock approach construes “period of limitations” to refer to the “running of the period of limitations” that is tolled or taken away. The question is which inference is more persuasive. And in light of the dual kinds of tolling the law has long recognized, as well as the textual and contextual clues before us (some still to be discussed), the better answer is clear.

Second, the Court complains that the grace period interpretation renders “superfluous” the phrase “while the claim is pending.” *Ante*, at 85. But the phrase does important work under the grace period approach, ensuring that the expiration of the limitations period does not take effect while the claim is pending in federal court. Indeed and somewhat paradoxically, the Court itself implicitly recognizes that the language *does* real work when it suggests (in its next sentence no less) that the grace period approach could “yield an absurdity” by working to revive a claim that has

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Beyond all these textual clues lie important contextual ones too. When Congress replants the roots of pre-existing law in the federal code, this Court assumes it brings with it the surrounding soil, retaining the substance of the tradition it engages. Respect for Congress, this Court has held, means assuming it knows and “legislate[s] against a background of [the] common law . . . principles” found in the field where it is working. *Samantar v. Yousuf*, 560 U. S. 305, 320, n. 13 (2010); see also *Goodyear Atomic Corp. v. Miller*, 486 U. S. 174, 184–185 (1988). And, as we’ve seen, the state law of tolling Congress expressly referenced and replanted in section 1367(d) comes heavily encrusted with meaning. In cases involving dismissal and refiling, state statutory law and the common law from which it grew have long afforded a grace period to allow the litigant an appropriately tailored time to find his way to the proper court. Meanwhile, a stop clock approach isn’t usually part of this ecosystem for nothing has disabled the litigant from reaching a court in the first place and all he must do is journey from the old court to the new one. We don’t assume Congress strips replanted statutes of their soil, and we should not assume Congress displaced so much tradition in favor of something comparatively foreign.⁷

already expired before it is brought in federal court. *Ibid.* There is of course no absurdity in it, for the term “while the claim is pending” does the important work of addressing that very concern, preventing the expiration of the statute of limitations from taking effect while the claim is pending even as the language also and sensibly permits the statute of limitations to take effect if it expires before the plaintiff files his claim in federal court.

⁷The Court dismisses this “history lesson” on the ground that it doesn’t know if Congress had “the ancient common-law . . . in mind.” *Ante*, at 86, n. 11. But respect for Congress’s competency means we presume it knows the substance of the state laws it expressly incorporates into its statutes and the common law against which it operates. See *supra* this page. When the Court turns to offer its own competing contextual evidence, it observes that a stop clock approach can be found in many other places in the U. S. Code. See *ante*, at 80, and n. 4, 87–88. But it turns

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The Court’s reformation of the statute introduces another problem still—one of significantly greater magnitude yet. In our constitutional structure, the federal government’s powers are supposed to be “few and defined,” while the powers reserved to the States “remain . . . numerous and indefinite.” The Federalist No. 45, p. 328 (B. Wright ed. 1961) (J. Madison); *McCulloch v. Maryland*, 4 Wheat. 316, 405 (1819). No doubt, the Constitution affords Congress the authority to make laws that are “necessary and proper” to carry out its defined duties. Art. I, §8, cl. 18. But it is difficult to see how, on the Court’s interpretation, section 1367(d) might be said to survive that test—how it might be said to be necessary and proper to effectuate any recognized federal power or how it could be called anything other than an unconstitutional intrusion on the core state power to define the terms of state law claims litigated in state court proceedings.⁸

Under our precedent, the analysis here begins with *Jinks v. Richland County*, 538 U. S. 456 (2003). Without some tolling rule for dismissed state law supplemental claims, the

out the Court’s stop clock examples often involve situations where some disability prevents the plaintiff from proceeding to court. See, e.g., 26 U. S. C. § 6213(f)(1) (limitations period for filing a petition in the Tax Court “shall be suspended for the period during which the debtor is prohibited . . . from filing a petition”); § 6503(a)(1) (limitations period on making an assessment shall “be suspended for the period during which the Secretary is prohibited from making the assessment”). Notably, not one of the Court’s examples purports to address a situation like the one we face: where the plaintiff has proved able to come to court but merely chose the wrong one. The Court’s own contextual evidence, then, serves to illustrate just how unusual and out of place a stop clock approach would be here.

⁸Of course, the case before us arises from litigation in the District of Columbia where the federal government enjoys plenary power. See Art. I, §8, cl. 17. But the federalism concern here cannot be ignored, as the Court today rightly acknowledges, *ante*, at 89–92, because the statute at issue applies nationwide and the vast bulk of its applications come in the States and implicate state causes of action, state limitations laws, and state court proceedings.

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Court in *Jinks* noted, federal courts would be left with “three basic choices:” (1) “condition dismissal of the state-law claim on the defendant’s waiver of any statute-of-limitations defense in state court”; (2) “retain jurisdiction over the state-law claim even though it would more appropriately be heard in state court”; or (3) “dismiss the state-law claim but allow the plaintiff to reopen the federal case if the state court later held the claim to be time barred.” *Id.*, at 462–463. All three choices, the Court held, would negatively affect the “‘administration of justice’ in *federal* court” and thus impair the exercise of the enumerated “judicial power” of the federal government in Article III. *Id.*, at 462 (emphasis added). Accordingly, the Court reasoned, *some* tolling rule “assur[ing] that state-law claims asserted under [the supplemental jurisdiction statute] will not become time barred while pending in federal court” is necessary and proper to the execution of the federal judicial power. *Id.*, at 464.

The necessary and proper federal interest *Jinks* recognized is fully discharged by a grace period. Even petitioner appears to concede this. See Brief for Petitioner 27 (“Of course, the grace period approach also guarantees a plaintiff who is unsuccessful in federal court the opportunity to bring a claim in state court”). Nor could anyone easily argue otherwise. *Jinks* itself proceeded to uphold the constitutionality of section 1367(d) as necessary and proper on the basis of an understanding that the statute guaranteed just 30 days to a disappointed litigant to refile in state court. No one in *Jinks* even hinted that a longer period might be necessary or proper to serve any valid federal interest.⁹

⁹See Brief for Petitioner in *Jinks v. Richland County*, O. T. 2002, No. 02–258, p. 9 (“The tolling window created lasts only 30 days after dismissal without prejudice from district court”); *id.*, at 37 (section 1367(d) “provides a *de minimis* window in which a plaintiff may refile in state court if the limitations period expires during the pendency of the federal district court action”); Brief for Respondent in No. 02–258, p. 31 (describing section 1367(d) as providing “a thirty-day tolling window”); Brief for United States in No. 02–258, pp. 16, 22 (describing section 1367(d) as “minimally intrusive on state prerogatives” since it ensures that the “statute of

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For good reason, it turns out. Trying to imagine how the Court’s novel twist on section 1367(d) might serve a necessary and proper federal interest is a hard business. To discharge the federal interest in preventing state law claims from “becom[ing] time barred while pending in federal court” it may be necessary to impose a short grace period. But how is it necessary to do anything more than that, like consult the happenstance of how long the federal court took to dismiss the case and then tack an equivalent number of months or years onto state law limitations periods? What federal interest could *that* even plausibly serve? The Court does not and cannot attempt an answer because its proffered solution is simply orthogonal to any federal concern.

To be sure, the Court suggests that its approach will help the States. See *ante*, at 91. But a great many States have suggested the opposite, complaining to us that the Court’s approach will regularly relegate to the dustbin their own state limitations policy choices. See Brief for State of Wisconsin et al. as *Amici Curiae* 22–27; Brief for National Conference of State Legislatures et al. as *Amici Curiae* 6–29. And surely they would seem better positioned than we to know their own interests. To this, the Court replies that “[w]ere the dissent’s position to prevail, cautious plaintiffs would surely” file “two actions [one in federal, the other in state court] and ask the state court to hold the suit filed there in abeyance pending disposition of the federal suit,” causing “plaintiffs to resort to wasteful, inefficient duplication.” *Ante*, at 91. But, of course, this observation does nothing to tell us whether stop clock tolling is necessary to serve a *federal* interest. Nor does it even tell us whether stop clock tolling is necessary to help the *States*. A very

limitations on the pendent claim will not expire during the pendency of the federal-court action”); Pet. for Cert. in No. 02–258, p. 22 (“Section 1367(d) merely saves—for a maximum excess period of 30 days—a preexisting lawsuit that must be refiled to allow the matter to be heard in a forum preferable to the State, namely, in its own courts”); see also Brief for State of Wisconsin et al. as *Amici Curiae* 8–9.

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long historical record before us suggests that grace periods have worked well to obviate the need for simultaneous filings in state and federal court; the Court offers no account why its innovation might be needed only now to rescue States from their own legislative choices about the appropriate life-span of their state law claims.

The Court's approach isn't just unnecessary; it isn't proper either. A law is not "proper for carrying into [e]xecution" an enumerated power if it "violates the principle of state sovereignty" reflected in our constitutional tradition. *Printz v. United States*, 521 U. S. 898, 923–924 (1997). The word "proper" was "used during the founding era to describe the powers of a governmental entity as peculiarly within the province or jurisdiction of that entity." Lawson & Granger, *The "Proper" Scope of Federal Power: A Jurisdictional Interpretation of the Sweeping Clause*, 43 *Duke L. J.* 267, 297 (1993). Limitations periods for state law claims fall well within the peculiar province of state sovereign authority. As Chancellor Kent explained, "[t]he period sufficient to constitute a bar to the litigation of sta[l]e demands, is a question of municipal policy and regulation, and one which belongs to the discretion of every government, consulting its own interest and convenience." *Sun Oil Co. v. Wortman*, 486 U. S. 717, 726 (1988) (quoting 2 J. Kent, *Commentaries on American Law* 462–463 (2d ed. 1832)). Described as "laws for administering justice," time bars are "one of the most sacred and important of sovereign rights and duties." *Hawkins v. Barney's Lessee*, 5 Pet. 457, 466 (1831). And "from a remote antiquity," they have been the province of the sovereign "by which it exercises its legislation for all persons and property within its jurisdiction." *McElmoyle ex rel. Bailey v. Cohen*, 13 Pet. 312, 327 (1839). Our States have long "exercise[d] this right in virtue of their sovereignty." *Ibid.*

The decision today gives short shrift to these traditional interests. Just consider how differently the two approaches

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treat States when it comes to one of their most “important of sovereign rights.” Under a grace period approach, Congress simply fills a void, for the great bulk of States provide for grace periods of 30 days or longer; only a few States don’t allow that much or don’t speak to the question. See n. 3, *supra*. So on the grace period account, Congress provides a modest backstop consistent with existing state law. By contrast, under the stop clock interpretation, state law grace periods are displaced whenever the federal litigation (plus those odd 30 days) happens to be longer than the state law grace period. And that, of course, is sure to happen often, for federal litigation is no quick business and state law grace periods often are. Any time federal litigation (plus, again, 30 days) lasts longer than the 30- or 60- or 90- or 365-day grace period found in state law, state law will be forced to give way, and a federally mandated stop clock approach will usurp its place.

The stop clock approach, then, ensures that traditional state law judgments about the appropriate lifespan of state law claims will be routinely displaced—and displaced in favor of nothing more than a fortuity (the time a claim sits in federal court) that bears no rational relationship to any federal interest. The Court’s approach forces state courts to entertain routinely state law claims that the state legislatures treat as no claims at all. And it forces state courts to entertain claims that aren’t just stale by days or weeks under state law, but stale by months or even many years too. So, for example, take a plaintiff who files suit in federal court shortly after a 6-year state law limitations period begins running and the litigation lasts six years before it’s finally dismissed. Under the Court’s approach, federal law will now promise the plaintiff nearly six years more (plus those stray 30 days again) to refile his claim in state court. Neither is this illustration fiction; it is drawn from the facts of *Berke v. Buckley Broadcasting Corp.*, 359 N. J. Super. 587, 591–592, 821 A. 2d 118, 121 (App. Div. 2003). See also

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Krause v. Textron Financial Corp., 2007 WL 8054628, *1–*2 (Fla. Cir. Ct., May 9, 2007); Brief for State of Wisconsin et al. as *Amici Curiae* 20–21 (offering many more examples). Given all this, it’s no wonder that 24 States, the National Conference of State Legislatures, and the Council of State Governments complain that the result the Court reaches today flies in the face of federalism.¹⁰

The Court today clears away a fence that once marked a basic boundary between federal and state power. Maybe it wasn’t the most vital fence and maybe we’ve just simply forgotten why this particular fence was built in the first place. But maybe, too, we’ve forgotten because we’ve wandered so far from the idea of a federal government of limited and enumerated powers that we’ve begun to lose sight of what it looked like in the first place. If the federal government can now, without any rational reason, force States to allow state law causes of action in state courts even though the state law limitations period expired many years ago, what exactly can’t it do to override the application of state law to state claims in state court? What boundaries remain then?

I respectfully dissent.

¹⁰ The Court’s reply—that stop clock tolling is “standard” and “off-the-shelf”—is no answer. *Ante*, at 91. The propriety of a legal tool in one area does not establish its propriety in all; while stop clock tolling may be standard and off-the-shelf in other contexts (such as for equitable tolling) that doesn’t mean it is necessary and proper here. Indeed, and as we’ve seen, the “standard” and “off-the-shelf” solution to the problem of dismissal and the need to refile is the one adopted at common law and by state law: a grace period. If we’re interested in looking for the right shelf, that’s the one.

Syllabus

NATIONAL ASSOCIATION OF MANUFACTURERS *v.*
DEPARTMENT OF DEFENSE ET AL.CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE SIXTH CIRCUIT

No. 16–299. Argued October 11, 2017—Decided January 22, 2018

The Clean Water Act generally prohibits “the discharge of any pollutant by any person,” except in express circumstances. 33 U.S.C. § 1311(a). A “discharge of a pollutant” includes “any addition of any pollutant to navigable waters from any point source,” § 1362(12), and the statutory term “navigable waters,” in turn, means “the waters of the United States,” § 1362(7). Section 1311(a) contains important exceptions to the general prohibition on discharge of pollutants, including two permitting schemes that authorize certain entities to discharge pollutants into navigable waters: the National Pollutant Discharge Elimination System (NPDES) program administered by the Environmental Protection Agency (EPA) under § 1342, and a program administered by the Army Corps of Engineers (Corps) under § 1344.

The statutory term “waters of the United States” delineates the geographic reach of those permitting programs as well as other substantive provisions of the Act. In 2015, the EPA and the Corps proffered a definition of that term through an agency regulation dubbed the Waters of the United States Rule (WOTUS Rule or Rule). The WOTUS Rule “imposes no enforceable duty on any state, local, or tribal governments, or the private sector.” 80 Fed. Reg. 37102. As stated in its preamble, the Rule “does not establish any regulatory requirements” and is instead “a definitional rule that clarifies the scope of” the statutory term “waters of the United States.” *Id.*, at 37054.

There are two principal avenues of judicial review of an EPA action. Generally, parties may file challenges to final EPA actions in federal district courts, typically under the Administrative Procedure Act. But the Clean Water Act enumerates seven categories of EPA actions for which review lies directly and exclusively in the federal courts of appeals, including, as relevant here, EPA actions “approving or promulgating any effluent limitation or other limitation under section 1311, 1312, 1316, or 1345,” § 1369(b)(1)(E), and EPA actions “issuing or denying any permit under section 1342,” § 1369(b)(1)(F).

Several parties, including petitioner National Association of Manufacturers (NAM), challenged the Rule in United States District Courts across the country. Many parties, but not NAM, filed “protective” peti-

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tions for review in various Courts of Appeals to preserve their challenges should their District Court lawsuits be dismissed for lack of jurisdiction under § 1369(b). The appellate court actions were consolidated and transferred to the Court of Appeals for the Sixth Circuit. Meanwhile, the parallel actions in the District Courts continued. NAM intervened as a respondent in the Sixth Circuit and, along with several other parties, moved to dismiss for lack of jurisdiction. The Government opposed those motions, arguing that the challenges must be brought first in the Court of Appeals because the WOTUS Rule fell within subparagraphs (E) and (F) of § 1369(b)(1). The Sixth Circuit denied the motions to dismiss.

Held: Because the WOTUS Rule falls outside the ambit of § 1369(b)(1), challenges to the Rule must be filed in federal district courts. Pp. 121–132.

(a) Neither subparagraph (E) nor subparagraph (F) of § 1369(b)(1) grants courts of appeals exclusive jurisdiction to review the WOTUS Rule in the first instance. Pp. 121–129.

(1) Subparagraph (E) grants courts of appeals exclusive jurisdiction to review any EPA action “in approving or promulgating any effluent limitation or other limitation under section 1311, 1312, 1316, or 1345.” 33 U.S.C. § 1369(b)(1)(E). The WOTUS Rule does not fall within that provision. To begin, the Rule is not an “effluent limitation,” which the Act defines as “any restriction . . . on quantities, rates, and concentrations” of certain pollutants “which are discharged from point sources into navigable waters.” § 1362(11). The WOTUS Rule imposes no such restriction; instead, it announces a regulatory definition for a statutory term. Nor does the Rule fit within subparagraph (E)’s “other limitation” language. Congress’ use of the phrase “effluent limitation or other limitation” suggests that an “other limitation” must be similar in kind to an “effluent limitation”: that is, a limitation related to the discharge of pollutants. This natural reading is reinforced by subparagraph (E)’s cross-references to §§ 1311, 1312, 1316, and 1345, which each impose restrictions on the discharge of certain pollutants. The statutory structure thus confirms that an “other limitation” must also be some type of restriction on the discharge of pollutants. Because the WOTUS Rule does no such thing, it falls outside the scope of subparagraph (E).

Even if the Government’s reading of “effluent limitation or other limitation” were accepted, however, the Rule still does not fall within subparagraph (E) because it is not a limitation promulgated or approved “under section 1311.” As subparagraph (E)’s statutory context makes clear, this phrase is most naturally read to mean that the effluent or

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other limitation must be approved or promulgated “pursuant to” or “by reason of the authority of” § 1311. But the EPA did not promulgate or approve the WOTUS Rule under § 1311, which neither directs nor authorizes the EPA to *define* a statutory phrase appearing elsewhere in the Act. Rather, the WOTUS Rule was promulgated or approved under § 1361(a), which grants the EPA general rulemaking authority “to prescribe such regulations as are necessary to carry out [its] functions under” the Act.

The Government contends that the statutory language “under section 1311” poses no barrier to its reading of subparagraph (E) because the WOTUS Rule’s practical effect is to make § 1311’s limitations applicable to the waters covered by the Rule. But the Government’s “practical effects” test is not grounded in the statute, renders other statutory language superfluous, and ignores Congress’ decision to grant courts of appeals exclusive jurisdiction only over seven enumerated types of EPA actions set forth in § 1369(b)(1). Pp. 121–126.

(2) The Government fares no better under subparagraph (F), which grants courts of appeals exclusive and original jurisdiction to review any EPA action “in issuing or denying any permit under section 1342.” § 1369(b)(1)(F). That provision does not cover the WOTUS Rule, which neither issues nor denies NPDES permits issued under § 1342. Seeking to avoid that conclusion, the Government invokes this Court’s decision in *Crown Simpson Pulp Co. v. Costle*, 445 U. S. 193, 196, and argues that the WOTUS Rule falls under subparagraph (F) because it is “functionally similar” to issuing or denying a permit. But that construction misconstrues *Crown Simpson*, is unmoored from the statutory text, and would create surplusage in other parts of the statute. Pp. 126–129.

(b) The Government’s policy arguments provide no basis to depart from the statute’s plain language. First, the Government contends that initial appellate court review of the WOTUS Rule would avoid a bifurcated judicial-review scheme under which courts of appeals would review individual actions issuing or denying permits, whereas district courts would review broader regulations governing those actions. But, as explained, Congress has made clear that rules like the WOTUS Rule must be reviewed first in federal district courts. *Crown Simpson*, 445 U. S., at 197, distinguished. Moreover, the bifurcation that the Government bemoans is no more irrational than Congress’ choice to assign challenges to NPDES permits to courts of appeals and challenges to § 1344 permits to district courts, see § 1369(b)(1)(E). And many of this Court’s recent decisions regarding the agencies’ application and definition of “waters of the United States” have originated in district courts, not the courts of appeals. Second, the Court acknowledges that, as the Government argues, routing WOTUS Rule challenges directly to the courts of

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appeals may improve judicial efficiency. But efficiency was not Congress' only consideration. Had Congress wanted to prioritize efficiency, it could have authorized direct appellate court review of all nationally applicable regulations, as it did under the Clean Air Act, instead of structuring judicial review as it did in § 1369(b)(1). Third, the Government argues that initial review in the courts of appeals promotes the important goal of national uniformity with regard to broad regulations. Although that argument carries some logical force, Congress did not pursue that end at all costs. Finally, contrary to the Government's contention, the presumption favoring appellate court review of administrative action does not apply here, for the scope of subparagraphs (E) and (F) is set forth clearly in the statute. *Florida Power & Light Co. v. Lorion*, 470 U. S. 729, 745, 737, distinguished. Pp. 129–132.

817 F. 3d 261, reversed and remanded.

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

Timothy S. Bishop argued the cause for petitioner. With him on the briefs were *Chad M. Clamage*, *Michael B. Kimberly*, *Linda E. Kelly*, and *Quentin Riegel*. *Eric E. Murphy*, State Solicitor of Ohio, argued the cause for respondents Ohio et al. under this Court's Rule 12.6 in support of petitioner. With him on the briefs were *Michael DeWine*, Attorney General of Ohio, and *Peter T. Reed*, Deputy Solicitor, *Steven T. Marshall*, Attorney General of Alabama, *Jahna Lindemuth*, Attorney General of Alaska, *Mark Brnovich*, Attorney General of Arizona, *Leslie Rutledge*, Attorney General of Arkansas, *Cynthia H. Coffman*, Attorney General of Colorado, *Pamela Jo Bondi*, Attorney General of Florida, *Christopher M. Carr*, Attorney General of Georgia, *Lawrence G. Wasden*, Attorney General of Idaho, *Curtis T. Hill, Jr.*, Attorney General of Indiana, *Derek Schmidt*, Attorney General of Kansas, *Andy Beshear*, Attorney General of Kentucky, *Jeff Landry*, Attorney General of Louisiana, *Bill Schuette*, Attorney General of Michigan, *Jim Hood*, Attorney General of Mississippi, *Joshua D. Hawley*, Attorney General of Missouri, *Tim Fox*, Attorney General of Montana, *Douglas J. Peterson*, Attorney General of Nebraska, *Adam Paul Laxalt*, Attorney General of Nevada, *Wayne Stenehjem*, Attor-

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ney General of North Dakota, *Mike Hunter*, Attorney General of Oklahoma, *Alan Wilson*, Attorney General of South Carolina, *Marty J. Jackley*, Attorney General of South Dakota, *Herbert H. Slatery III*, Attorney General of Tennessee, *Ken Paxton*, Attorney General of Texas, *Sean D. Reyes*, Attorney General of Utah, *Patrick Morrissey*, Attorney General of West Virginia, *Brad D. Schimel*, Attorney General of Wisconsin, *Peter K. Michael*, Attorney General of Wyoming, *Lara Katz*, and *Matthias Sayer*. *M. Reed Hopper*, *Anthony L. François*, *Steven J. Lechner*, *Richard A. Horder*, *Jennifer A. Simon*, and *Kimberly S. Hermann* filed a brief for respondents Agrowstar, LLC, et al. under this Court's Rule 12.6 in support of petitioner. *Kristy A. N. Bulleit*, *Andrew J. Turner*, and *Karma B. Brown* filed briefs for respondent Utility Water Act Group under this Court's Rule 12.6 in support of petitioner. *Allison M. LaPlante* and *Jennifer C. Chavez* filed briefs for respondents Waterkeeper Alliance, Inc., et al. under this Court's Rule 12.6 in support of petitioner.

Rachel P. Kovner argued the cause for respondents. With her on the brief for the federal respondents were *Acting Solicitor General Wall*, *Acting Assistant Attorney General Wood*, *Deputy Solicitor General Stewart*, *Daniel R. Dertke*, *Amy J. Dona*, *Andrew J. Doyle*, *J. David Gunter II*, *Robert J. Lundman*, *Martha C. Mann*, *Jessica O'Donnell*, *Karyn I. Wendelowski*, *David Cooper*, and *Daniel Inkelas*. *Eric F. Citron* and *Catherine Marlantes Rahm* filed a brief for respondents National Resources Defense Council et al.*

JUSTICE SOTOMAYOR delivered the opinion of the Court.

What are the “waters of the United States”? As it turns out, defining that statutory phrase—a central component of

**William S. Consovoy*, *J. Michael Connolly*, *Michael H. Park*, *Kate Comerford Todd*, *Sheldon B. Gilbert*, *Karen R. Harned*, and *Luke A. Wake* filed a brief for the Chamber of Commerce of the United States of America et al. as *amici curiae* urging reversal.

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the Clean Water Act—is a contentious and difficult task. In 2015, the Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) tried their hand at proffering a definition through an agency regulation dubbed the Waters of the United States Rule (WOTUS Rule or Rule).¹ The WOTUS Rule prompted several parties, including petitioner National Association of Manufacturers (NAM), to challenge the regulation in federal court. This case, however, is not about the substantive challenges to the WOTUS Rule. Rather, it is about in which federal court those challenges must be filed.

There are two principal avenues of judicial review of an action by the EPA. Generally, parties may file challenges to final EPA actions in federal district courts, ordinarily under the Administrative Procedure Act (APA). But the Clean Water Act enumerates seven categories of EPA actions for which review lies directly and exclusively in the federal courts of appeals. See 86 Stat. 892, as amended, 33 U.S.C. § 1369(b)(1). The Government contends that the WOTUS Rule fits within two of those enumerated categories: (1) EPA actions “in approving or promulgating any effluent limitation or other limitation under section 1311, 1312, 1316, or 1345,” § 1369(b)(1)(E), and (2) EPA actions “in issuing or denying any permit under section 1342,” § 1369(b)(1)(F).

We disagree. The WOTUS Rule falls outside the ambit of § 1369(b)(1), and any challenges to the Rule therefore must be filed in federal district courts.

I

A

Although the jurisdictional question in this case is a discrete issue of statutory interpretation, it unfolds against the

¹We note that some of the parties and the Court of Appeals below refer to the WOTUS Rule as the “Clean Water Rule.” Throughout this opinion, we have opted to use the former term in lieu of the latter.

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backdrop of a complex administrative scheme. The Court reviews below the aspects of that scheme that are relevant to the question at hand.

1

Congress enacted the Clean Water Act in 1972 “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” § 1251(a). One of the Act’s principal tools in achieving that objective is § 1311(a), which prohibits “the discharge of any pollutant by any person,” except in express circumstances. A “discharge of a pollutant” is defined broadly to include “any addition of any pollutant to navigable waters from any point source,” such as a pipe, ditch, or other “discernible, confined and discrete conveyance.” §§ 1362(12), (14). And “navigable waters,” in turn, means “the waters of the United States, including the territorial seas.” § 1362(7). Because many of the Act’s substantive provisions apply to “navigable waters,” the statutory phrase “waters of the United States” circumscribes the geographic scope of the Act in certain respects.

Section 1311(a) contains important exceptions to the prohibition on discharge of pollutants. Among them are two permitting schemes that authorize certain entities to discharge pollutants into navigable waters. See *Rapanos v. United States*, 547 U. S. 715, 723 (2006) (plurality opinion). The first is the National Pollutant Discharge Elimination System (NPDES) program, which is administered by the EPA under § 1342. Under that program, the EPA issues permits allowing persons to discharge pollutants that can wash downstream “upon [the] condition that such discharge will meet . . . all applicable requirements under sections 1311, 1312, 1316, 1317, 1318, and 1343.” § 1342(a)(1). “NPDES permits impose limitations on the discharge of pollutants, and establish related monitoring and reporting requirements, in order to improve the cleanliness and safety of the Nation’s waters.” *Friends of the Earth, Inc. v. Laidlaw Environmental Services (TOC), Inc.*, 528 U. S. 167, 174 (2000). One such limita-

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tion is an “effluent limitation,” defined in the Act as a “restriction . . . on quantities, rates, and concentrations” of specified pollutants “discharged from point sources into navigable waters, the waters of the contiguous zone, or the ocean, including schedules of compliance.” § 1362(11).

The second permitting program, administered by the Corps under § 1344, authorizes discharges of “‘dredged or fill material,’” which “are solids that do not readily wash downstream.” *Rapanos*, 547 U. S., at 723 (plurality opinion). Although the Corps bears primary responsibility in determining whether to issue a § 1344 permit, the EPA retains authority to veto the specification of a site for discharge of fill material. See § 1344(c).²

2

The statutory term “waters of the United States” delineates the geographic reach of many of the Act’s substantive provisions, including the two permitting programs outlined above. In decades past, the EPA and the Corps (collectively, the agencies) have struggled to define and apply that statutory term. See, e. g., 42 Fed. Reg. 37124, 37127 (1977); 51 Fed. Reg. 41216–41217 (1986). And this Court, in turn, has considered those regulatory efforts on several occasions, upholding one such effort as a permissible interpretation of the statute but striking down two others as overbroad. Compare *United States v. Riverside Bayview Homes, Inc.*, 474 U. S. 121 (1985) (upholding the Corps’ interpretation that “waters of the United States” include wetlands adjacent to navigable waters), with *Solid Waste Agency of Northern Cook Cty. v. Army Corps of Engineers*, 531 U. S. 159 (2001) (rejecting application of the Corps’ interpretation of “waters of the United States” as applied to sand and gravel pit); and

²Both permitting programs allow the States to operate their own permitting schemes to govern waters within their borders. See 33 U. S. C. §§ 1342(b), 1344(g). Many States have opted to operate an NPDES permitting program under § 1342(b), and two have done so under § 1344(g).

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Rapanos, 547 U. S., at 729, 757 (plurality opinion) (remanding for further review the Corps’ application of the Act to wetlands lying “near ditches or man-made drains that eventually empty into traditional navigable waters”).

In 2015, responding to repeated calls for a more precise definition of “waters of the United States,” the agencies jointly promulgated the WOTUS Rule. 80 Fed. Reg. 37054 (final rule). The WOTUS Rule was intended to “provid[e] simpler, clearer, and more consistent approaches for identifying the geographic scope of the [Act].” *Id.*, at 37057. To that end, the Rule separates waters into three jurisdictional groups—waters that are categorically jurisdictional (*e. g.*, interstate waters); those that require a case-specific showing of their significant nexus to traditionally covered waters (*e. g.*, waters lying in the flood plain of interstate waters); and those that are categorically excluded from jurisdiction (*e. g.*, swimming pools and puddles). See 33 CFR § 328.3 (2017); 80 Fed. Reg. 37057. Although the revised regulatory definition “applies broadly to [the Act’s] programs,” the WOTUS Rule itself states that it “imposes no enforceable duty on any state, local, or tribal governments, or the private sector.” 80 Fed. Reg. 37102. Indeed, the Rule’s preamble states that it “does not establish any regulatory requirements” and is instead “a definitional rule that clarifies the scope of” the statutory term “waters of the United States.” *Id.*, at 37054.

B

As noted above, the Act contemplates two primary avenues for judicial review of EPA actions, each with its own unique set of procedural provisions and statutes of limitations. For “certain suits challenging some agency actions,” the Act grants the federal courts of appeals original and “exclusive” jurisdiction. *Decker v. Northwest Environmental Defense Center*, 568 U. S. 597, 608 (2013). Seven categories of EPA actions fall within that jurisdictional provision; they include actions of the EPA Administrator—

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“(A) in promulgating any standard of performance under section 1316 of this title, (B) in making any determination pursuant to section 1316(b)(1)(C) of this title, (C) in promulgating any effluent standard, prohibition, or pretreatment standard under section 1317 of this title, (D) in making any determination as to a State permit program submitted under section 1342(b) of this title, (E) in approving or promulgating any effluent limitation or other limitation under section 1311, 1312, 1316, or 1345 of this title, (F) in issuing or denying any permit under section 1342 of this title, and (G) in promulgating any individual control strategy under section 1314(l) of this title.” 33 U. S. C. § 1369(b)(1).

To challenge those types of actions, a party must file a petition for review in the court of appeals for the “judicial district in which [the party] resides or transacts business which is directly affected by” the challenged action. *Ibid.* Any such petition must be filed within 120 days after the date of the challenged action. *Ibid.* If there are multiple petitions challenging the same EPA action, those petitions are consolidated in one circuit, chosen randomly from among the circuits in which the petitions were filed. See 28 U. S. C. § 2112(a)(3). Section 1369(b) also contains a preclusion-of-review provision, which mandates that any agency action reviewable under § 1369(b)(1) “shall not be subject to judicial review in any civil or criminal proceeding for enforcement.” 33 U. S. C. § 1369(b)(2).

The second avenue for judicial review covers final EPA actions falling outside the scope of § 1369(b)(1). Those actions are typically governed by the APA.³ Under the APA, an aggrieved party may file suit in a federal district court to obtain review of any “final agency action for which there is

³The Act also grants federal district courts jurisdiction over certain kinds of citizen enforcement actions. See 33 U. S. C. § 1365(a); *Decker v. Northwest Environmental Defense Center*, 568 U. S. 597, 607–608 (2013).

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no other adequate remedy in a court.” See 5 U. S. C. § 704. Those suits generally must be filed within six years after the claim accrues. 28 U. S. C. § 2401(a).

C

Soon after the agencies promulgated the WOTUS Rule, several parties, including NAM, challenged the Rule in United States District Courts across the country. The Judicial Panel on Multidistrict Litigation (JPML) denied the Government’s request to consolidate and transfer those actions to a single district court. See Order Denying Transfer in *In re Clean Water Rule*, MDL No. 2663, Doc. 163 (Oct. 13, 2015).

Uncertainty surrounding the scope of the Act’s judicial-review provision had also prompted many parties—but not NAM—to file “protective” petitions for review in various Courts of Appeals to preserve their challenges in the event that their District Court lawsuits were dismissed for lack of jurisdiction under § 1369(b). The JPML consolidated these appellate-court actions and transferred them to the Court of Appeals for the Sixth Circuit. See Consolidation Order in *In re EPA and Dept. of Defense, Final Rule*, MCP No. 135, Doc. 3 (July 28, 2015). The Court of Appeals thereafter issued a nationwide stay of the WOTUS Rule pending further proceedings. See *In re EPA and Dept. of Defense Final Rule*, 803 F. 3d 804 (2015).

Meanwhile, parallel litigation continued in the District Courts. Some District Courts dismissed the pending lawsuits, concluding that the courts of appeals had exclusive jurisdiction over challenges to the Rule. See *Murray Energy Corp. v. EPA*, 2015 WL 5062506, *6 (ND W. Va., Aug. 26, 2015) (dismissing for lack of jurisdiction); *Georgia v. McCarthy*, 2015 WL 5092568, *3 (SD Ga., Aug. 27, 2015) (concluding that court lacked jurisdiction to enter preliminary injunction). One District Court, by contrast, held that it had jurisdiction to review the WOTUS Rule. See *North Dakota v. EPA*, 127 F. Supp. 3d 1047, 1052–1053 (ND 2015).

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NAM intentionally did not file a protective petition in any court of appeals to “ensure that [it] could challenge the Sixth Circuit’s jurisdiction.” Brief for Petitioner 1, n. 1. Instead, NAM intervened as a respondent in the Sixth Circuit and, along with several other parties, moved to dismiss for lack of jurisdiction.⁴ The Government opposed those motions, arguing that challenges to the WOTUS Rule must be brought first in the Court of Appeals because the Rule fell within subparagraphs (E) and (F) of § 1369(b)(1). The Court of Appeals denied the motions to dismiss in a fractured decision that resulted in three separate opinions. *In re Dept. of Defense*, 817 F. 3d 261 (2016). The Court of Appeals denied rehearing en banc. We granted certiorari, 580 U.S. 1088 (2017), and now reverse.⁵

⁴Some of the parties who filed protective petitions moved to dismiss those same petitions, agreeing with NAM that direct review of the WOTUS Rule belonged in the United States District Courts. Many of those parties, though nominally respondents before this Court, filed briefs in support of NAM.

⁵There have been a number of developments since the Court granted review in this case. In February 2017, the President issued an Executive Order directing the agencies to propose a rule rescinding or revising the WOTUS Rule. See Exec. Order No. 13778, 82 Fed. Reg. 12497. On July 27, 2017, the agencies responded to that directive by issuing a proposed rule. See Definition of “Waters of the United States”—Recodification of Pre-Existing Rules, 82 Fed. Reg. 34899, 34901–34902. That proposed rule, once implemented, would rescind the WOTUS Rule and recodify the pre-2015 regulatory definition of “waters of the United States.” See *ibid.* Then, in November 2017, following oral argument in this case, the agencies issued a second proposed rule establishing a new effective date for the WOTUS Rule. Definition of “Waters of the United States”—Addition of an Applicability Date to 2015 Clean Water Rule, 82 Fed. Reg. 55542 (explaining that the 2015 WOTUS Rule had an original effective date of Aug. 28, 2015). That November 2017 proposed rule sets a new effective date of “two years from the date of final action on [the agencies’] proposal” to “ensure that there is sufficient time for the regulatory process for reconsidering the definition of ‘waters of the United States’ to be fully completed.” *Id.*, at 55542–55544.

The parties have not suggested that any of these subsequent developments render this case moot. That is for good reason. Because the

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II

As noted, § 1369(b)(1) enumerates seven categories of EPA actions that must be challenged directly in the federal courts of appeals. Of those seven, only two are at issue in this case: subparagraph (E), which encompasses actions “approving or promulgating any effluent limitation or other limitation under section 1311, 1312, 1316, or 1345,” § 1369(b)(1)(E), and subparagraph (F), which covers actions “issuing or denying any [NPDES] permit,” § 1369(b)(1)(F).⁶ We address each of those statutory provisions in turn.

A

Subparagraph (E) grants courts of appeals exclusive jurisdiction to review any EPA action “in approving or promulgating any effluent limitation or other limitation under section 1311, 1312, 1316, or 1345.” 33 U. S. C. § 1369(b)(1)(E). The Government contends that “EPA’s action in issuing the” WOTUS Rule “readily qualifies as [an] action promulgating or approving an ‘other limitation’ under Section 1311,” because the Rule establishes the “geographic scope of limitations promulgated under Section 1311.” Brief for Federal Respondents 18–19. We disagree.

To begin, the WOTUS Rule is not an “effluent limitation”—a conclusion the Government does not meaningfully dispute. An “effluent limitation” is “any restriction . . . on

WOTUS Rule remains on the books for now, the parties retain “‘a concrete interest’” in the outcome of this litigation, and it is not “‘impossible for a court to grant any effectual relief . . . to the prevailing party.’” *Chafin v. Chafin*, 568 U. S. 165, 172 (2013) (quoting *Knox v. Service Employees*, 567 U. S. 298, 307 (2012)). That remains true even if the agencies finalize and implement the November 2017 proposed rule’s new effective date. That proposed rule does not purport to rescind the WOTUS Rule; it simply delays the WOTUS Rule’s effective date.

⁶ It is undisputed that the WOTUS Rule does not fall within the remaining five categories set forth in § 1369(b)(1).

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quantities, rates, and concentrations” of certain pollutants “which are discharged from point sources into navigable waters.” § 1362(11). The WOTUS Rule imposes no such restriction. Rather, the Rule announces a regulatory definition for a statutory term and “imposes no enforceable duty” on the “private sector.” See 80 Fed. Reg. 37102.

The Government instead maintains that the WOTUS Rule is an “other limitation” under subparagraph (E). Although the Act provides no express definition of that residual phrase, the text and structure of subparagraph (E) tell us what that language means. And it is not as broad as the Government insists.

For starters, Congress’ use of the phrase “effluent limitation or other limitation” in subparagraph (E) suggests that an “other limitation” must be similar in kind to an “effluent limitation”: that is, a limitation related to the discharge of pollutants. An “other limitation,” for instance, could be a non-numerical operational practice or an equipment specification that, like an “effluent limitation,” restricts the discharge of pollutants, even though such a limitation would not fall within the precise statutory definition of “effluent limitation.” That subparagraph (E) cross-references §§ 1311, 1312, 1316, and 1345 reinforces this natural reading. The unifying feature among those cross-referenced sections is that they impose restrictions on the discharge of certain pollutants. See, *e. g.*, 33 U. S. C. § 1311 (imposing general prohibition on “the discharge of any pollutant by any person”); § 1312 (governing “water quality related effluent limitations”); § 1316 (governing national performance standards for new sources of discharges); § 1345 (restricting discharges and use of sewage sludge). In fact, some of those sections give us concrete examples of the type of “other limitation” Congress had in mind. Section 1311(b)(1)(C) allows the EPA to issue “any more stringent limitation[s]” if technology-based effluent limitations cannot

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“meet water quality standards, treatment standards, or schedules of compliance.” And § 1345(d)(3) provides that, if “it is not feasible to prescribe or enforce a numerical limitation” on pollutants in sewage sludge, the EPA may “promulgate a design, equipment, management practice, or operational standard.” All of this demonstrates that an “other limitation,” at a minimum, must also be some type of restriction on the discharge of pollutants. Because the WOTUS Rule does no such thing, it does not fit within the “other limitation” language of subparagraph (E).

The Government tries to escape this conclusion by arguing that subparagraph (E) expressly covers “*any* effluent limitation or other limitation,” § 1369(b)(1)(E) (emphasis added), and that the use of the word “any” makes clear that Congress intended subparagraph (E) to sweep broadly and encompass all EPA actions imposing limitations of any sort under the cross-referenced sections. True, use of the word “any” will sometimes indicate that Congress intended particular statutory text to sweep broadly. See, e. g., *Ali v. Federal Bureau of Prisons*, 552 U. S. 214, 220 (2008) (“Congress’ use of ‘any’ to modify ‘other law enforcement officer’ is most naturally read to mean law enforcement officers of whatever kind”). But whether it does so necessarily depends on the statutory context, and the word “any” in this context does not bear the heavy weight the Government puts upon it. Contrary to the Government’s assertion, the word “any” cannot expand the phrase “other limitation” beyond those limitations that, like effluent limitations, restrict the discharge of pollutants. In urging otherwise, the Government reads the words “effluent limitation and other” completely out of the statute and insists that what Congress really meant to say is “any limitation” under the cross-referenced sections. Of course, those are not the words that Congress wrote, and this Court is not free to “rewrite the statute” to the Government’s liking. *Puerto Rico v. Franklin Cal. Tax-Free Trust*, 579 U. S.

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115, 130 (2016) (“[O]ur constitutional structure does not permit this Court to rewrite the statute that Congress has enacted” (internal quotation marks omitted)).

Even if the Court accepted the Government’s reading of “effluent limitation or other limitation,” however, the Rule still does not fall within subparagraph (E) because it is not a limitation promulgated or approved “under section 1311.”⁷ § 1369(b)(1)(E). This Court has acknowledged that the word “under” is a “chameleon” that “must draw its meaning from its context.” *Kucana v. Holder*, 558 U. S. 233, 245 (2010) (internal quotation marks omitted). With respect to subparagraph (E), the statutory context makes clear that the prepositional phrase—“under section 1311”—is most naturally read to mean that the effluent limitation or other limitation must be approved or promulgated “pursuant to” or “by reason of the authority of” § 1311. See *St. Louis Fuel and Supply Co., Inc. v. FERC*, 890 F. 2d 446, 450 (CA DC 1989) (R. Ginsburg, J.) (“‘under’ means ‘subject [or pursuant] to’ or ‘by reason of the authority of’”); cf. Black’s Law Dictionary 1368 (5th ed. 1979) (defining “under” as “according to”). Here, the EPA did not promulgate or approve the WOTUS Rule under § 1311. As noted above, § 1311 generally bans the discharge of pollutants into navigable waters absent a permit. Nowhere does that provision direct or authorize the EPA to *define* a statutory phrase appearing elsewhere in the Act. In fact, the phrase “waters of the United States” does not appear in § 1311 at all. Rather, the WOTUS Rule was promulgated or approved under § 1361(a), which grants the EPA general rulemaking authority “to prescribe such regulations as are necessary to carry out [its] functions under” the Act. Proving the point, the Government’s own brief cites § 1361(a) as the statutory provision that “author-

⁷ Because no party argues that the WOTUS Rule is an EPA action approving or promulgating an effluent limitation or other limitation under § 1312, § 1316, or § 1345, the Court confines its analysis to § 1311.

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ized the [EPA] to issue the [WOTUS] Rule.” Brief for Federal Respondents 17, n. 3.⁸

The Government nonetheless insists that the language “under section 1311” poses no barrier to its reading of subparagraph (E) because the “[WOTUS] Rule’s legal and practical effect is to make effluent and other limitations under Section 1311 applicable to the waters that the Rule covers.” *Id.*, at 28. But the Government’s “practical-effects” test is not grounded in the statutory text. Subparagraph (E) encompasses EPA actions that “approv[e] or promulgat[e] any effluent limitation or other limitation under section 1311,” not EPA actions that have the “legal and practical effect” of making such limitations applicable to certain waters. Tellingly, the Government offers no textual basis to read its “practical-effects” test into subparagraph (E).

Beyond disregarding the statutory text, the Government’s construction also renders other statutory language superfluous. Take, for instance, subparagraph (E)’s cross-references to §§ 1312 and 1316. See § 1369(b)(1)(E) (covering EPA action “in approving or promulgating any effluent limitation or other limitation under section 1311, 1312, 1316, or 1345” (emphasis added)). Section 1311(a) authorizes discharges that comply with those two cross-referenced sections. See § 1311(a) (prohibiting discharge of pollutants “[e]xcept as in compliance with . . . sections 1312, 1316 . . .”). Thus, EPA actions under §§ 1312 and 1316 also would have a “legal and practical effect” on the scope of § 1311’s general prohibition of discharges, as the Government

⁸It is true that the agencies cited § 1311 among the provisions under which they purported to have issued the Rule. See 80 Fed. Reg. 37055. They also cited other provisions, including §§ 1314, 1321, 1341, 1342, and 1344. *Ibid.* As noted, however, § 1311 grants the EPA no authority to clarify the regulatory definition of “waters of the United States.” Furthermore, the agencies’ passing invocation of § 1311 does not control our interpretive inquiry. See *Adamo Wrecking Co. v. United States*, 434 U. S. 275, 283 (1978) (Congress “did not empower the Administrator . . . to make a regulation an ‘emission standard’ by his mere designation”).

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contents is the case with the WOTUS Rule. If, on the Government's reading, EPA actions under §§ 1312 and 1316 would count as actions "under section 1311" sufficient to trigger subparagraph (E), Congress would not have needed to cross-reference §§ 1312 and 1316 again in subparagraph (E). That Congress did so undercuts the Government's proposed "practical-effects" test.

Similarly, the Government's "practical-effects" test ignores Congress' decision to grant appellate courts exclusive jurisdiction only over seven enumerated types of EPA actions set forth in § 1369(b)(1). Section 1313, which governs the EPA's approval and promulgation of state water-quality standards, is a prime example. Approving or promulgating state water-quality standards under § 1313 also has the "legal and practical effect" of requiring that effluent limitations be tailored to meet those standards. Under the Government's reading, subparagraph (E) would encompass EPA actions taken under § 1313, even though such actions are nowhere listed in § 1369(b)(1). Courts are required to give effect to Congress' express inclusions and exclusions, not disregard them. See *Russello v. United States*, 464 U. S. 16, 23 (1983) ("Where Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion" (internal quotation marks and brackets omitted)).

Accordingly, subparagraph (E) does not confer original and exclusive jurisdiction on courts of appeals to review the WOTUS Rule.

B

The Government fares no better under subparagraph (F). That provision grants courts of appeals exclusive and original jurisdiction to review any EPA action "in issuing or denying any permit under section 1342." § 1369(b)(1)(F). As explained above, NPDES permits issued under § 1342 "authoriz[e] the discharge of pollutants" into certain waters "in

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accordance with specified conditions.” *Gwaltney of Smithfield, Ltd. v. Chesapeake Bay Foundation, Inc.*, 484 U. S. 49, 52 (1987). The WOTUS Rule neither issues nor denies a permit under the NPDES permitting program. Because the plain language of subparagraph (F) is “unambiguous,” “our inquiry begins with the statutory text, and ends there as well.” *BedRoc Limited, LLC v. United States*, 541 U. S. 176, 183 (2004) (plurality opinion).

Rather than confront that statutory text, the Government asks us to ignore it altogether. To that end, the Government urges us to apply the “functional interpretive approach” that it purports the Court employed in *Crown Simpson Pulp Co. v. Costle*, 445 U. S. 193 (1980) (*per curiam*). Brief for Federal Respondents 31. *Crown Simpson*, the Government says, broadens the statutory inquiry under subparagraph (F) by directing courts to ask whether agency actions are “‘functionally similar’” to permit issuances or denials. Brief for Federal Respondents 33 (quoting *Crown Simpson*, 445 U. S., at 196). According to the Government, the WOTUS Rule is “functionally similar” to issuing or denying a permit because it establishes the geographical bounds of EPA’s permitting authority and thereby dictates whether permits may or may not be issued. We reject this approach because it misconstrues *Crown Simpson* and ignores the statutory text.

First, *Crown Simpson* provides scant support for the Government’s atextual construction of subparagraph (F). In that case, the Court held that subparagraph (F) conferred jurisdiction over the EPA’s veto of a state-issued permit. See 445 U. S., at 196. The Court explained that “[w]hen [the] EPA . . . objects to effluent limitations contained in a state-issued permit, the precise effect of its action is to ‘den[y]’ a permit within the meaning of [subparagraph F].” *Ibid.* Contrary to the Government’s suggestion, the WOTUS Rule in no way resembles the EPA’s veto of a state-issued permit addressed in *Crown Simpson*. Although the

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WOTUS Rule may define a jurisdictional prerequisite of the EPA's authority to issue or deny a permit, the Rule itself makes no decision whatsoever on individual permit applications. *Crown Simpson* is therefore inapposite.

In addition, the Government's proposed "functional interpretive approach" is completely unmoored from the statutory text. As explained above, subparagraph (F) applies only to EPA actions "issuing or denying" a permit "under section 1342." The Government invites us to broaden that narrow language to cover any agency action that dictates whether a permit is issued or denied. Congress easily could have drafted subparagraph (F) in that broad manner. Indeed, Congress could have said that subparagraph (F) covers EPA actions "relating to whether a permit is issued or denied," or, alternatively, EPA actions "establishing the boundaries of EPA's permitting authority." But Congress chose not to do so. The Court declines the Government's invitation to override Congress' considered choice by rewriting the words of the statute. See *Franklin Cal. Tax-Free Trust*, 579 U. S., at 130.

Finally, the Government's interpretation of subparagraph (F) would create surplusage in other parts of § 1369(b)(1). Subparagraph (D) is one example. That provision gives federal appellate courts original jurisdiction to review EPA actions "making any determination as to a State permit program submitted under section 1342(b)." Put differently, subparagraph (D) establishes the boundaries of EPA's permitting authority vis-à-vis the States. Under the Government's functional interpretive approach, however, subparagraph (F) would already reach actions delineating the boundaries of EPA's permitting authority, thus rendering subparagraph (D) unnecessary. Absent clear evidence that Congress intended this surplusage, the Court rejects an interpretation of the statute that would render an entire subparagraph meaningless. As this Court has noted time and time again, the Court is "obliged to give effect, if possible,

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to every word Congress used.” *Reiter v. Sonotone Corp.*, 442 U. S. 330, 339 (1979).

For these reasons, subparagraph (F) does not grant courts of appeals exclusive jurisdiction to review the WOTUS Rule in the first instance.

III

A

Unable to anchor its preferred reading in the statutory text, the Government seeks refuge in a litany of extratextual considerations that it believes support direct appellate court review of the WOTUS Rule. Those considerations—alone and in combination—provide no basis to depart from the statute’s plain language.

First, the Government contends that initial appellate court review of the WOTUS Rule would avoid an irrational bifurcated judicial-review scheme under which federal courts of appeals would review individual actions issuing or denying permits, whereas district courts would review broader regulations governing those actions. In *E. I. du Pont de Nemours & Co. v. Train*, 430 U. S. 112 (1977), the Court described such a bifurcated regime as a “truly perverse situation.” *Id.*, at 136. And a few years later, in *Crown Simpson*, the Court declared that “[a]bsent a far clearer expression of congressional intent, we are unwilling to read the Act as creating such a seemingly irrational bifurcated system.” 445 U. S., at 197. Unlike in *Crown Simpson*, however, here the Court perceives such a “clea[r] expression of congressional intent.” *Ibid.* Even if the Court might draft the statute differently, Congress made clear that rules like the WOTUS Rule must be reviewed first in federal district courts. Moreover, the bifurcation that the Government bemoans is no more irrational than Congress’ choice to assign challenges to NPDES permits to courts of appeals and challenges to § 1344 permits to district courts. See 33 U. S. C. § 1369(b)(1)(E). And notably, many of this Court’s recent

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decisions regarding the agencies' application and definition of the term "waters of the United States" have originated in district courts, not the courts of appeals. See, e.g., *Army Corps of Engineers v. Hawkes Co.*, 578 U. S. 590 (2016); *Sackett v. EPA*, 566 U. S. 120 (2012); *Rapanos*, 547 U. S., at 729 (plurality opinion).

Second, and relatedly, the Government argues that immediate appellate court review facilitates quick and orderly resolution of disputes about the WOTUS Rule. We acknowledge that routing WOTUS Rule challenges directly to the courts of appeals may improve judicial efficiency. See *Crown Simpson*, 445 U. S., at 197 (noting that "the additional level of judicial review" that would occur in district courts "would likely cause delays in resolving disputes under the Act"); see also *Harrison v. PPG Industries, Inc.*, 446 U. S. 578, 593 (1980) ("The most obvious advantage of direct review by a court of appeals is the time saved compared to review by a district court, followed by a second review on appeal"). But efficiency was not Congress' only consideration. Had Congress wanted to prioritize efficiency, it could have authorized direct appellate court review of all nationally applicable regulations, as it did under the Clean Air Act. See 42 U. S. C. § 7607(b)(1) (granting the D. C. Circuit original jurisdiction to review "any other nationally applicable regulations promulgated, or final action taken, by the Administrator under this chapter" and granting regional circuits jurisdiction to review "any other final action of the Administrator under this chapter . . . which is locally or regionally applicable"). That Congress structured judicial review under the Act differently confirms what the text makes clear—that § 1369(b)(1) does not grant courts of appeals original jurisdiction to review many types of EPA action, including the WOTUS Rule.

Third, the Government contends that "initial review in a court of appeals" promotes "[n]ational uniformity, an important goal in dealing with broad regulations." Brief for

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Federal Respondents 35 (quoting *National Resources Defense Council v. EPA*, 673 F. 2d 400, 405, n. 15 (CADC 1982) (R. Ginsburg, J.)). That argument carries some logical force. After all, the numerous challenges to the WOTUS Rule in this very case were consolidated in one Court of Appeals, avoiding any risk of conflict among other courts of appeals, whereas the same was not true for the challenges filed in district courts, leading to some conflicting outcomes. But even if Congress sought to ensure national uniformity, it did not pursue that end at all costs. Although § 1369(b)(1) does not authorize immediate appellate court review of all national rules under the Act, it does permit federal appellate courts to review directly certain effluent and other limitations and individual permit decisions. See, e. g., §§ 1369(b)(1)(E), (F). It is true that Congress could have funneled all challenges to national rules to the courts of appeals, but it chose a different tack here: It carefully enumerated the seven categories of EPA action for which it wanted immediate appellate court review and relegated the rest to the jurisdiction of the federal district courts.

Ultimately, the Government’s policy arguments do not obscure what the statutory language makes clear: Subparagraphs (E) and (F) do not grant courts of appeals exclusive jurisdiction to review the WOTUS Rule.

B

In a final effort to bolster its preferred reading of the Act, the Government invokes the presumption favoring court-of-appeals review of administrative action. According to the Government, when a direct-review provision like § 1369(b)(1) exists, this Court “will not presume that Congress intended to depart from the sound policy of placing initial . . . review in the courts of appeals” “[a]bsent a firm indication that Congress intended to locate initial APA review of agency action in the district courts.” *Florida Power & Light Co. v. Lorion*, 470 U. S. 729, 745 (1985). But the Government’s reli-

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ance on *Florida Power* is misplaced. Unlike the “ambiguous” judicial-review provisions at issue in *Florida Power*, *id.*, at 737, the scope of subparagraphs (E) and (F) is set forth clearly in the statute. As the Court recognized in *Florida Power*, jurisdiction is “governed by the intent of Congress and not by any views we may have about sound policy.” *Id.*, at 746. Here, Congress’ intent is clear from the statutory text.⁹

IV

For the foregoing reasons, we reverse the judgment of the Court of Appeals and remand the case with instructions to dismiss the petitions for review for lack of jurisdiction.

It is so ordered.

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⁹ Although the parties paint dueling portraits of the legislative history, the murky waters of the Congressional Record do not provide helpful guidance in illuminating Congress’ intent in this case. Even for “[t]hose of us who make use of legislative history,” “ambiguous legislative history” cannot trump “clear statutory language.” *Milner v. Department of Navy*, 562 U. S. 562, 572 (2011). Just so here.

REPORTER'S NOTE

The next page is purposely numbered 801. The numbers between 132 and 801 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.

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ORDERS FOR OCTOBER 2, 2017, THROUGH
FEBRUARY 16, 2018

OCTOBER 2, 2017

Affirmed for Absence of Quorum

No. 17–5064. *CHUTE v. NIFTY-FIFTIES, INC., ET AL.* C. A. 8th Cir. Because the Court lacks a quorum, 28 U. S. C. § 1, and since the qualified Justice is 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.” THE CHIEF JUSTICE, JUSTICE KENNEDY, JUSTICE THOMAS, JUSTICE GINSBURG, JUSTICE BREYER, JUSTICE ALITO, JUSTICE SOTOMAYOR, and JUSTICE KAGAN took no part in the consideration or decision of this petition.

Certiorari Granted—Vacated and Remanded

No. 16–1125. *LACAZE v. LOUISIANA*. Sup. Ct. La. Motions of Louisiana Association of Criminal Defense Lawyers et al., National Jury Project, and Ethics Bureau at Yale for leave to file briefs as *amici curiae* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Rippo v. Baker*, 580 U. S. 285 (2017) (*per curiam*). Reported below: 2016–0234 (La. 12/16/16), 208 So. 3d 856.

No. 16–1533. *E. F., A MINOR, BY AND THROUGH HIS PARENTS, FULSANG ET AL., ET AL. v. NEWPORT MESA UNIFIED SCHOOL DISTRICT*. C. A. 9th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Andrew F. v. Douglas County School Dist. RE–1*, 580 U. S. 386 (2017). Reported below: 684 Fed. Appx. 629.

No. 16–8644. *CURETON v. UNITED STATES*. C. A. 7th Cir. Reported below: 845 F. 3d 323; and

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No. 16–9411. *ANGLIN v. UNITED STATES*. C. A. 7th Cir. Reported below: 846 F. 3d 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 *Dean v. United States*, 581 U. S. 62 (2017).

No. 16–8811. *CASSINELLI v. CASSINELLI*. Ct. App. Cal., 4th App. Dist., Div. 2. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Howell v. Howell*, 581 U. S. 214 (2017). Reported below: 4 Cal. App. 5th 1285, 210 Cal. Rptr. 3d 311.

No. 16–8909. *LONG 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* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Moore v. Texas*, 581 U. S. 1 (2017). Reported below: 663 Fed. Appx. 361.

No. 16–9461. *CLOSE 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 the position asserted by the Solicitor General in his memorandum for the United States filed on June 30, 2017.

No. 17–109. *SIMMONS SPORTING GOODS, INC. v. LAWSON*. Ct. App. Ark. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Bristol-Myers Squibb Co. v. Superior Court of Cal., San Francisco Cty.*, 582 U. S. 255 (2017). Reported below: 2017 Ark. App. 44, 511 S. W. 3d 883.

Certiorari Dismissed

No. 16–9158. *CHAPPELL v. MORGAN 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. 16–9160. *CAISON v. FLORIDA*. Dist. Ct. App. Fla., 3d 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 mat-

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ters 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: 224 So. 3d 227.

No. 16–9181. *BLACKWELL v. SUPERIOR COURT OF CALIFORNIA, LOS ANGELES COUNTY, ET AL.* 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. 16–9205. *OMRAN v. SCHULMAN.* Sup. Ct. N. H. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 16–9251. *PITTMAN v. CLINTON, FORMER PRESIDENT OF THE UNITED STATES, 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: 673 Fed. Appx. 139.

No. 16–9299. *WOODSON v. PALMER, WARDEN, 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.

No. 16–9313. *STEINER v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, 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. 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. 16–9387. *DESUE v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* Sup. Ct. Fla. Motion of petitioner for

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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: 213 So. 3d 801.

No. 16–9425. *DOUGHERTY v. MCKEE ET AL.* C. A. D. C. Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 16–9435. *KRUG v. KASTNER, WARDEN.* 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. 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 GORSUCH took no part in the consideration or decision of this motion and this petition. Reported below: 661 Fed. Appx. 507.

No. 16–9472. *FULLER v. GREELEY.* Sup. Ct. Mich. 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. 16–9546. *PAYTON v. MERIT SYSTEMS PROTECTION BOARD.* 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: 678 Fed. Appx. 1026.

No. 16–9687. *MELOT v. UNITED STATES.* 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: 680 Fed. Appx. 788.

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No. 16–9691. *McGUIRE v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, 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. 16–9700. *GOWAN 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. 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. 16–9721. *DAVIS v. KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION.* Sup. Ct. Ark. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. Reported below: 2017 Ark. 110, 515 S. W. 3d 112.

No. 17–5002. *ANDERSON 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. 17–5026. *BLANK 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.

No. 17–5252. *BURGIE v. KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION.* 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. 17–5256. *DAKER v. TOOLE, WARDEN.* 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. 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

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33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

No. 17–5259. *MODRALL v. JOHNS HOPKINS UNIVERSITY, SCHOOL OF ADVANCED INTERNATIONAL STUDIES, ET AL.* C. A. D. C. 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 non-criminal 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: 686 Fed. Appx. 10.

No. 17–5261. *ARUANNO v. CHRISTIE, GOVERNOR OF NEW JERSEY, 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: 687 Fed. Appx. 226.

No. 17–5269. *ALBERT v. DIVERSIFIED CONSULTANTS, INC., ET AL.* Sup. Ct. Minn. 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. 17–5319. *PERRY v. MG ENTERPRISES, LLC, 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 non-criminal 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. 17–5664. *ZUNIGA-HERNANDEZ v. CHAPA, WARDEN.* C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pau-*

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peris 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 non-criminal 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: 685 Fed. Appx. 314.

No. 17-5668. *BANKS v. MARQUEZ 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: 694 Fed. Appx. 159.

Miscellaneous Orders

IT IS ORDERED that the deadline to file a petition for a writ of certiorari in a case arising from the state or federal courts of Puerto Rico or the Virgin Islands and due on or after the date of this order is extended to November 20, 2017, to the extent that the extension is within the Court's authority to order. See 28 U. S. C. §2101(c) (limiting available extensions to 60 days from due date for petitions for writs of certiorari in civil cases).

No. 17A92 (17-96). *SARO v. SESSIONS, ATTORNEY GENERAL.* Application for stay, addressed to JUSTICE SOTOMAYOR and referred to the Court, denied.

No. D-2972. *IN RE DISBARMENT OF STUART.* Disbarment entered. [For earlier order herein, see 581 U. S. 970.]

No. D-2981. *IN RE DISBARMENT OF WALTON.* Disbarment entered. [For earlier order herein, see 582 U. S. 902.] Motion to defer consideration denied. JUSTICE THOMAS took no part in the consideration or decision of this motion and this matter of disbarment.

No. D-2994. *IN RE DISCIPLINE OF CARROLL.* John S. Carroll, of Honolulu, Haw., 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-2995. *IN RE DISCIPLINE OF HOFFMAN.* Burt M. Hoffman, of Stamford, Conn., is suspended from the practice of law in

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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-2996. *IN RE DISCIPLINE OF CONWAY*. Mona R. Conway, of Huntington Station, N. Y., 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.

No. D-2997. *IN RE DISCIPLINE OF SPARROW*. Marvin R. Sparrow, of Rutherfordton, N. C., 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-2998. *IN RE DISCIPLINE OF EXUM*. Mary March Exum, of Asheville, N. C., 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.

No. D-2999. *IN RE DISCIPLINE OF SCOTT*. Randolph A. Scott, of Warrington, 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-3000. *IN RE DISCIPLINE OF HOCH*. Richard H. Hoch, of Nebraska City, Neb., 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. 17M1. *WILLIAMS v. SMITH, WARDEN*;

No. 17M9. *BLYDEN v. UNITED STATES*; and

No. 17M12. *HANKSTON v. TEXAS*. Motions for leave to file petitions for writs of certiorari with supplemental appendixes under seal granted.

No. 17M2. *CHABOT v. UNITED STATES*;

No. 17M10. *GARCIA v. UNITED STATES*;

No. 17M19. *ANDERSON v. UNITED STATES*;

No. 17M22. *NEWMAN v. NATIONAL ABORTION FEDERATION ET AL.*; and

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No. 17M36. *CASTEEL v. UNITED STATES*. Motions for leave to file petitions for writs of certiorari under seal with redacted copies for the public record granted.

No. 17M3. *DUNBAR v. CITY OF HOUSTON, TEXAS, ET AL.*;

No. 17M4. *CLEVELAND v. HALL, JUDGE, CIRCUIT COURT OF SOUTH CAROLINA, YORK COUNTY, ET AL.*;

No. 17M5. *JIMENEZ v. WELLS FARGO BANK, N. A., ET AL.*;

No. 17M6. *ROBERTS v. KATAVICH, WARDEN*;

No. 17M7. *DOE v. IDAHO DEPARTMENT OF HEALTH AND WELFARE ET AL.*;

No. 17M8. *SMITH v. MISSOURI DEPARTMENT OF MENTAL HEALTH*;

No. 17M13. *SCOTT v. TRANSITIONAL HOSPITAL CORPORATION OF LOUISIANA, INC., DBA KINDRED HOSPITAL NEW ORLEANS*;

No. 17M14. *DOROZ v. TECT UTICA CORP.*;

No. 17M15. *JONES BEY v. INDIANA ET AL.*;

No. 17M16. *CORBIN v. LOFTHUS ET AL.*;

No. 17M17. *KUPLIN v. HOOKS, SECRETARY, NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY*;

No. 17M18. *LEPPERT v. FLORIDA*;

No. 17M20. *CARLSON v. COUNTY OF RAMSEY, MINNESOTA, ET AL.*;

No. 17M21. *MOORE v. GEORGIA-PACIFIC CORP.*;

No. 17M23. *SHEPPARD v. COURT OF CRIMINAL APPEALS OF TEXAS*;

No. 17M24. *SHEPPARD v. ACOSTA ET AL.*;

No. 17M25. *SHEPPARD v. UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS*;

No. 17M26. *ROBERTS v. BEXAR COUNTY SHERIFF'S DEPARTMENT ET AL.*;

No. 17M27. *DUKA v. UNITED STATES*;

No. 17M29. *ELERI v. SESSIONS, ATTORNEY GENERAL*;

No. 17M31. *TATUM v. MURPHY, WARDEN*;

No. 17M32. *JACOBS v. FLORIDA*;

No. 17M33. *JONES-EL v. LOMBARDI ET AL.*;

No. 17M34. *SMITH v. WACHTENDORF, WARDEN*; and

No. 17M35. *BRINKER v. BILDERBERG GROUP ET AL.* Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

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No. 17M11. BRYAN *v.* SHULKIN, SECRETARY OF VETERANS AFFAIRS. Motion for leave to proceed as a veteran denied.

No. 17M28. GOSSAGE *v.* MERIT SYSTEMS PROTECTION BOARD; and

No. 17M30. IN RE HUDNALL. Motions for leave to proceed as veterans granted.

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 \$7,505.97, for the period July 1, 2016, through June 30, 2017, to be paid equally by the parties. [For earlier order herein, see, *e. g.*, 580 U. S. 808.]

No. 16–402. CARPENTER *v.* UNITED STATES. C. A. 6th Cir. [Certiorari granted, 581 U. S. 1017.] Motion of petitioner for leave to proceed further herein *in forma pauperis* granted. Motion for appointment of counsel granted, and Harold Gurewitz, Esq., of Detroit, Mich., is appointed to serve as counsel for petitioner in this case.

No. 16–1094. REPUBLIC OF SUDAN *v.* HARRISON ET AL. C. A. 2d Cir.;

No. 16–1275. VIRGINIA URANIUM, INC., ET AL. *v.* WARREN ET AL. C. A. 4th Cir.; and

No. 16–1498. WASHINGTON STATE DEPARTMENT OF LICENSING *v.* COUGAR DEN, INC. Sup. Ct. Wash. The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

No. 16–1436. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL. *v.* INTERNATIONAL REFUGEE ASSISTANCE PROJECT ET AL. C. A. 4th Cir.; and

No. 16–1540. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL. *v.* HAWAII ET AL. C. A. 9th Cir. [Certiorari granted, 582 U. S. 571.] Motion of Foundation for Moral Law for leave to file brief as *amicus curiae* granted.

No. 16–8138. PHILLIPS *v.* CITY OF DALLAS, TEXAS, ET AL. C. A. 5th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [581 U. S. 968] denied.

No. 16–8279. PHILLIPS *v.* DALLAS COUNTY COMMUNITY COLLEGE DISTRICT ET AL. C. A. 5th Cir. Motion of petitioner for

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reconsideration of order denying leave to proceed *in forma pauperis* [581 U. S. 969] denied.

No. 16–8384. PHILLIPS *v.* DALLAS CITY ATTORNEY’S OFFICE ET AL. C. A. 5th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [581 U. S. 989] denied.

No. 16–8395. MALLOY *v.* ESTES, WARDEN, ET AL. C. A. 11th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [581 U. S. 989] denied.

No. 16–8423. BONNER *v.* SUPERIOR COURT OF CALIFORNIA, SAN DIEGO COUNTY, ET AL. Ct. App. Cal., 4th App. Dist., Div. 1. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [581 U. S. 991] denied.

No. 16–8441. JACKMAN *v.* HOLLINGSWORTH, WARDEN. C. A. 3d Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [581 U. S. 958] denied. JUSTICE ALITO took no part in the consideration or decision of this motion.

No. 16–8495. MALLOY *v.* MONTGOMERY COUNTY, ALABAMA, ET AL. C. A. 11th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [581 U. S. 989] denied.

No. 16–8561. MORROW *v.* BRENNAN, POSTMASTER GENERAL; and

No. 16–8562. MORROW *v.* BRENNAN, POSTMASTER GENERAL. C. A. 7th Cir. Motions of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [581 U. S. 989] denied.

No. 16–8825. HOPKINS *v.* ILLINOIS WORKERS’ COMPENSATION COMMISSION ET AL. C. A. 7th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [582 U. S. 927] denied.

No. 16–9258. IN RE WRIGHT;

No. 16–9454. ZANDERS *v.* U. S. BANK. C. A. 8th Cir.;

No. 16–9663. DIAMOND *v.* UNITED STATES. C. A. 9th Cir.;

No. 16–9664. DIAMOND *v.* UNITED STATES. C. A. 9th Cir.;

No. 16–9705. HAWKINS *v.* MICHIGAN. Sup. Ct. Mich.;

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No. 16–9707. *DONMEZ v. NEW YORK CITY DEPARTMENT OF CONSUMER AFFAIRS ET AL.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept.;

No. 16–9708. *DONMEZ v. NEW YORK CITY DEPARTMENT OF CONSUMER AFFAIRS ET AL.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept.;

No. 16–9727. *MUA ET AL. v. CALIFORNIA CASUALTY INDEMNITY EXCHANGE.* C. A. 4th Cir.;

No. 17–5037. *JOSEPH v. CITY OF CEDAR HILL POLICE DEPARTMENT ET AL.* C. A. 5th Cir.;

No. 17–5155. *JOHNSON v. DISTRICT OF COLUMBIA.* C. A. D. C. Cir.;

No. 17–5244. *ENGEL v. STATE BAR OF CALIFORNIA.* Sup. Ct. Cal.;

No. 17–5381. *GRAY v. VASQUEZ, WARDEN.* C. A. 9th Cir.;

No. 17–5424. *GOLDEN v. WASHINGTON ET AL.* C. A. 9th Cir.;

and

No. 17–5431. *BARCLAY v. OREGON ET AL.* C. A. 9th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until October 23, 2017, 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. 16–9305. *ELLIS v. UNITED STATES.* C. A. 11th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [582 U. S. 928] denied.

No. 16–9439. *QUINTANA v. ADAIR ET AL.* C. A. 10th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until October 23, 2017, 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. 17–5039. *BIRMINGHAM v. PNC BANK, N. A.* C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until October 23, 2017, 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 ALITO took no part in the consideration or decision of this motion.

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No. 16–1463. IN RE BROWN;
No. 16–8207. IN RE HELMSTETTER;
No. 16–9451. IN RE WILSON;
No. 16–9467. IN RE ALLAH;
No. 16–9565. IN RE PARKER;
No. 17–131. IN RE MARTINELLI;
No. 17–223. IN RE SINGLETON;
No. 17–5022. IN RE TAYLOR;
No. 17–5118. IN RE WALKER;
No. 17–5122. IN RE CLAYBORNE;
No. 17–5242. IN RE AUGUSTE;
No. 17–5380. IN RE GLASSGOW;
No. 17–5432. IN RE NEWLAND;
No. 17–5434. IN RE COLSON;
No. 17–5512. IN RE RANDALL;
No. 17–5585. IN RE SANDERS;
No. 17–5742. IN RE LONGORIA; and
No. 17–5759. IN RE HARMON. Petitions for writs of habeas corpus denied.

No. 16–1422. IN RE ARPAIO;
No. 16–1464. IN RE BAILEY ET AL.;
No. 16–1488. IN RE GOODIN;
No. 16–1510. IN RE BARNES;
No. 16–1531. IN RE BLOUGH;
No. 16–1537. IN RE HAJDA;
No. 16–9037. IN RE BONILLA;
No. 16–9230. IN RE EMERSON;
No. 16–9241. IN RE LEFFEBRE;
No. 16–9379. IN RE BAILEY;
No. 16–9641. IN RE ALBRA;
No. 16–9671. IN RE CLYMER;
No. 16–9688. IN RE BOLIN;
No. 17–87. IN RE ROGERS;
No. 17–141. IN RE BUNDY;
No. 17–181. IN RE REILLY;
No. 17–5065. IN RE CULP;
No. 17–5193. IN RE VALENCIA;
No. 17–5199. IN RE CAMPBELL;
No. 17–5224. IN RE OSWALD;
No. 17–5243. IN RE SAVAGE;

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No. 17–5326. IN RE LEFFEBRE;
No. 17–5406. IN RE CLUM;
No. 17–5445. IN RE WIDEMAN; and
No. 17–5619. IN RE PORRAS-BURCIAGA. Petitions for writs of mandamus denied.

No. 16–1509. IN RE BRADLEY. Petition for writ of mandamus denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 16–9370. IN RE REYNOLDS;
No. 16–9567. IN RE MCGUIRE;
No. 17–5008. IN RE REYNOLDS; and
No. 17–5012. IN RE REYNOLDS. 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. 16–9624. IN RE DAVID. 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. 16–9059. IN RE MCCORMICK;
No. 16–9575. IN RE ROGERS; and
No. 17–5257. IN RE MCCORMICK. Petitions for writs of mandamus and/or prohibition denied.

No. 17–5108. IN RE LEHMANN;
No. 17–5131. IN RE MATTICE-BEY; and
No. 17–5683. IN RE DORSEY ET AL. Petitions for writs of prohibition denied.

Certiorari Denied

No. 16–668. MAGEE *v.* COCA-COLA REFRESHMENTS USA, INC. C. A. 5th Cir. Certiorari denied. Reported below: 833 F. 3d 530.

No. 16–768. SNYDER, GOVERNOR OF MICHIGAN, ET AL. *v.* DOE ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 834 F. 3d 696.

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No. 16–790. *BUTKA v. SESSIONS, ATTORNEY GENERAL*. C. A. 11th Cir. Certiorari denied. Reported below: 827 F. 3d 1278.

No. 16–916. *SMITH v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 664 Fed. Appx. 23.

No. 16–1001. *GOHL, AS NEXT FRIEND OF J. G. v. LIVONIA PUBLIC SCHOOLS SCHOOL DISTRICT ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 836 F. 3d 672.

No. 16–1009. *AKSU v. CALIFORNIA*. App. Div., Super. Ct. Cal., County of Ventura. Certiorari denied.

No. 16–1018. *THOMAS v. WEST VIRGINIA*. Sup. Ct. App. W. Va. Certiorari denied.

No. 16–1022. *BELL v. MCADORY ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 668.

No. 16–1044. *ALASKA v. UNITED COOK INLET DRIFT ASSN. ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 837 F. 3d 1055.

No. 16–1045. *NOWLIN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 512.

No. 16–1083. *GOODWIN v. FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 194 So. 3d 1042.

No. 16–1087. *CARVALHO v. NORTH CAROLINA*. Ct. App. N. C. Certiorari denied. Reported below: 243 N. C. App. 394, 777 S. E. 2d 78.

No. 16–1098. *UNITED STATES EX REL. JACKSON v. UNIVERSITY OF NORTH TEXAS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 384.

No. 16–1120. *CON-WAY FREIGHT, INC. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 5th Cir. Certiorari denied. Reported below: 838 F. 3d 534.

No. 16–1128. *ITT CORP. ET AL. v. LEE ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 662 Fed. Appx. 535.

No. 16–1136. *LESLIE, CHAPTER 7 TRUSTEE OF THE ESTATE OF FITNESS HOLDINGS INTERNATIONAL, INC. v. HANCOCK PARK*

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CAPITAL II, L. P., ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 660 Fed. Appx. 546.

No. 16–1147. *WOODS v. SMITH, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 660 Fed. Appx. 414.

No. 16–1148. *EVERGREEN PARTNERING GROUP, INC. v. PACTIV CORP. ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 832 F. 3d 1.

No. 16–1149. *DAUGERDAS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 837 F. 3d 212.

No. 16–1169. *ARENCIBIA v. MORTGAGE GUARANTY INSURANCE CORP.* C. A. 11th Cir. Certiorari denied. Reported below: 659 Fed. Appx. 564.

No. 16–1171. *GLAXOSMITHKLINE LLC v. M. M., A MINOR, BY AND THROUGH HER MOTHER AND NEXT FRIEND, MEYERS, ET AL.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 151909, 61 N. E. 3d 1026.

No. 16–1190. *DAVIS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 845 F. 3d 282.

No. 16–1197. *QINETIQ U. S. HOLDINGS, INC. AND SUBSIDIARIES v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 4th Cir. Certiorari denied. Reported below: 845 F. 3d 555.

No. 16–1200. *SAMUEL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 663 Fed. Appx. 508.

No. 16–1206. *BATATO ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 833 F. 3d 413.

No. 16–1207. *BELLANT ET AL. v. SNYDER, GOVERNOR OF MICHIGAN, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 836 F. 3d 707.

No. 16–1231. *ELONIS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 841 F. 3d 589.

No. 16–1244. *FITZPATRICK v. MASSACHUSETTS*. Sup. Jud. Ct. Mass. Certiorari denied.

No. 16–1251. *STEAGER, WEST VIRGINIA STATE TAX COMMISSIONER v. CSX TRANSPORTATION, INC.* Sup. Ct. App. W. Va.

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Certiorari denied. Reported below: 238 W. Va. 238, 793 S. E. 2d 888.

No. 16–1259. *FARIAS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 836 F. 3d 1315.

No. 16–1265. *NIJJAR REALTY, INC., ET AL. v. JUDGE ET AL.* Ct. App. Cal., 2d App. Dist., Div. 7. Certiorari denied.

No. 16–1278. *UNITED STATES EX REL. HARPER ET AL. v. MUSKINGUM WATERSHED CONSERVANCY DISTRICT*. C. A. 6th Cir. Certiorari denied. Reported below: 842 F. 3d 430.

No. 16–1285. *N. E., BY AND THROUGH HIS PARENTS, C. E. ET AL., ET AL. v. SEATTLE SCHOOL DISTRICT*. C. A. 9th Cir. Certiorari denied. Reported below: 842 F. 3d 1093.

No. 16–1286. *DELAWARE RIVER PORT AUTHORITY v. CARROLL*. C. A. 3d Cir. Certiorari denied. Reported below: 843 F. 3d 129.

No. 16–1287. *KULICK v. KULICK*. Sup. Ct. Ore. Certiorari denied. Reported below: 358 Ore. 611, 369 P. 3d 386.

No. 16–1288. *SYNOPSIS, INC. v. MENTOR GRAPHICS CORP.* C. A. Fed. Cir. Certiorari denied. Reported below: 839 F. 3d 1138.

No. 16–1290. *DEMIRDJIAN v. GIPSON, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 832 F. 3d 1060.

No. 16–1293. *WHISENANT v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 16–1296. *BRANNON v. WINN, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 557.

No. 16–1298. *BEKTESHI, AKA GONXHI, AKA GOXHAJ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 500.

No. 16–1299. *DUKES v. DEATON ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 852 F. 3d 1035.

No. 16–1300. *ORTIZ, INDIVIDUALLY AND ON BEHALF OF A. B. O., A MINOR, ET AL. v. JIMENEZ-SANCHEZ ET AL.* C. A. 1st Cir. Certiorari denied.

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No. 16–1301. *PATEL v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 16–1302. *TRUGREEN, INC. v. STEVENS-BRATTON*. C. A. 6th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 563.

No. 16–1306. *STRAW v. MAGNUS-STINSON*. C. A. 7th Cir. Certiorari denied.

No. 16–1308. *BOLDEN v. MISSOURI*; and
No. 16–1438. *MISSOURI v. BOLDEN*. Ct. App. Mo., Eastern Dist. Certiorari denied. Reported below: 558 S. W. 3d 513.

No. 16–1309. *S. G. E. MANAGEMENT, L. L. C., ET AL. v. RAMON TORRES ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 838 F. 3d 629.

No. 16–1310. *HARLEY MARINE SERVICES, INC. v. DEPARTMENT OF LABOR ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 677 Fed. Appx. 538.

No. 16–1312. *SOOBZOKOV v. LICHTBLAU ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 664 Fed. Appx. 163.

No. 16–1314. *SCHMIDT v. COLDWELL BANKER RESIDENTIAL BROKERAGE ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 659 Fed. Appx. 436.

No. 16–1316. *HESSE v. TEXAS*. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 16–1318. *PADMANABHAN v. HEALEY ET AL.* C. A. 1st Cir. Certiorari denied.

No. 16–1322. *BERTUGLIA ET AL. v. SCHAFFLER*. C. A. 2d Cir. Certiorari denied. Reported below: 672 Fed. Appx. 96.

No. 16–1324. *WILLIAMS v. POARCH BAND OF CREEK INDIANS*. C. A. 11th Cir. Certiorari denied. Reported below: 839 F. 3d 1312.

No. 16–1332. *MARINO v. USHER, AKA RAYMOND, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 673 Fed. Appx. 125.

No. 16–1334. *LOFFREDO ET AL. v. DAIMLER AG ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 666 Fed. Appx. 370.

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No. 16–1335. *OESTREICHER v. CARPENTER, BENNETT & MORRISSEY, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 673 Fed. Appx. 149.

No. 16–1336. *TOP FLITE FINANCIAL INC. v. BRIDGING COMMUNITIES INC. ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 843 F. 3d 1119.

No. 16–1337. *JONES v. VIRGINIA.* Sup. Ct. Va. Certiorari denied. Reported below: 293 Va. 29, 795 S. E. 2d 705.

No. 16–1339. *HANES ET AL. v. ARMED FORCES INSURANCE EXCHANGE.* C. A. 9th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 918.

No. 16–1340. *SMITH v. LOUISIANA ET AL.* Ct. App. La., 1st Cir. Certiorari denied. Reported below: 2015–1742 (La. App. 1 Cir. 8/31/16), 202 So. 3d 1108.

No. 16–1341. *MCCLOSKEY v. MCCLOSKEY ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 659 Fed. Appx. 196.

No. 16–1349. *BANKS v. CARROLL ET AL.* C. A. 1st Cir. Certiorari denied.

No. 16–1350. *RIVERSTONE GROUP, INC. v. MIDWEST OPERATING ENGINEERS WELFARE FUND ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 844 F. 3d 627.

No. 16–1352. *RUSSELL v. JOURNAL NEWS ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 672 Fed. Appx. 76.

No. 16–1356. *PISZEL v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 833 F. 3d 1366.

No. 16–1357. *DAMICO v. HARRAH'S PHILADELPHIA CASINO & RACETRACK, AKA CHESTER DOWNS & MARINA LLC, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 674 Fed. Appx. 198.

No. 16–1359. *GILMORE, INDIVIDUALLY, AS ADMINISTRATOR OF THE ESTATE OF GILMORE AND AS NATURAL GUARDIAN OF PLAINTIFF GILMORE ET AL., ET AL. v. PALESTINIAN INTERIM SELF-GOVERNMENT AUTHORITY ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 843 F. 3d 958.

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No. 16–1360. *SHORE v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 845 F. 3d 627.

No. 16–1361. *HOMEWOOD VILLAGE LLC ET AL. v. UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA*. C. A. 11th Cir. Certiorari denied. Reported below: 677 Fed. Appx. 623.

No. 16–1364. *TEVA PHARMACEUTICALS USA, INC. v. SUPERIOR COURT OF CALIFORNIA, SAN FRANCISCO COUNTY, ET AL.* Ct. App. Cal., 1st App. Dist., Div. 1. Certiorari denied.

No. 16–1365. *KIBLER, DBA DJ LOGIC v. HALL ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 843 F. 3d 1068.

No. 16–1366. *BUTTS v. PRINCE WILLIAM COUNTY SCHOOL BOARD*. C. A. 4th Cir. Certiorari denied. Reported below: 844 F. 3d 424.

No. 16–1367. *DE CASSAGNOL v. NEW JERSEY BASKETBALL, LLC, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 16–1370. *MASTEC ADVANCED TECHNOLOGIES, A DIVISION OF MASTEC, INC. v. NATIONAL LABOR RELATIONS BOARD*. C. A. D. C. Cir. Certiorari denied. Reported below: 837 F. 3d 25.

No. 16–1373. *BROWN v. HAAS, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 845 F. 3d 703.

No. 16–1374. *ACEVAL v. BOND*. C. A. 6th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 368.

No. 16–1378. *JOSEPH v. ATTORNEY GRIEVANCE COMMISSION OF MARYLAND*. Ct. App. Md. Certiorari denied.

No. 16–1380. *MONJE ET UX., INDIVIDUALLY AND ON BEHALF OF THEIR MINOR SON, R. M. v. SPIN MASTER INC. ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 679 Fed. Appx. 535.

No. 16–1381. *MILLS v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 196 So. 3d 571.

No. 16–1382. *SHAWE v. ELTING*. Sup. Ct. Del. Certiorari denied. Reported below: 157 A. 3d 142.

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No. 16–1384. *GORDON v. GORDON*. Ct. Civ. App. Ala. Certiorari denied. Reported below: 231 So. 3d 347.

No. 16–1385. *WATKINS v. DEANGELO-KIPP, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 854 F. 3d 846.

No. 16–1386. *VAUGHAN v. ANDERSON REGIONAL MEDICAL CENTER*. C. A. 5th Cir. Certiorari denied. Reported below: 849 F. 3d 588.

No. 16–1387. *SIMMONS, D. D. S., P. C., ET AL. v. SMITH, EXECUTIVE COMMISSIONER, TEXAS HEALTH AND HUMAN SERVICES COMMISSION*. Ct. App. Tex., 12th Dist. Certiorari denied.

No. 16–1389. *DAVIS v. FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 674 Fed. Appx. 699.

No. 16–1390. *COHEN v. SESSIONS, ATTORNEY GENERAL*. C. A. 9th Cir. Certiorari denied. Reported below: 658 Fed. Appx. 324.

No. 16–1392. *MANCARI v. BERRYHILL, ACTING COMMISSIONER OF SOCIAL SECURITY*. C. A. 7th Cir. Certiorari denied. Reported below: 680 Fed. Appx. 469.

No. 16–1393. *WILLIAMS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 561.

No. 16–1397. *HYKES v. MNUCHIN, SECRETARY OF THE TREASURY*. C. A. 6th Cir. Certiorari denied.

No. 16–1398. *VICTAULIC Co. v. UNITED STATES EX REL. CUSTOMS FRAUD INVESTIGATIONS, LLC*. C. A. 3d Cir. Certiorari denied. Reported below: 839 F. 3d 242.

No. 16–1400. *WILSON v. DEPARTMENT OF THE NAVY*. C. A. Fed. Cir. Certiorari denied. Reported below: 843 F. 3d 931.

No. 16–1401. *COLLINS v. WISCONSIN*. C. A. 7th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 432.

No. 16–1403. *REYNOLDS v. BETHEL PARK SCHOOL DISTRICT*. Commw. Ct. Pa. Certiorari denied. Reported below: 140 A. 3d 98.

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No. 16–1405. *DE VRIES v. REGENTS OF THE UNIVERSITY OF CALIFORNIA*. Ct. App. Cal., 2d App. Dist., Div. 7. Certiorari denied. Reported below: 6 Cal. App. 5th 574, 211 Cal. Rptr. 3d 435.

No. 16–1406. *CORRECTIONAL MEDICAL SERVICES, INC., NKA CORIZON v. GLISSON, PERSONAL REPRESENTATIVE OF THE ESTATE OF GLISSON*. C. A. 7th Cir. Certiorari denied. Reported below: 849 F. 3d 372.

No. 16–1409. *MILBY v. MCMC LLC*. C. A. 6th Cir. Certiorari denied. Reported below: 844 F. 3d 605.

No. 16–1410. *PUPPOLO, PERSONAL REPRESENTATIVE OF THE ESTATE OF PUPPOLO v. HOLY CROSS HOSPITAL OF SILVER SPRING, INC.* Ct. Sp. App. Md. Certiorari denied. Reported below: 230 Md. App. 741 and 745.

No. 16–1411. *KUTSKA v. WISCONSIN*. Ct. App. Wis. Certiorari denied. Reported below: 2017 WI App 7, 373 Wis. 2d 310, 895 N. W. 2d 104.

No. 16–1414. *THOMPSON v. ARKANSAS*. Sup. Ct. Ark. Certiorari denied. Reported below: 2017 Ark. 50, 510 S. W. 3d 775.

No. 16–1415. *ALBAN ET AL. v. NIPPON YUSEN KABUSHIKI KAISHA ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 846 F. 3d 71.

No. 16–1416. *PENG v. CITIMORTGAGE INC.; and PENG v. LANDMARK BUILDING & DEVELOPMENT CO. ET AL.* Sup. Ct. N. J. Certiorari denied.

No. 16–1417. *RODRIGUES v. WELLS FARGO BANK, N. A., ET AL.* Super. Ct. N. J., App. Div. Certiorari denied.

No. 16–1418. *RAMIREZ v. T&H LEMONT, INC.* C. A. 7th Cir. Certiorari denied. Reported below: 845 F. 3d 772.

No. 16–1419. *HUAFENG XU v. TEREX CORP.* C. A. 2d Cir. Certiorari denied.

No. 16–1420. *ZEINY v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 659 Fed. Appx. 435.

No. 16–1421. *CRICKET STORE 17, DBA TABOO v. CITY OF COLUMBIA, SOUTH CAROLINA*. C. A. 4th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 162.

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No. 16–1425. *KAJLA v. U. S. BANK N. A., AS TRUSTEE FOR CREDIT SUISSE FIRST BOSTON MBS ARMT 2005–8*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 16–1427. *OLEKSY v. GENERAL ELECTRIC CO.* C. A. Fed. Cir. Certiorari denied.

No. 16–1428. *BORNSTEIN, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF BORNSTEIN v. MONMOUTH COUNTY SHERIFF’S OFFICE ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 658 Fed. Appx. 663.

No. 16–1430. *XINGZHONG SHI v. MONTGOMERY ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 679 Fed. Appx. 828.

No. 16–1431. *TUMMINELLO v. FATHER RYAN HIGH SCHOOL, INC.* C. A. 6th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 281.

No. 16–1433. *HAYDEN v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 774.

No. 16–1434. *DALLAS v. UNITED STATES ARMY CORPS OF ENGINEERS.* C. A. 5th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 212.

No. 16–1437. *COMMONWEALTH ELECTION COMMISSION ET AL. v. DAVIS.* C. A. 9th Cir. Certiorari denied. Reported below: 844 F. 3d 1087.

No. 16–1440. *M., INDIVIDUALLY AND AS PARENT AND LEGAL GUARDIAN OF O. M., A MINOR v. FALMOUTH SCHOOL DEPARTMENT.* C. A. 1st Cir. Certiorari denied. Reported below: 847 F. 3d 19.

No. 16–1442. *ARUNACHALAM v. SAP AMERICA, INC.* C. A. Fed. Cir. Certiorari denied.

No. 16–1443. *DAVIS v. MAHALLY, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT DALLAS, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 16–1444. *EAGLE COVE CAMP & CONFERENCE CENTER, INC., ET AL. v. TOWN OF WOODBORO, WISCONSIN, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 674 Fed. Appx. 566.

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No. 16–1447. *FRANTZ v. PENNYMAC HOLDINGS, LLC*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 231 So. 3d 417.

No. 16–1448. *FARACH FARACH v. JARUFE*. Ct. App. Tex., 14th Dist. Certiorari denied.

No. 16–1451. *UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA LOCAL 3047, ET AL. v. HARDIN COUNTY, KENTUCKY, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 842 F. 3d 407.

No. 16–1452. *ROSS ET AL. v. BOARD OF TRUSTEES OF CALIFORNIA STATE UNIVERSITY*. C. A. 9th Cir. Certiorari denied. Reported below: 679 Fed. Appx. 579.

No. 16–1453. *NEUMAN v. ILLINOIS ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 582.

No. 16–1455. *NEW YORK PET WELFARE ASSN., INC. v. CITY OF NEW YORK, NEW YORK, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 850 F. 3d 79.

No. 16–1458. *HERNANDEZ ET AL. v. CRESPO ET AL.* (Reported below: 211 So. 3d 19); *WOMEN’S CARE FLORIDA, LLC, AKA DELANEY OBSTETRICS AND GYNECOLOGY v. A. K. ET AL.*; and *WOMEN’S CARE FLORIDA, LLC, ET AL. v. A. G. ET AL.* Sup. Ct. Fla. Certiorari denied.

No. 16–1460. *JUSTICE v. WELLS FARGO BANK N. A., ON BEHALF OF THE REGISTERED HOLDERS OF BEAR STEARNS ASSET BACKED SECURITIES, I, L. L. C., ASSET-BACKED CERTIFICATES, SERIES 2007–AC2, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 674 Fed. Appx. 330.

No. 16–1461. *ADHIKARI ET AL. v. KELLOGG BROWN & ROOT, INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 845 F. 3d 184.

No. 16–1462. *BROWN v. BURT, WARDEN, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 661 Fed. Appx. 398.

No. 16–1465. *KEISTER ET AL. v. PPL CORP. ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 677 Fed. Appx. 63.

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No. 16–1467. *LOBECK v. LICATINO ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 258.

No. 16–1469. *WILBORN v. MERIT SYSTEMS PROTECTION BOARD.* C. A. Fed. Cir. Certiorari denied. Reported below: 678 Fed. Appx. 1021.

No. 16–1470. *WEGESEND ET AL. v. ONEWEST BANK, N. A.* Int. Ct. App. Haw. Certiorari denied. Reported below: 139 Haw. 263, 388 P. 3d 51.

No. 16–1471. *JONES v. MERIT SYSTEMS PROTECTION BOARD.* C. A. Fed. Cir. Certiorari denied. Reported below: 675 Fed. Appx. 972.

No. 16–1472. *PARVIN v. MISSISSIPPI.* Ct. App. Miss. Certiorari denied. Reported below: 212 So. 3d 863.

No. 16–1473. *MEYER v. NEW YORK STATE OFFICE OF MENTAL HEALTH ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 679 Fed. Appx. 89.

No. 16–1476. *SIK GAEK, INC. v. YOGI'S II, INC., ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 682 Fed. Appx. 52.

No. 16–1477. *POWELL ET AL. v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 847 F. 3d 760.

No. 16–1478. *PENCE ET AL. v. DEUTSCHE BANK NATIONAL TRUST CO.* Ct. App. Ariz. Certiorari denied.

No. 16–1479. *FINAL EXIT NETWORK, INC. v. MINNESOTA.* Ct. App. Minn. Certiorari denied. Reported below: 889 N. W. 2d 296.

No. 16–1481. *HOROWITZ ET AL. v. MASON, JUDGE, CIRCUIT COURT OF MONTGOMERY COUNTY, MARYLAND, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 681 Fed. Appx. 238.

No. 16–1482. *FERNANDEZ v. DAIMLER AG, FKA DAIMLER-CHRYSLER, A. G., ET AL.* Ct. App. N. Y. Certiorari denied. Reported below: 28 N. Y. 3d 1129, 68 N. E. 3d 98.

No. 16–1484. *UNITED STATES EX REL. NGUYEN v. CITY OF CLEVELAND, OHIO.* C. A. 6th Cir. Certiorari denied.

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No. 16–1485. *PETRIE ET AL. v. SCOTT, CHAIRMAN OF THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND, ET AL.* Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 222 So. 3d 1210.

No. 16–1486. *SOKPA-ANKU v. SESSIONS, ATTORNEY GENERAL.* C. A. 8th Cir. Certiorari denied. Reported below: 835 F. 3d 793.

No. 16–1489. *ARIZONA v. MARTINEZ.* Sup. Ct. Ariz. Certiorari denied. Reported below: 241 Ariz. 341, 387 P. 3d 1270.

No. 16–1490. *CLARKE v. CALIFORNIA COMMISSION ON JUDICIAL PERFORMANCE.* Sup. Ct. Cal. Certiorari denied.

No. 16–1491. *YOUNG v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 847 F. 3d 328.

No. 16–1492. *SURRATT, AS HEIR AND LEGAL REPRESENTATIVE OF THE ESTATE OF SURRATT, DECEASED v. MCCLARAN ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 851 F. 3d 389.

No. 16–1493. *DAVID v. WAL-MART STORES, INC.* C. A. 7th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 793.

No. 16–1494. *COULTER v. MAHOOD ET AL.* Super. Ct. Pa. Certiorari denied. Reported below: 153 A. 3d 1110.

No. 16–1496. *NEW JERSEY v. ZUBER ET AL.* Sup. Ct. N. J. Certiorari denied. Reported below: 227 N. J. 422, 152 A. 3d 197.

No. 16–1497. *MCDANIEL, INDIVIDUALLY AND AS ASSIGNEE OF THE ESTATE OF MUROTANI, DECEDENT v. GOVERNMENT EMPLOYEES INSURANCE CO.* C. A. 9th Cir. Certiorari denied. Reported below: 681 Fed. Appx. 614.

No. 16–1499. *TALBERT v. MISSISSIPPI.* Sup. Ct. Miss. Certiorari denied.

No. 16–1501. *MINER v. YOUNGQUIST BROTHERS OIL & GAS, INC., ET AL.* Sup. Ct. Colo. Certiorari denied. Reported below: 390 P. 3d 389.

No. 16–1502. *NORIEGA ET AL. v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 682 Fed. Appx. 629.

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No. 16–1504. *BACH v. ST. VINCENT HOSPITAL ET AL.* Ct. App. Wis. Certiorari denied. Reported below: 2017 WI App 1, 372 Wis. 2d 832, 890 N. W. 2d 48.

No. 16–1505. *VOTER VERIFIED, INC. v. ELECTION SYSTEMS & SOFTWARE LLC.* C. A. Fed. Cir. Certiorari denied. Reported below: 681 Fed. Appx. 977.

No. 16–1506. *ALEXANDER v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 681 Fed. Appx. 391.

No. 16–1507. *CALLOWAY v. R. J. REYNOLDS TOBACCO CO. ET AL.* Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 201 So. 3d 753.

No. 16–1508. *LARDAS ET AL. v. GRCIC ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 847 F. 3d 561.

No. 16–1511. *SZYMANSKI v. WAILEA RESORT CO., LTD., ET AL.* Int. Ct. App. Haw. Certiorari denied. Reported below: 139 Haw. 35, 383 P. 3d 138.

No. 16–1512. *KASSA v. DETROIT METRO CONVENTION & VISITORS BUREAU ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 575.

No. 16–1513. *PLIVA INC. v. SUPERIOR COURT OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO, ET AL.* Ct. App. Cal., 1st App. Dist., Div. 1. Certiorari denied.

No. 16–1514. *BROWN v. GORMAN, CHAPTER 13 TRUSTEE.* C. A. 4th Cir. Certiorari denied. Reported below: 680 Fed. Appx. 242.

No. 16–1515. *ALSAGER v. BOARD OF OSTEOPATHIC MEDICINE AND SURGERY ET AL.* Ct. App. Wash. Certiorari denied. Reported below: 196 Wash. App. 653, 384 P. 3d 641.

No. 16–1516. *NELSON v. LEVY CENTER LLC ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 126.

No. 16–1520. *ROCHELEAU v. MICROSEMI CORP., INC.* C. A. 9th Cir. Certiorari denied. Reported below: 680 Fed. Appx. 533.

No. 16–1521. *SAYLOR v. NEBRASKA.* Sup. Ct. Neb. Certiorari denied. Reported below: 294 Neb. 492, 883 N. W. 2d 334.

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No. 16–1522. *YAN SUI v. MARSHACK, CHAPTER 7 TRUSTEE, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 16–1523. *PRICE ET AL. v. DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, DEPARTMENT OF LABOR, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 682 Fed. Appx. 327.

No. 16–1525. *KAARMA v. MONTANA.* Sup. Ct. Mont. Certiorari denied. Reported below: 386 Mont. 243, 390 P. 3d 609.

No. 16–1527. *CABLE COMMUNICATIONS, INC. v. BRUNOZZI ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 851 F. 3d 990.

No. 16–1528. *WHITE v. JAZZIE ET AL.* C. A. 9th Cir. Certiorari denied.

No. 16–1529. *RAYBOURNE & DEAN CONSULTING LTD. v. METRICA, INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 682 Fed. Appx. 349.

No. 16–1530. *SWANSON v. BAKER & MCKENZIE, LLP, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 682 Fed. Appx. 490.

No. 16–1534. *EASTERLING v. TENSAS PARISH SCHOOL BOARD.* C. A. 5th Cir. Certiorari denied. Reported below: 682 Fed. Appx. 318.

No. 16–1535. *DODSON v. JRL MUSIC, INC., ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 684 Fed. Appx. 7.

No. 16–1536. *HOLTZ ET AL. v. JPMORGAN CHASE BANK, N. A., ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 846 F. 3d 928.

No. 16–1538. *CULP ET AL. v. STANZIALE, CHAPTER 7 TRUSTEE.* C. A. 3d Cir. Certiorari denied. Reported below: 681 Fed. Appx. 140.

No. 16–1539. *BUKER v. HOWARD COUNTY, MARYLAND, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 851 F. 3d 332.

No. 16–1541. *GOLDBERG v. BANK OF AMERICA, N. A., ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 846 F. 3d 913.

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No. 16–1542. *USHER v. PREMIER CARE NURSES OF AMERICA, INC.* Sup. Ct. Fla. Certiorari denied.

No. 16–1543. *BEST SERVICE CO. INC. v. BAYLEY.* C. A. 9th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 593.

No. 16–1544. *MOTOYAMA v. HAWAII DEPARTMENT OF TRANSPORTATION ET AL.* Int. Ct. App. Haw. Certiorari denied. Reported below: 139 Haw. 267, 388 P. 3d 55.

No. 16–1547. *MARYLAND v. NORMAN.* Ct. App. Md. Certiorari denied. Reported below: 452 Md. 373, 156 A. 3d 940.

No. 16–1549. *HART v. AMAZON.COM, INC.* C. A. 7th Cir. Certiorari denied. Reported below: 845 F. 3d 802.

No. 16–1550. *BECKHAM v. CARTLEDGE, WARDEN.* C. A. 4th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 96.

No. 16–7320. *LOGWOOD v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 131365–U.

No. 16–7541. *PHILLIPS v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 827 F. 3d 1171.

No. 16–7612. *FAGAN v. UNITED STATES.* C. A. 3d Cir. Certiorari denied.

No. 16–7898. *LUNNEY v. NEW JERSEY.* Super. Ct. N. J., App. Div. Certiorari denied.

No. 16–7916. *CARTER v. HUTERSON ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 831 F. 3d 1104.

No. 16–8022. *NELSON v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied. Reported below: 1 Cal. 5th 513, 376 P. 3d 1178.

No. 16–8051. *OLIVER v. UNITED STATES;*

No. 16–8108. *SEEGERS ET AL. v. UNITED STATES;*

No. 16–8120. *ALFRED v. UNITED STATES;* and

No. 16–8128. *MCGILL v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied. Reported below: 815 F. 3d 846.

No. 16–8062. *OKON v. DOOLEY, WARDEN.* C. A. 8th Cir. Certiorari denied.

No. 16–8204. *XIAOYING TANG DOWAI v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 839 F. 3d 877 and 663 Fed. Appx. 563.

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No. 16–8229. *ALLEN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 829 F. 3d 965.

No. 16–8230. *HANNIBAL v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 638 Pa. 336, 156 A. 3d 197.

No. 16–8269. *DECAMBRA v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 200 So. 3d 783.

No. 16–8291. *HEDMAN ET AL. v. NATIONSTAR MORTGAGE, LLC, ET AL.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 16–8297. *MAHBUB v. DOOLEY, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 16–8355. *BLACKWELL v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist., Div. 5. Certiorari denied. Reported below: 3 Cal. App. 5th 166, 207 Cal. Rptr. 3d 444.

No. 16–8379. *WELLS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 843 F. 3d 1251.

No. 16–8398. *SANTOS PERU v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 333.

No. 16–8415. *JOHNSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 16–8457. *ADAIR v. ARIZONA*. Sup. Ct. Ariz. Certiorari denied. Reported below: 241 Ariz. 58, 383 P. 3d 1132.

No. 16–8461. *JAVIER CAVAZOS v. CALIFORNIA*. Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 16–8465. *COLLINS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 302.

No. 16–8477. *CISNEROS v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. Reported below: 299 Ga. 841, 792 S. E. 2d 326.

No. 16–8481. *NOLTE v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 844 F. 3d 331.

No. 16–8487. *GRUNDY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 844 F. 3d 613.

No. 16–8494. *MARTINEZ-ARMESTICA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 846 F. 3d 436.

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No. 16–8496. *OQUENDO RIVAS v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 834 F. 3d 8.

No. 16–8545. *FIORITO v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 821 F. 3d 999.

No. 16–8559. *JENKINS v. SHERMAN, WARDEN*; and
No. 16–8599. *MCDANIELS v. KIRKLAND, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: No. 16–8559, 839 F. 3d 806 and 663 Fed. Appx. 553; No. 16–8599, 839 F. 3d 806.

No. 16–8574. *REYNOLDS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 626 Fed. Appx. 610.

No. 16–8580. *BENTZ v. NEVADA*. Sup. Ct. Nev. Certiorari denied. Reported below: 132 Nev. 946, 385 P. 3d 606.

No. 16–8581. *BARNES v. MCMASTER, GOVERNOR OF SOUTH CAROLINA, ET AL.* Sup. Ct. S. C. Certiorari denied.

No. 16–8603. *VILLA-SANCHEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 674 Fed. Appx. 389.

No. 16–8617. *GUNDY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 842 F. 3d 1156.

No. 16–8637. *THEELER v. MONTANA*. Sup. Ct. Mont. Certiorari denied. Reported below: 385 Mont. 471, 385 P. 3d 551.

No. 16–8646. *WARDLOW v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 830 F. 3d 817.

No. 16–8647. *WILLIAMS v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 143453–U.

No. 16–8651. *RICHARDSON v. FAULK ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 312.

No. 16–8695. *VINES v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 16–8760. *CLAYTON v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 147 Ohio St. 3d 1457, 2016-Ohio-8121, 64 N. E. 3d 1001.

No. 16–8764. *DE JESUMARIA, AKA RAFAEL DE JESUMARIA, AKA RAFAEL IZA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 772.

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No. 16–8765. *LAMKIN v. PHENY ET AL.* C. A. 6th Cir. Certiorari denied.

No. 16–8805. *DEJESUS SANTIAGO v. UNITED STATES.* C. A. 2d Cir. Certiorari denied.

No. 16–8858. *BLUFORD v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 684 Fed. Appx. 426.

No. 16–8871. *FORTSON v. LOS ANGELES CITY ATTORNEY’S OFFICE ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 852 F. 3d 1190.

No. 16–8873. *FONCHAM v. MERIWEATHER ET AL.* C. A. 7th Cir. Certiorari denied.

No. 16–8874. *HELFRICK v. WRIGHT, WARDEN.* C. A. 4th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 137.

No. 16–8875. *GUIDRY v. LOUISIANA.* Sup. Ct. La. Certiorari denied. Reported below: 2015–0840 (La. 2/19/16), 186 So. 3d 635.

No. 16–8894. *ROGERS v. FLORIDA.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 221 So. 3d 625.

No. 16–8898. *GOMEZ v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist., Div. 1. Certiorari denied.

No. 16–8899. *GAYOL v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2015 IL App (1st) 131559–U.

No. 16–8906. *WHITE v. TURNER ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 162.

No. 16–8908. *VALDEZ v. VIRGA, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 16–8910. *HAMMOND v. PATTERSON, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 16–8911. *PEREZ v. KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION.* C. A. 9th Cir. Certiorari denied.

No. 16–8913. *NIEMANN v. ILLINOIS.* App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 2016 IL App (4th) 140423–U.

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No. 16–8915. *GOODLOW v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist., Div. 4. Certiorari denied.

No. 16–8920. *BURNS v. OHIO*. Ct. App. Ohio, 5th App. Dist., Licking County. Certiorari denied. Reported below: 2016-Ohio-4833.

No. 16–8926. *ROGERS v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied.

No. 16–8931. *HILL v. DALLAS COUNTY DISTRICT ATTORNEY’S OFFICE ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 339.

No. 16–8943. *OMRAN v. PRATOR ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 674 Fed. Appx. 353.

No. 16–8944. *SPORISH v. CLARK, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ALBION, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 16–8947. *REED v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 16–8952. *HARDY v. BARBRE ET AL.* C. A. 6th Cir. Certiorari denied.

No. 16–8959. *HASTYE v. TOLSON*. Ct. App. Md. Certiorari denied. Reported below: 448 Md. 725, 141 A. 3d 136.

No. 16–8962. *TURNER v. GRIFFIN, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 16–8965. *CLARY v. HOOKS, SECRETARY, NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY*. C. A. 4th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 688.

No. 16–8970. *CHACON v. UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 16–8971. *ROCHA v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 224 So. 3d 224.

No. 16–8974. *MUHAMMAD v. CITY OF BAKERSFIELD, CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 982.

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No. 16–8978. *RANDOLPH v. CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 16–8984. *COPLEY v. HAAS, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 16–8988. *SANDERS v. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 533 Fed. Appx. 706.

No. 16–8989. *RUIZ v. FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES.* Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 212 So. 3d 431.

No. 16–8991. *WEATHERSPOON v. KILARU ET AL.* C. A. 6th Cir. Certiorari denied.

No. 16–8992. *WEATHERSBY v. ILLINOIS COMMERCE COMMISSION ET AL.* App. Ct. Ill., 1st Dist. Certiorari denied.

No. 16–9001. *LANDRY v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied. Reported below: 2 Cal. 5th 52, 385 P. 3d 327.

No. 16–9002. *OSWALT v. SEDGWICK CLAIMS MANAGEMENT SERVICES, INC., ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 624 Fed. Appx. 740.

No. 16–9003. *CARLOS DIAZ v. SESSIONS, ATTORNEY GENERAL.* C. A. 9th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 328.

No. 16–9005. *SMITH v. DEAL, GOVERNOR OF GEORGIA, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 16–9007. *STEWART v. GULLEY ET AL.* C. A. 8th Cir. Certiorari denied.

No. 16–9012. *MILLER v. PLUMLEE, JUDGE, DISTRICT COURT OF TEXAS, DALLAS COUNTY, ET AL.* Sup. Ct. Tex. Certiorari denied.

No. 16–9014. *TIBBETTS ET AL. v. DEWINE, ATTORNEY GENERAL OF OHIO, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 841 F. 3d 405.

No. 16–9016. *HILL v. MITCHELL, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 842 F. 3d 910.

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No. 16–9017. *THOMAS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 16–9019. *WEBB v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 16–9021. *VASQUEZ v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. Sup. Ct. Fla. Certiorari denied.

No. 16–9022. *BALIK v. CHOCOLATE SHOPPE ICE CREAM CO., INC., ET AL.* C. A. 9th Cir. Certiorari denied.

No. 16–9027. *DALTON v. KATAVICH, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 16–9028. *ANDOE v. OTTER ET AL.* C. A. 9th Cir. Certiorari denied.

No. 16–9031. *CHAO HO LIN ET AL. v. TD WATERSTONE*. App. Ct. Ill., 2d Dist. Certiorari denied.

No. 16–9038. *ALVAREZ v. PFISTER, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 16–9040. *GARZA v. NEBRASKA*. Sup. Ct. Neb. Certiorari denied. Reported below: 295 Neb. 434, 888 N. W. 2d 526.

No. 16–9041. *CASTANEDA v. NEBRASKA*. Sup. Ct. Neb. Certiorari denied. Reported below: 295 Neb. 547, 889 N. W. 2d 87.

No. 16–9043. *AMAR v. WILSON*. C. A. 11th Cir. Certiorari denied.

No. 16–9046. *JONES v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist., Div. 3. Certiorari denied.

No. 16–9052. *WOMACK v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA*. C. A. 3d Cir. Certiorari denied. Reported below: 674 Fed. Appx. 215.

No. 16–9056. *O’LEARY v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 16–9063. *BURHAN v. NEBRASKA*. Ct. App. Neb. Certiorari denied. Reported below: 24 Neb. App. ii.

No. 16–9064. *EARLS v. WISCONSIN*. C. A. 7th Cir. Certiorari denied.

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No. 16–9066. *MUNT v. SMITH, WARDEN*. Ct. App. Minn. Certiorari denied.

No. 16–9070. *SMITH v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 16–9072. *DUARTE v. MADDEN, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 16–9073. *CARTER v. THOMAS, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 209.

No. 16–9075. *ROSAS v. MONTGOMERY, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 16–9076. *RUSH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 656.

No. 16–9078. *RUDGE v. CITY OF STUART, FLORIDA*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 221 So. 3d 628.

No. 16–9081. *BAUSCH v. SOUTH DAKOTA*. Sup. Ct. S. D. Certiorari denied. Reported below: 2017 S.D. 1, 889 N. W. 2d 404.

No. 16–9082. *BELYEW v. SUPERIOR COURT OF CALIFORNIA, BUTTE COUNTY, ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 16–9086. *FUALEFEH v. DOOLEY, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 16–9087. *MCCRAY v. WELLS FARGO BANK, N. A.* C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 136.

No. 16–9093. *WASALAAM v. YOUNG ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 143.

No. 16–9094. *VARNO v. CANFIELD ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 664 Fed. Appx. 63.

No. 16–9096. *VALENZUELA v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 16–9098. *WASHINGTON v. TICE, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SMITHFIELD, ET AL.* C. A. 3d Cir. Certiorari denied.

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No. 16–9099. *YORGENSEN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 845 F. 3d 908.

No. 16–9100. *STEWART v. GREEN, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 16–9101. *SILVA v. MCDOWELL, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 16–9103. *SHOEMAKER v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 16–9104. *RICHMOND v. MARTIN ET AL.* C. A. 9th Cir. Certiorari denied.

No. 16–9109. *MCCOY v. CONROY, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 45.

No. 16–9112. *COLE v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 16–9115. *SEATON v. TEXAS*. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 16–9120. *MC SMITH v. BANK OF AMERICA, N. A.* C. A. 11th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 775.

No. 16–9124. *BENSON v. UTAH LABOR COMMISSION ET AL.* Ct. App. Utah. Certiorari denied.

No. 16–9125. *PITTS v. BISHOP, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 344.

No. 16–9126. *WILLIAMS v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 16–9128. *MATTHEWS ET UX. v. BROWN ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 41.

No. 16–9130. *JONES v. MARYLAND*. C. A. 4th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 359.

No. 16–9140. *WHITE v. ILLINOIS*. App. Ct. Ill., 5th Dist. Certiorari denied. Reported below: 2016 IL App (5th) 140002–U.

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No. 16–9145. *AMEZCUA v. SPEARMAN, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 949.

No. 16–9146. *ZAPIEN v. DAVIS, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 849 F. 3d 787.

No. 16–9151. *RODRIGUEZ v. MERIT SYSTEMS PROTECTION BOARD*. C. A. Fed. Cir. Certiorari denied. Reported below: 683 Fed. Appx. 932.

No. 16–9153. *SIMMS v. UNITED HEALTH CARE COMMUNITY PLAN*. Ct. App. Md. Certiorari denied. Reported below: 452 Md. 22, 155 A. 3d 900.

No. 16–9155. *ROBINSON v. KINGS COUNTY DISTRICT ATTORNEY’S OFFICE*. C. A. 2d Cir. Certiorari denied.

No. 16–9157. *ROBINSON v. WALT DISNEY Co.* Ct. App. Tex., 1st Dist. Certiorari denied.

No. 16–9159. *BRYANT v. MORRISS, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 16–9162. *HAARER v. RIZO ET AL.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 229 So. 3d 1236.

No. 16–9165. *CHILDS v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 16–9168. *CUMMINGS v. NATIONAL LABOR RELATIONS BOARD*. C. A. 4th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 101.

No. 16–9169. *DAKER v. WARREN, SHERIFF, COBB COUNTY, GEORGIA, ET AL.*; and

No. 16–9170. *DAKER v. WARREN, SHERIFF, COBB COUNTY, GEORGIA, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 660 Fed. Appx. 737.

No. 16–9173. *WIMBERLEY v. SCHOONOVER ET AL.* C. A. 9th Cir. Certiorari denied.

No. 16–9175. *LEJI v. DEPARTMENT OF HOMELAND SECURITY ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 16–9180. *BRIDGER v. LEWIS, WARDEN*. C. A. 8th Cir. Certiorari denied.

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No. 16–9182. *BURTON v. BUREAU OF CORRECTIONS INDUSTRIES/DEPARTMENT OF CORRECTIONS*. Commw. Ct. Pa. Certiorari denied.

No. 16–9186. *SMITH v. WASHINGTON ET AL.* C. A. 9th Cir. Certiorari denied.

No. 16–9188. *ENGLISH v. BUSH, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 355.

No. 16–9193. *PEREZ v. SHERMAN*. C. A. 9th Cir. Certiorari denied.

No. 16–9194. *PENN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 203.

No. 16–9198. *LITTLEBRAVE v. COURT OF CRIMINAL APPEALS OF TEXAS*. Sup. Ct. Tex. Certiorari denied.

No. 16–9199. *BIGBEE v. LINDAMOOD, WARDEN*. Ct. Crim. App. Tenn. Certiorari denied.

No. 16–9200. *HURICK v. WOODS, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 520.

No. 16–9202. *BENITEZ v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 224 So. 3d 218.

No. 16–9203. *ACHEKZAI v. MCDOWELL, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 16–9207. *CHANEY v. LOUISIANA BOARD OF REVIEW ET AL.* Sup. Ct. La. Certiorari denied. Reported below: 2016–1960 (La. 12/16/16), 212 So. 3d 1174.

No. 16–9215. *SMITH v. CARSON, SECRETARY OF HOUSING AND URBAN DEVELOPMENT, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 680 Fed. Appx. 791.

No. 16–9216. *RIVERA-HERNANDEZ v. SESSIONS, ATTORNEY GENERAL*. C. A. 9th Cir. Certiorari denied.

No. 16–9217. *FRENCH v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied. Reported below: 228 Md. App. 735.

No. 16–9218. *FRALEY v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 369 N. C. 533, 796 S. E. 2d 788.

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No. 16–9219. *GARCIA v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 16–9220. *SCOTT v. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 16–9224. *DELGIUDICE v. PRIMUS ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 679 Fed. Appx. 944.

No. 16–9228. *COOPER v. GEORGIA*. Ct. App. Ga. Certiorari denied. Reported below: 335 Ga. App. XXVII.

No. 16–9235. *HARRELL v. GEORGIA*. Ct. App. Ga. Certiorari denied. Reported below: 337 Ga. App. XXVII.

No. 16–9236. *FIELDS v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied.

No. 16–9242. *SOWELL v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 148 Ohio St. 3d 554, 2016-Ohio-8025, 71 N. E. 3d 1034.

No. 16–9244. *GRUNTZ v. OREGON*. Ct. App. Ore. Certiorari denied. Reported below: 279 Ore. App. 445, 381 P. 3d 1094.

No. 16–9245. *WYNN v. HOLLAND, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 16–9246. *WRIGHT v. CALUMET CITY, ILLINOIS*. C. A. 7th Cir. Certiorari denied. Reported below: 848 F. 3d 814.

No. 16–9248. *MOSSBURG v. MARYLAND*. C. A. 4th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 211.

No. 16–9250. *MUHAMMAD v. UNEMPLOYMENT COMPENSATION BOARD OF REVIEW*. Commw. Ct. Pa. Certiorari denied.

No. 16–9254. *DAVALL v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist., Div. 4. Certiorari denied.

No. 16–9259. *JONES v. CRISIS INTERVENTION SERVICES ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 686 Fed. Appx. 81.

No. 16–9260. *LYTE v. TEXAS*. Ct. App. Tex., 1st Dist. Certiorari denied.

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No. 16–9261. *CARTER v. KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION*. C. A. 8th Cir. Certiorari denied.

No. 16–9262. *TATE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 16–9263. *WILLIAMS v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist., Div. 1. Certiorari denied.

No. 16–9265. *WATSON v. LOMBARDI, DIRECTOR, MISSOURI DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 16–9266. *THOMAS v. MICHIGAN CITY, INDIANA*. C. A. 7th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 587.

No. 16–9267. *WATKINS v. UNIVERSITY OF MEMPHIS CAMPUS POLICE SERVICES*. C. A. 6th Cir. Certiorari denied.

No. 16–9268. *LEE v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 229 So. 3d 1237.

No. 16–9269. *LOWE v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 679 Fed. Appx. 756.

No. 16–9271. *KANU v. SESSIONS, ATTORNEY GENERAL*. C. A. 6th Cir. Certiorari denied. Reported below: 652 Fed. Appx. 390.

No. 16–9272. *ROBINSON ET AL. v. DRUG ENFORCEMENT ADMINISTRATION ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 686 Fed. Appx. 159.

No. 16–9273. *HEARD v. GEORGIA DEPARTMENT OF HUMAN SERVICES ET AL.* Ct. App. Ga. Certiorari denied.

No. 16–9274. *IBN-SADIKA v. WETZEL, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL.* Sup. Ct. Pa. Certiorari denied.

No. 16–9275. *JOHNSON v. VANNOY, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 16–9276. *JOHNSON v. DOZIER, COMMISSIONER, GEORGIA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

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No. 16–9278. *DAVIDSON v. TENNESSEE*. Sup. Ct. Tenn. Certiorari denied. Reported below: 509 S. W. 3d 156.

No. 16–9280. *MASON v. MICHIGAN*. Sup. Ct. Mich. Certiorari denied. Reported below: 500 Mich. 948, 890 N. W. 2d 367.

No. 16–9284. *SANDOVAL v. LONG, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 16–9285. *SADLOWSKI v. TOWN OF MIDDLEFIELD, CONNECTICUT*. Sup. Ct. Conn. Certiorari denied.

No. 16–9287. *CASWELL v. KIRKEGARD, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 16–9288. *ARBELAEZ v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied. Reported below: 662 Fed. Appx. 713.

No. 16–9289. *BENZ v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 229 So. 3d 1228.

No. 16–9291. *MCWATERS v. ARIZONA*. Ct. App. Ariz. Certiorari denied.

No. 16–9292. *DEERE v. CALIFORNIA*. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 16–9293. *SAIDIN v. NEGRON ET AL.* Ct. App. N. Y. Certiorari denied. Reported below: 28 N. Y. 3d 1069, 65 N. E. 3d 1289.

No. 16–9294. *GRASON v. PRICE, SECRETARY OF HEALTH AND HUMAN SERVICES*. C. A. 7th Cir. Certiorari denied. Reported below: 659 Fed. Appx. 899.

No. 16–9295. *BESSETTE v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 16–9296. *WILLIAMS v. GARMAN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ROCKVIEW, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 16–9297. *FRANCISCO VEGA v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 189 So. 3d 781.

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No. 16–9300. *WALKER v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 16–9301. *WILLIAMS v. CALIFORNIA*. Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 16–9302. *WILLIAMS v. UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO*. C. A. 6th Cir. Certiorari denied.

No. 16–9303. *WALKER v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 16–9306. *SIMPSON v. ECKSTEIN, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 16–9308. *DUMA v. U. S. BANK, N. A.* Ct. App. D. C. Certiorari denied.

No. 16–9309. *CARVALHO v. MASSACHUSETTS*. App. Ct. Mass. Certiorari denied. Reported below: 90 Mass. App. 1110, 60 N. E. 3d 1198.

No. 16–9310. *RINGGOLD v. JOHNS HOPKINS HOSPITAL ET AL.* Ct. App. Md. Certiorari denied. Reported below: 452 Md. 544, 157 A. 3d 820.

No. 16–9315. *MICHUDA v. MINNESOTA*. Ct. App. Minn. Certiorari denied.

No. 16–9321. *KUSALICH v. CALIFORNIA*. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 16–9323. *SANCHEZ v. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 16–9325. *EVANS-MAYES v. DELAWARE*. Sup. Ct. Del. Certiorari denied. Reported below: 158 A. 3d 450.

No. 16–9326. *CALLAHAN v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 225 So. 3d 832.

No. 16–9327. *CAMPBELL v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist., Div. 1. Certiorari denied.

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No. 16–9328. *DUGAN v. MIDDLEBROOKS, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 940.

No. 16–9329. *CADET v. NEW YORK.* App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 144 App. Div. 3d 1335, 41 N. Y. S. 3d 434.

No. 16–9331. *CHAMPA v. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 16–9332. *SHOALS v. KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION.* C. A. 9th Cir. Certiorari denied.

No. 16–9334. *SULLIVAN v. WILSON, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 855.

No. 16–9335. *RIVERA v. STIRLING ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 264.

No. 16–9336. *RIVERA v. STIRLING ET AL.* C. A. 4th Cir. Certiorari denied.

No. 16–9337. *RIVERA v. STIRLING ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 267.

No. 16–9338. *PIERRE v. AIRSERV SECURITY, c/o AMERICAN AIRLINES (JOHN F. KENNEDY AIRPORT).* C. A. 2d Cir. Certiorari denied.

No. 16–9341. *COBB v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS.* C. A. 4th Cir. Certiorari denied. Reported below: 683 Fed. Appx. 237.

No. 16–9342. *BRENSON v. MARQUIS, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 680 Fed. Appx. 405.

No. 16–9344. *JACKSON v. OHIO.* Ct. App. Ohio, 11th App. Dist., Trumbull County. Certiorari denied. Reported below: 2015-Ohio-6, 26 N. E. 3d 304.

No. 16–9345. *ClAVONE v. SCHULMAN.* Ct. App. Mich. Certiorari denied.

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No. 16–9346. *CASTILLO v. KEY, SUPERINTENDENT, AIRWAY HEIGHTS CORRECTIONS CENTER*. C. A. 9th Cir. Certiorari denied.

No. 16–9347. *VIZCARRA v. REAGANS, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 190.

No. 16–9349. *TOLIVER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 689.

No. 16–9350. *WALLACE v. LOUISIANA ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 286.

No. 16–9351. *SAFRANY v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 16–9352. *CELAYA VALENZUELA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 849 F. 3d 477.

No. 16–9353. *STEWART v. UNIVERSITY OF NORTH CAROLINA SYSTEM ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 269.

No. 16–9354. *DIZAK v. COLVIN, SUPERINTENDENT, FIVE POINTS CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 16–9355. *ARVAKHI v. CARSON, SECRETARY OF HOUSING AND URBAN DEVELOPMENT*. C. A. 9th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 546.

No. 16–9356. *RIVERA v. STIRLING ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 267.

No. 16–9357. *CEJA v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 2016 IL App (2d) 131124–U.

No. 16–9358. *COLE v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 141664, 52 N. E. 3d 493.

No. 16–9359. *RIVERA v. LEONARD ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 262.

No. 16–9360. *RIVERA v. STIRLING ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 57.

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No. 16–9361. *RIVERA v. STIRLING ET AL.* C. A. 4th Cir. Certiorari denied.

No. 16–9362. *RIVERA v. STIRLING ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 62.

No. 16–9365. *JACKSON v. MISSISSIPPI.* Ct. App. Miss. Certiorari denied. Reported below: 225 So. 3d 1251.

No. 16–9368. *SROUR v. MIZRAHI-SROUR.* App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 138 App. Div. 3d 801, 29 N. Y. S. 3d 516.

No. 16–9369. *SUTHERLAND v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 226.

No. 16–9371. *RAINEY v. MCGINLEY, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT COAL TOWNSHIP, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 16–9372. *SHEALEY v. PENNSYLVANIA.* Super. Ct. Pa. Certiorari denied. Reported below: 151 A. 3d 1159.

No. 16–9373. *MOORE v. RHODE ISLAND.* Sup. Ct. R. I. Certiorari denied. Reported below: 154 A. 3d 472.

No. 16–9374. *MITCHELL v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 846 F. 3d 937.

No. 16–9375. *WILLIAMS v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 666 Fed. Appx. 186.

No. 16–9377. *JEFFERSON v. KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION.* Sup. Ct. Ark. Certiorari denied. Reported below: 2017 Ark. 29, 509 S. W. 3d 626.

No. 16–9378. *CAMPBELL v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 824.

No. 16–9380. *ALFONSO v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 16–9382. *LACEY v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 16–9383. *RECTOR v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

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No. 16–9384. *WILLIAMS v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied.

No. 16–9388. *WARREN v. FISCHL ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 674 Fed. Appx. 71.

No. 16–9391. *MAHONEY v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 661 Fed. Appx. 1.

No. 16–9392. *KOUSTAS v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 16–9393. *PARNES v. CHRISTIE, GOVERNOR OF NEW JERSEY, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 16–9394. *PHILLIPS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 677 Fed. Appx. 294.

No. 16–9395. *BAILEY v. MARYLAND*. Ct. App. Md. Certiorari denied. Reported below: 451 Md. 248, 152 A. 3d 753.

No. 16–9396. *HUMPHREY v. DEPARTMENT OF HOMELAND SECURITY ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 681 Fed. Appx. 797.

No. 16–9397. *FINLEY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 774 Fed. Appx. 267.

No. 16–9398. *HESTER v. BALLARD, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 679 Fed. Appx. 273.

No. 16–9400. *MOREHEAD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 695.

No. 16–9401. *NEIL v. OHIO*. Ct. App. Ohio, 10th App. Dist., Franklin County. Certiorari denied. Reported below: 2016-Ohio-4762.

No. 16–9402. *BELNAVIS v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 680 Fed. Appx. 202.

No. 16–9403. *JOEY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 845 F. 3d 1291 and 676 Fed. Appx. 667.

No. 16–9404. *LEON-CORDOVA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 677 Fed. Appx. 431.

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No. 16–9405. *LOWE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 728.

No. 16–9406. *EMTER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 688 Fed. Appx. 424.

No. 16–9407. *WALLER v. RAPELJE, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 16–9408. *WATSON v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 16–9409. *TEASLEY v. McLAUGHLIN, WARDEN*. Sup. Ct. Ga. Certiorari denied.

No. 16–9410. *SEATON v. SMITH, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 845 F. 3d 328.

No. 16–9412. *GONZALEZ-ANDRADE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 958.

No. 16–9413. *RIDEAUX v. PERRY, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 16–9414. *BAILEY v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 16–9417. *TROLLINGER v. OKLAHOMA*. Ct. Civ. App. Okla. Certiorari denied.

No. 16–9418. *DONAHUE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 681 Fed. Appx. 171.

No. 16–9419. *MANTICH v. NEBRASKA*. Sup. Ct. Neb. Certiorari denied. Reported below: 295 Neb. 407, 888 N. W. 2d 376.

No. 16–9420. *JACOB v. NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES ET AL.* Ct. App. Neb. Certiorari denied. Reported below: 24 Neb. App. xi.

No. 16–9421. *HASAN v. SUPERIOR COURT OF CALIFORNIA, ALAMEDA COUNTY, ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 16–9422. *VILLASENOR-ORTIZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 424.

No. 16–9423. *WOODSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 543.

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No. 16–9426. *WILSON v. SHULTZ*. Sup. Ct. Ill. Certiorari denied.

No. 16–9427. *WILLIAMS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 633 Fed. Appx. 828.

No. 16–9428. *COOPER v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 127 A. 3d 400.

No. 16–9429. *BLACKMON v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 16–9430. *BROWN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 16–9431. *MUNOZ-GARCIA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 224.

No. 16–9432. *BELTRAMEA v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 849 F. 3d 753.

No. 16–9433. *BRIGGS v. BURKE ET AL.* C. A. 6th Cir. Certiorari denied.

No. 16–9436. *LIVIZ v. MASSACHUSETTS DEPARTMENT OF CHILDREN AND FAMILIES*. Sup. Jud. Ct. Mass. Certiorari denied.

No. 16–9437. *LANGAN v. DOWNIE ET AL.* Sup. Ct. Ariz. Certiorari denied.

No. 16–9438. *RIBERA v. CALIFORNIA*. App. Div., Super. Ct. Cal., County of San Bernardino. Certiorari denied.

No. 16–9440. *GUTIERREZ-CRUZ v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 680 Fed. Appx. 203.

No. 16–9441. *GONZALEZ-PINA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 482.

No. 16–9442. *GAULDIN v. KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION*. C. A. 9th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 774.

No. 16–9443. *CARTAGENA v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 126 App. Div. 3d 913, 7 N. Y. S. 3d 150.

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No. 16–9444. *FISHER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 683 Fed. Appx. 214.

No. 16–9447. *COOK v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 850 F. 3d 328.

No. 16–9449. *HARMON v. CALIFORNIA*; and *WRIGHT v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 16–9452. *VIOLA v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 16–9453. *WHITE v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 506 S. W. 3d 39.

No. 16–9455. *THOMAS v. BERRYHILL, ACTING COMMISSIONER OF SOCIAL SECURITY*. C. A. 7th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 588.

No. 16–9456. *FELIX v. WISCONSIN UNEMPLOYMENT INSURANCE DIVISION*. C. A. 7th Cir. Certiorari denied.

No. 16–9457. *NEWMAN v. GASTELO, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 16–9458. *PALMER v. WOODS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 16–9459. *PEAKE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 16–9460. *PERALTA v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 226 So. 3d 852.

No. 16–9462. *JORDAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 851 F. 3d 393.

No. 16–9463. *HOWES v. WISCONSIN*. Sup. Ct. Wis. Certiorari denied. Reported below: 2017 WI 18, 373 Wis. 2d 468, 893 N. W. 2d 812.

No. 16–9464. *DUNHAM v. BURT, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 16–9465. *HEYLIGER v. TERRITORY OF THE VIRGIN ISLANDS*. Sup. Ct. V. I. Certiorari denied. Reported below: 66 V. I. 340.

No. 16–9466. *JOHNSON v. MISSOURI*. Sup. Ct. Mo. Certiorari denied.

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No. 16–9468. *ARNOLD v. ASHWORTH*. Ct. App. Ark. Certiorari denied. Reported below: 2016 Ark. App. 603.

No. 16–9469. *ROBERSON v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 16–9470. *HARPER v. CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 16–9471. *GUSSIE G. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES ET AL.* Ct. App. Tex., 4th Dist. Certiorari denied.

No. 16–9473. *FLEMING v. IOWA BOARD OF MEDICINE ET AL.* C. A. 8th Cir. Certiorari denied.

No. 16–9474. *GRAY v. STOFFER ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 681 Fed. Appx. 299.

No. 16–9475. *LAZARO RODRIGUEZ v. SESSIONS, ATTORNEY GENERAL*. C. A. 9th Cir. Certiorari denied.

No. 16–9477. *SANDERS v. ILLINOIS*. App. Ct. Ill., 5th Dist. Certiorari denied. Reported below: 2016 IL App (5th) 140158–U.

No. 16–9478. *HARRIS v. VANNOY, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 16–9479. *HERRILL v. JOHNSON, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 16–9480. *HARRIS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 679 Fed. Appx. 606.

No. 16–9481. *MARTINEZ-RAMIREZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 682 Fed. Appx. 298.

No. 16–9482. *FUQUA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 734.

No. 16–9483. *HALL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 681 Fed. Appx. 621.

No. 16–9484. *MC CLOUD v. FUNAIOCK ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 674 Fed. Appx. 321.

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No. 16–9486. *HUNTSBERRY v. SHIELDS ET AL.* C. A. 9th Cir. Certiorari denied.

No. 16–9487. *HARMON v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 681 Fed. Appx. 152.

No. 16–9488. *KIEFFER v. UNITED STATES.* C. A. 7th Cir. Certiorari denied.

No. 16–9489. *MARTIN v. BEAR, WARDEN.* C. A. 10th Cir. Certiorari denied. Reported below: 683 Fed. Appx. 729.

No. 16–9491. *ROBLES-GARCIA v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 844 F. 3d 792.

No. 16–9494. *ROUNDSTONE v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 16–9495. *SPENCER v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 159 F. 3d 1354.

No. 16–9496. *SCHERMERHORN v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 16–9497. *BOWSHER v. LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.* Ct. App. Ky. Certiorari denied.

No. 16–9498. *CARLOS-BANUELOS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 680 Fed. Appx. 337.

No. 16–9499. *WHEELDON v. CAMPBELL, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 16–9500. *RANDALL v. LAMB, WARDEN.* C. A. 7th Cir. Certiorari denied.

No. 16–9501. *SMITH v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 16–9502. *THOMAS v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 843 F. 3d 1199.

No. 16–9503. *WILLIS v. PARAMO, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 16–9504. *VIGIL v. SOUTHERN NEVADA REGIONAL HOUSING AUTHORITY ET AL.* C. A. 9th Cir. Certiorari denied.

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No. 16–9505. *WHITE v. O'REILLY*. C. A. D. C. Cir. Certiorari denied. Reported below: 672 Fed. Appx. 26.

No. 16–9506. *BOYKIN v. UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS*. C. A. 5th Cir. Certiorari denied.

No. 16–9507. *ARNOLD v. MELWANI ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 680 Fed. Appx. 600.

No. 16–9508. *BELSER v. EVANS ET AL.* C. A. 6th Cir. Certiorari denied.

No. 16–9509. *BOWMAN v. IDDON ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 848 F. 3d 1034.

No. 16–9510. *ELIAS LARA v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 850 F. 3d 686.

No. 16–9511. *JOHNSON v. IOWA*. Ct. App. Iowa. Certiorari denied. Reported below: 886 N. W. 2d 617.

No. 16–9512. *BALL v. SLAGLE, CORRECTIONAL ADMINISTRATOR, MOUNTAIN VIEW CORRECTIONAL INSTITUTION*. C. A. 4th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 348.

No. 16–9513. *MOORE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 681 Fed. Appx. 241.

No. 16–9514. *MINA v. CHESTER COUNTY, PENNSYLVANIA, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 679 Fed. Appx. 192.

No. 16–9515. *PISCIOTTA v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 16–9516. *FOXX ET UX. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 681 Fed. Appx. 249.

No. 16–9517. *HARRIS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 16–9518. *ANDRES PICO v. OREGON*. Ct. App. Ore. Certiorari denied. Reported below: 283 Ore. App. 424, 388 P. 3d 751.

No. 16–9519. *ALFORD v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 222 So. 3d 1202.

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No. 16–9520. *BUCK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 847 F. 3d 267.

No. 16–9521. *VALE v. GIBSON, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 455.

No. 16–9522. *WHITE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 16–9523. *MORALES v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 16–9524. *SYKES v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 682 Fed. Appx. 191.

No. 16–9525. *REILLY v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 222 So. 3d 1211.

No. 16–9526. *STEVENSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 16–9527. *MASSARO v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 16–9528. *JONES v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 677 Fed. Appx. 114.

No. 16–9529. *MARKS v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 145.

No. 16–9530. *DAKER v. GEORGIA*;

No. 16–9531. *DAKER v. GEORGIA*; and

No. 16–9532. *DAKER v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. Reported below: 300 Ga. 74, 792 S. E. 2d 382.

No. 16–9533. *JORDAN v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 212 So. 3d 817.

No. 16–9534. *LOWE v. NORTH DAKOTA WORKFORCE SAFETY & INSURANCE*. Sup. Ct. N. D. Certiorari denied. Reported below: 2017 ND 4, 891 N. W. 2d 778.

No. 16–9535. *DICKINSON v. PIERCE, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied.

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No. 16–9537. *BROWN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 681 Fed. Appx. 268.

No. 16–9538. *BRIDDON v. MASSACHUSETTS*. App. Ct. Mass. Certiorari denied. Reported below: 87 Mass. App. 1111, 26 N. E. 3d 1141.

No. 16–9540. *CURRIE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 16–9542. *SATCHER v. WILSON, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 674 Fed. Appx. 324.

No. 16–9543. *ALI, AKA BOZEMAN v. JOHNSON, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 675 Fed. Appx. 162.

No. 16–9544. *BERG v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 580.

No. 16–9545. *BROWN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 16–9547. *PATTERSON v. WASHINGTON*. Ct. App. Wash. Certiorari denied. Reported below: 196 Wash. App. 451, 389 P. 3d 612.

No. 16–9548. *OGUN SALU v. SUPERIOR COURT OF CALIFORNIA, SAN DIEGO COUNTY* (two judgments). Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 16–9549. *MOOREFIELD v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 683 Fed. Appx. 99.

No. 16–9550. *JIMENEZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 670 Fed. Appx. 2.

No. 16–9551. *LOMAX v. RAEMISCH, EXECUTIVE DIRECTOR, COLORADO DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 776.

No. 16–9552. *STEWART v. LOUISIANA ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 493.

No. 16–9554. *AKEL v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 222 So. 3d 1202.

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No. 16–9555. *ANDERSON v. MACKIE, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 16–9556. *BROWN v. NASH, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 242.

No. 16–9557. *PARIS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 683 Fed. Appx. 235.

No. 16–9558. *ALSTON v. DORE ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 253.

No. 16–9559. *RODRIGUEZ-SALOMON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 16–9560. *SUN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 729.

No. 16–9561. *STETSON v. JPMORGAN CHASE BANK, N. A., ET AL.* Dist. Ct. App. Fla., 4th Dist. Certiorari denied.

No. 16–9562. *CRAMER v. CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 16–9563. *MENDES DA COSTA v. MARCUCILLI ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 675 Fed. Appx. 15.

No. 16–9564. *PENDLETON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 665 Fed. Appx. 836.

No. 16–9566. *MCFADDEN v. DUNLAP, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 344.

No. 16–9568. *SMITH v. MISSOURI*. Ct. App. Mo., Western Dist. Certiorari denied.

No. 16–9569. *SALUJA v. ADVANCE AMERICA CASH ADVANCE CENTERS OF NEVADA, INC.* C. A. 9th Cir. Certiorari denied. Reported below: 682 Fed. Appx. 558.

No. 16–9570. *BYRD v. MCFADDEN, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 682 Fed. Appx. 244.

No. 16–9571. *WHITLOW v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 16–9572. *BARNER v. MACLAREN, WARDEN*. C. A. 6th Cir. Certiorari denied.

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No. 16–9573. *BASTIEN v. GROCERY MANUFACTURERS ASSN.* C. A. 2d Cir. Certiorari denied.

No. 16–9574. *ROUNDTREE v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 16–9576. *SANDOVAL v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 818.

No. 16–9578. *REYNOLDS v. STEWART, WARDEN.* C. A. 4th Cir. Certiorari denied. Reported below: 682 Fed. Appx. 182.

No. 16–9579. *MOORE v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 851 F. 3d 666.

No. 16–9580. *MCINTOSH v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 685 Fed. Appx. 655.

No. 16–9581. *MENDOZA v. LONG, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 16–9582. *STOUNE v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 688.

No. 16–9583. *DUNCAN v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 847 F. 3d 328.

No. 16–9585. *COLEMAN v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 681 Fed. Appx. 413.

No. 16–9586. *RUGAMBA v. HAZUDA ET AL.* C. A. 2d Cir. Certiorari denied.

No. 16–9588. *CARTER v. MATIAS.* Ct. App. D. C. Certiorari denied.

No. 16–9589. *JORDAN v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 680 Fed. Appx. 634.

No. 16–9590. *DAVIS v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 683 Fed. Appx. 480.

No. 16–9591. *MASSEY v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

No. 16–9592. *JACOBS v. LONG, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 16–9593. *MARIN-PINA v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 680 Fed. Appx. 360.

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No. 16–9594. *KAR v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 851 F. 3d 59.

No. 16–9595. *ROBLES v. NEW JERSEY*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 16–9596. *LANDRUM v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 148 Ohio St. 3d 1423, 2017-Ohio-905, 71 N. E. 3d 296.

No. 16–9597. *DUFOUR v. MCGINLEY, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT COAL TOWNSHIP, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 16–9598. *ROBERTS v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 222 So. 3d 1211.

No. 16–9599. *GANNAWAY v. PRIME CARE MEDICAL, INC., ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 652 Fed. Appx. 91.

No. 16–9600. *FLECK v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 16–9601. *FORBESS v. AMSBERRY, SUPERINTENDENT, TWO RIVERS CORRECTIONAL INSTITUTION.* C. A. 9th Cir. Certiorari denied.

No. 16–9602. *GENTHNER v. SMITH, JUDGE, COURT OF APPEAL OF CALIFORNIA, FIFTH APPELLATE DISTRICT, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 16–9603. *ISKANDER v. BORDERS, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 16–9605. *RODRIGUEZ-ADORNO v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 852 F. 3d 168.

No. 16–9606. *SUKONIK v. WALLACK.* Sup. Ct. Fla. Certiorari denied.

No. 16–9609. *NOLLEN v. NEBRASKA.* Sup. Ct. Neb. Certiorari denied. Reported below: 296 Neb. 94, 892 N. W. 2d 81.

No. 16–9610. *DUTCHER v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 851 F. 3d 757.

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No. 16–9612. *WILMER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 16–9613. *WINKLER v. SOUTH CAROLINA*. Sup. Ct. S. C. Certiorari denied. Reported below: 418 S. C. 643, 795 S. E. 2d 686.

No. 16–9614. *WOODSON v. CREWS*. Sup. Ct. Va. Certiorari denied.

No. 16–9615. *ZOULEK v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 16–9616. *VELEZ v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 16–9617. *WILLIAMS v. PHILIPS*. C. A. 9th Cir. Certiorari denied.

No. 16–9618. *WILKINS v. SEVIER, SUPERINTENDENT, MIAMI CORRECTIONAL FACILITY*. C. A. 7th Cir. Certiorari denied.

No. 16–9619. *UNRUH v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 16–9620. *JOHNSON v. JAIMET, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 852 F. 3d 700.

No. 16–9621. *MASON v. NEBRASKA*. Sup. Ct. Neb. Certiorari denied. Reported below: 296 Neb. c.

No. 16–9622. *SOLOMON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 16–9623. *SELGJEKAJ v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 379.

No. 16–9625. *RAGOSTA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 16–9626. *STUART v. STUART*. Sup. Ct. Del. Certiorari denied. Reported below: 159 A. 3d 264.

No. 16–9627. *GILLIAM-FRENCH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 270.

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No. 16–9629. *GRADNEY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 16–9630. *HOVARTER v. CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 16–9631. *HODGE v. TENNESSEE*. C. A. 6th Cir. Certiorari denied.

No. 16–9632. *HEUSTON v. SPITZER*. Ct. Civ. App. Okla. Certiorari denied.

No. 16–9633. *GRANILLO-HERRERA v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 16–9634. *GONZALEZ v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 16–9635. *HOULIHAN v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 16–9636. *GARCIA v. BLADES, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 16–9637. *POWELL v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2015 IL App (1st) 140837–U.

No. 16–9638. *PERRY v. BRITT, JUDGE, UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA*. C. A. 4th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 101.

No. 16–9639. *MCNAMARA v. CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 16–9640. *STROUSE v. TEXAS*. Ct. App. Tex., 9th Dist. Certiorari denied.

No. 16–9643. *HICKINGBOTTOM v. INDIANA*. Ct. App. Ind. Certiorari denied. Reported below: 69 N. E. 3d 950.

No. 16–9644. *FUQUA v. BRENNAN, POSTMASTER GENERAL, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 645 Fed. Appx. 519.

No. 16–9645. *GUNNELLS v. CARTLEDGE, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 165.

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No. 16–9646. *GALLOWAY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 266.

No. 16–9647. *BROOKS-ALBRECHTSEN v. MITCHELL*. C. A. 7th Cir. Certiorari denied. Reported below: 681 Fed. Appx. 521.

No. 16–9648. *BROOKS-ALBRECHTSEN v. CITY OF INDIANAPOLIS, INDIANA, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 681 Fed. Appx. 515.

No. 16–9650. *KNIGHT v. WORKERS' COMPENSATION APPEAL BOARD (COMMONWEALTH OF PENNSYLVANIA, NORRISTOWN STATE HOSPITAL)*. Commw. Ct. Pa. Certiorari denied.

No. 16–9651. *JONES v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 212 So. 3d 321.

No. 16–9652. *LEDESMA v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 16–9653. *ARMSTRONG v. WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 674 Fed. Appx. 842.

No. 16–9654. *CRUZ BELTRAN v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 226 So. 3d 824.

No. 16–9655. *MORGAN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 675 Fed. Appx. 53.

No. 16–9656. *MBUENCHU v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 682 Fed. Appx. 197.

No. 16–9657. *HICKS v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 638 Pa. 444, 156 A. 3d 1114.

No. 16–9658. *GRAY v. BALLARD, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 848 F. 3d 318.

No. 16–9659. *HUDSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 682 Fed. Appx. 347.

No. 16–9661. *ARMSTRONG v. KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION*. C. A. 8th Cir. Certiorari denied.

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No. 16–9662. *ACEVEDO v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 16–9665. *CONNER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 16–9666. *EARLY v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 16–9667. *COBBS v. CARTLEDGE, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 134.

No. 16–9668. *DAVIS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 16–9669. *JONES v. RACETTE*. C. A. 2d Cir. Certiorari denied.

No. 16–9670. *KIMBALL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 680 Fed. Appx. 435.

No. 16–9673. *PEARSON v. MINNESOTA*. Sup. Ct. Minn. Certiorari denied. Reported below: 891 N. W. 2d 590.

No. 16–9674. *NGUYEN v. LOPEZ ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 683 Fed. Appx. 620.

No. 16–9675. *MONTGOMERY v. TEXAS*. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 16–9676. *MILLS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 850 F. 3d 693.

No. 16–9677. *LOCKE v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 16–9678. *WILLIAMS v. JENKINS, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 524.

No. 16–9679. *WARD v. SMITH ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 844 F. 3d 717.

No. 16–9680. *BRYAN v. JENKINS, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 843 F. 3d 1099.

No. 16–9681. *BURNS v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

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No. 16–9682. *WATKINS v. MARTIN*. C. A. 7th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 266.

No. 16–9683. *BROWN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 677 Fed. Appx. 247.

No. 16–9684. *TIBBS v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied. Reported below: 231 Md. App. 723.

No. 16–9685. *THOMPSON v. COULTER*. C. A. 10th Cir. Certiorari denied. Reported below: 680 Fed. Appx. 707.

No. 16–9686. *TUBENS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 507.

No. 16–9689. *LETTSONE v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 16–9690. *LIVESAY v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 16–9692. *METLOCK v. PFISTER*. C. A. 7th Cir. Certiorari denied.

No. 16–9694. *NOYES v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 16–9696. *SICA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 676 Fed. Appx. 81.

No. 16–9697. *SMITH v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 231 So. 3d 1250.

No. 16–9698. *RODRIGUEZ v. LARABEE ET AL.* C. A. 9th Cir. Certiorari denied.

No. 16–9699. *HALL v. FEDERAL BUREAU OF PRISONS ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 16–9701. *HATFIELD v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 687 Fed. Appx. 26.

No. 16–9702. *GIPSON v. GRANVILLE, JUDGE, SUPERIOR COURT OF ARIZONA, MARICOPA COUNTY, ET AL.* Ct. App. Ariz. Certiorari denied.

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No. 16–9703. *HARPER v. SCOTT, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 16–9704. *FLORES v. KAUFFMAN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HUNTINGDON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 16–9706. *EOFF v. TEXAS*. Ct. App. Tex., 2d Dist. Certiorari denied.

No. 16–9709. *IXCOTOYAC v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 197 So. 3d 560.

No. 16–9710. *GUESS v. ADAMS ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 188.

No. 16–9711. *GORDON v. KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION*. C. A. 8th Cir. Certiorari denied.

No. 16–9712. *HUGHES v. DZURENDA, DIRECTOR, NEVADA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 16–9713. *HOEVER v. FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 16–9714. *HAMILTON v. TRANSPORTATION SECURITY ADMINISTRATION*. C. A. 4th Cir. Certiorari denied. Reported below: 682 Fed. Appx. 192.

No. 16–9715. *HAWKINS v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 16–9716. *HALL v. BERGHUIS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 16–9717. *HANDY v. BISHOP, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 211.

No. 16–9718. *HERNANDEZ ROJAS v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 16–9719. *GRIMES v. SABRI ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 674 Fed. Appx. 860.

No. 16–9720. *FERRANTI v. LANE, WARDEN*. C. A. 3d Cir. Certiorari denied. Reported below: 679 Fed. Appx. 113.

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No. 16–9722. *HOWARD v. MILLER, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 16–9723. *GONZALES v. WELLS*. C. A. 4th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 363.

No. 16–9724. *POWERS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 855.

No. 16–9726. *VAN PUTTEN v. EBBERT, WARDEN*. C. A. 3d Cir. Certiorari denied. Reported below: 684 Fed. Appx. 126.

No. 16–9728. *POWELL v. BOWSER, MAYOR OF THE DISTRICT OF COLUMBIA, ET AL.* Ct. App. D. C. Certiorari denied.

No. 16–9729. *SEARLES v. LIBERTY INSURANCE CORP. ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 743.

No. 16–9730. *SUDDUTH v. DAVEY, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 16–9731. *SKOW v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 16–9732. *SEVILLA-ACOSTA v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 16–9733. *SMITH v. DUNLAP, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 353.

No. 16–9734. *SINGH v. ARNOLD, ACTING WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 16–9735. *REDD v. CORPE ET AL.* C. A. 6th Cir. Certiorari denied.

No. 16–9736. *HAYWORTH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 682 Fed. Appx. 369.

No. 16–9737. *GRADY v. GREENFIELD ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 818.

No. 16–9738. *GREENE v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 639 Fed. Appx. 972.

No. 16–9739. *GONZALEZ v. DUCART, WARDEN*. C. A. 9th Cir. Certiorari denied.

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No. 16–9740. *HERNANDEZ v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist., Div. 7. Certiorari denied.

No. 16–9741. *FERST v. TICE, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SMITHFIELD, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 16–9742. *GARRISON v. TEXAS*. Ct. App. Tex., 13th Dist. Certiorari denied.

No. 16–9743. *GRINOLS v. DEPARTMENT OF HOMELAND SECURITY ET AL.* C. A. 9th Cir. Certiorari denied.

No. 16–9744. *HALL v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 16–9745. *TIMMONS v. SOUTH CAROLINA*. Ct. App. S. C. Certiorari denied.

No. 16–9746. *AKEFE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 16–9748. *TAYLOR v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 2016–0033 (La. 5/12/17), 219 So. 3d 326.

No. 16–9749. *WEBSTER v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 16–9750. *EVANS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 186.

No. 16–9751. *ERNESTO FLORES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 683 Fed. Appx. 281.

No. 16–9753. *DAY v. DANIELS, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 582.

No. 16–9754. *DANIEL, AKA CHESMAN, AKA CHIMA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 675.

No. 16–9755. *NAVARRO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 679 Fed. Appx. 973.

No. 17–1. *SAMSUNG TELECOMMUNICATIONS AMERICA, LLC, ET AL. v. NORCIA* (Reported below: 845 F. 3d 1279); and *SAMSUNG*

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ELECTRONICS Co., LTD., ET AL. *v.* HOAI DANG (673 Fed. Appx. 779). C. A. 9th Cir. Certiorari denied.

No. 17–3. PETRO *v.* IOWA. Ct. App. Iowa. Certiorari denied. Reported below: 898 N. W. 2d 202.

No. 17–4. MORRIS ET VIR *v.* THOMPSON. C. A. 5th Cir. Certiorari denied. Reported below: 852 F. 3d 416.

No. 17–5. MEISNER *v.* NATIONSTAR MORTGAGE, LLC. Ct. App. S. C. Certiorari denied.

No. 17–6. BALU *v.* CITY OF NEW YORK, NEW YORK, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 679 Fed. Appx. 84.

No. 17–7. TABB *v.* COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA. Sup. Ct. App. W. Va. Certiorari denied.

No. 17–9. SHU *v.* MERIT SYSTEMS PROTECTION BOARD. C. A. Fed. Cir. Certiorari denied. Reported below: 689 Fed. Appx. 971.

No. 17–11. HAHN *v.* LOCH ET AL. Super. Ct. Pa. Certiorari denied. Reported below: 154 A. 3d 853.

No. 17–12. GUPTA *v.* MARYLAND. Ct. App. Md. Certiorari denied. Reported below: 452 Md. 103, 156 A. 3d 785.

No. 17–13. GULF COAST ROD, REEL & GUN CLUB, INC., ET AL. *v.* ARMY CORPS OF ENGINEERS ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 245.

No. 17–14. HANZADA FOR IMPORT & EXPORT Co., LTD. *v.* ALY. C. A. 8th Cir. Certiorari denied. Reported below: 864 F. 3d 844.

No. 17–15. VERMILLION ET AL. *v.* WEST. Ct. App. Wash. Certiorari denied. Reported below: 196 Wash. App. 627, 384 P. 3d 634.

No. 17–16. FISHER *v.* MEDICAL CENTER OF PLANO ET AL. Ct. App. Tex., 5th Dist. Certiorari denied.

No. 17–18. GRAMERCY ADVISORS, LLC, ET AL. *v.* KHAN ET AL. App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 2016 IL App (4th) 150435, 61 N. E. 3d 107.

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No. 17–19. *GRAMERCY ADVISORS, LLC, ET AL. v. KHAN ET AL.* App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 2016 IL App (4th) 150436–U.

No. 17–20. *KAPLAN ET UX. v. MAYO CLINIC ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 847 F. 3d 988.

No. 17–24. *MUHAMMAD v. AT&T, INC., ET AL.* Sup. Ct. Ala. Certiorari denied.

No. 17–26. *MCGEE v. DUNN ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 672 Fed. Appx. 115.

No. 17–27. *UNITED STATES EX REL. HAYES v. ALLSTATE INSURANCE CO. ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 853 F. 3d 80 and 686 Fed. Appx. 23.

No. 17–28. *HICKS v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS.* C. A. 4th Cir. Certiorari denied. Reported below: 682 Fed. Appx. 253.

No. 17–29. *HORNBERGER v. MERRILL LYNCH, PIERCE, FENNER & SMITH INC. ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 677 Fed. Appx. 336.

No. 17–30. *HAENDEL v. VIRGINIA; and HAENDEL v. CULLY ET AL.* Sup. Ct. Va. Certiorari denied.

No. 17–31. *FERRER v. BAYVIEW LOAN SERVICING, LLC.* Sup. Ct. Fla. Certiorari denied.

No. 17–32. *BEJAR v. DEPARTMENT OF VETERANS AFFAIRS.* C. A. 10th Cir. Certiorari denied. Reported below: 683 Fed. Appx. 656.

No. 17–33. *BAILEY v. ZUCKER, GOLDBERG & ACKERMAN, LLC, ET AL.* Super. Ct. N. J., App. Div. Certiorari denied.

No. 17–34. *OKRIE v. MICHIGAN ET AL.* Ct. App. Mich. Certiorari denied.

No. 17–35. *BUHL ET AL. v. GRADY ET AL.* C. A. 2d Cir. Certiorari denied.

No. 17–36. *BRIDGES v. BERRYHILL, ACTING COMMISSIONER OF SOCIAL SECURITY, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 672 Fed. Appx. 162.

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No. 17–37. *KOHLI v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 847 F. 3d 483.

No. 17–45. *PARK v. TSIAVOS ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 679 Fed. Appx. 120.

No. 17–46. *ZHI GUO, AKA HAN GAO v. INDEPENDENT CHINESE PEN CENTER, INC., ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 662 Fed. Appx. 9.

No. 17–48. *CHEE-WAH v. MAURER ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 663 Fed. Appx. 194.

No. 17–49. *LIN ET AL. v. UNITED STATES ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 690 Fed. Appx. 7.

No. 17–50. *JOHNSON v. MARYLAND*. Ct. App. Md. Certiorari denied. Reported below: 452 Md. 702, 158 A. 3d 1005.

No. 17–51. *CARABAJAL, AKA JACOBY, ET AL. v. CITY OF CHEYENNE, WYOMING, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 847 F. 3d 1203.

No. 17–52. *PEREZ PABLO ET AL. v. SESSIONS, ATTORNEY GENERAL*. C. A. 11th Cir. Certiorari denied. Reported below: 684 Fed. Appx. 877.

No. 17–54. *CALLAGHAN v. WEST VIRGINIA JUDICIAL INVESTIGATION COMMISSION*. Sup. Ct. App. W. Va. Certiorari denied. Reported below: 238 W. Va. 495, 796 S. E. 2d 604.

No. 17–55. *WALLACE ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 680 Fed. Appx. 519.

No. 17–56. *OLENICOFF ET AL. v. WAKEFIELD*. C. A. 9th Cir. Certiorari denied. Reported below: 679 Fed. Appx. 591.

No. 17–59. *ATAIN SPECIALTY INSURANCE Co. v. ALLEN*. Sup. Ct. Mo. Certiorari denied. Reported below: 512 S. W. 3d 17.

No. 17–61. *ALARDIN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 17–62. *RODRIGUEZ v. CITY OF CORPUS CHRISTI, TEXAS*. C. A. 5th Cir. Certiorari denied. Reported below: 687 Fed. Appx. 386.

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No. 17–63. *BROOKS v. DEPARTMENT OF THE AIR FORCE*. C. A. 11th Cir. Certiorari denied. Reported below: 685 Fed. Appx. 783.

No. 17–65. *IKEA U. S. A. WEST, INC. v. MEDELLIN, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED*. C. A. 9th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 782.

No. 17–66. *HOOD v. BRENNAN, POSTMASTER GENERAL*. C. A. 6th Cir. Certiorari denied.

No. 17–67. *CITY OF FRESNO, CALIFORNIA, ET AL. v. WILLIS ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 680 Fed. Appx. 589.

No. 17–70. *SPRINGS v. ALLY FINANCIAL INC., FKA GMAC INC., ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 684 Fed. Appx. 336.

No. 17–72. *LOUIS VUITTON MALLETIER, S. A. v. MY OTHER BAG, INC.* C. A. 2d Cir. Certiorari denied. Reported below: 674 Fed. Appx. 16.

No. 17–73. *KENNER ET AL. v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 558.

No. 17–75. *GOETHEL ET AL. v. DEPARTMENT OF COMMERCE ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 854 F. 3d 106.

No. 17–76. *FITZPATRICK v. SESSIONS, ATTORNEY GENERAL*. C. A. 7th Cir. Certiorari denied. Reported below: 847 F. 3d 913.

No. 17–77. *SCHOTTLER v. WISCONSIN ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 683 Fed. Appx. 517.

No. 17–78. *STAHL v. NEW YORK*. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 141 App. Div. 3d 962, 35 N. Y. S. 3d 779.

No. 17–79. *SELDEN v. AIRBNB INC.* C. A. D. C. Cir. Certiorari denied. Reported below: 681 Fed. Appx. 1.

No. 17–80. *MALONE v. HINMAN ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 847 F. 3d 949.

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No. 17–82. *SHAO v. MCMANIS FAULKNER, LLP.* Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 17–83. *33 SEMINARY LLC ET AL. v. CITY OF BINGHAMPTON, NEW YORK, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 670 Fed. Appx. 727.

No. 17–84. *T. RYAN LEGG IRREVOCABLE TRUST v. TESTA, TAX COMMISSIONER OF OHIO.* Sup. Ct. Ohio. Certiorari denied. Reported below: 149 Ohio St. 3d 376, 2016-Ohio-8418, 75 N. E. 3d 184.

No. 17–89. *MAINS v. CITIBANK, N. A., ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 852 F. 3d 669.

No. 17–90. *ESCALANTE-OROZCO v. ARIZONA.* Sup. Ct. Ariz. Certiorari denied. Reported below: 241 Ariz. 254, 386 P. 3d 798.

No. 17–91. *NATURALS v. WASHINGTON DEPARTMENT OF REVENUE.* Ct. App. Wash. Certiorari denied. Reported below: 195 Wash. App. 788, 382 P. 3d 689.

No. 17–92. *PREWITT v. SHULKIN, SECRETARY OF VETERANS AFFAIRS.* C. A. Fed. Cir. Certiorari denied. Reported below: 676 Fed. Appx. 1015.

No. 17–93. *MORROW ET AL. v. KROGER L. P. I ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 681 Fed. Appx. 377.

No. 17–96. *SARO v. SESSIONS, ATTORNEY GENERAL.* C. A. 9th Cir. Certiorari denied.

No. 17–100. *MWAIPUNGU v. SESSIONS, ATTORNEY GENERAL.* C. A. 8th Cir. Certiorari denied.

No. 17–101. *CHOATE ET UX. v. BANK OF CADIZ & TRUST CO.* Ct. App. Ky. Certiorari denied.

No. 17–102. *HACKNEY v. ALLMED HEALTHCARE MANAGEMENT INC.* C. A. 6th Cir. Certiorari denied. Reported below: 679 Fed. Appx. 454.

No. 17–103. *GRIFFIN v. COCA-COLA ENTERPRISES, INC.* C. A. 11th Cir. Certiorari denied. Reported below: 686 Fed. Appx. 820.

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No. 17–105. *FITZGERALD v. COLORADO*. Sup. Ct. Colo. Certiorari denied. Reported below: 394 P. 3d 671.

No. 17–106. *HILL v. WILLIAMS, WARDEN*. Sup. Ct. Ga. Certiorari denied.

No. 17–107. *DETERS v. FEDERAL AVIATION ADMINISTRATION*. C. A. 8th Cir. Certiorari denied. Reported below: 685 Fed. Appx. 511.

No. 17–119. *MANSOORI v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 17–120. *KRAUSS ET AL. v. FEDERAL AVIATION ADMINISTRATION ET AL.* C. A. 9th Cir. Certiorari denied.

No. 17–121. *TELLEZ v. SESSIONS, ATTORNEY GENERAL*. C. A. 9th Cir. Certiorari denied. Reported below: 839 F. 3d 1175.

No. 17–122. *BWP MEDIA USA, INC., DBA PACIFIC COAST NEWS, ET AL. v. T & S SOFTWARE ASSOCIATES, INC.* C. A. 5th Cir. Certiorari denied. Reported below: 852 F. 3d 436.

No. 17–124. *VISTA-GRAPHICS, INC., ET AL. v. VIRGINIA DEPARTMENT OF TRANSPORTATION ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 682 Fed. Appx. 231.

No. 17–125. *MINA v. CHESTER COUNTY COURT OF COMMON PLEAS ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 667 Fed. Appx. 367.

No. 17–126. *HOLKESVIG v. SUPREME COURT OF NORTH DAKOTA*. Sup. Ct. N. D. Certiorari denied.

No. 17–137. *OGDEN v. KWOK ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 674 Fed. Appx. 650.

No. 17–140. *BALK v. NEW YORK INSTITUTE OF TECHNOLOGY*. C. A. 2d Cir. Certiorari denied. Reported below: 683 Fed. Appx. 89.

No. 17–142. *MAY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 855 F. 3d 271.

No. 17–145. *WASHINGTON TRUCKING ASSNS. ET AL. v. WASHINGTON EMPLOYMENT SECURITY DEPARTMENT ET AL.* Sup. Ct.

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Wash. Certiorari denied. Reported below: 188 Wash. 2d 198, 393 P. 3d 761.

No. 17-146. *HEWSON v. KEY, SUPERINTENDENT, AIRWAY HEIGHTS CORRECTIONS CENTER*. C. A. 9th Cir. Certiorari denied. Reported below: 683 Fed. Appx. 578.

No. 17-149. *THOMAS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 849 F. 3d 669.

No. 17-152. *DIERLAM v. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 17-157. *HSU v. UBS FINANCIAL SERVICES, INC.* C. A. 9th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 976.

No. 17-158. *HARVEY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 674 Fed. Appx. 865.

No. 17-165. *WILLBANKS v. MISSOURI DEPARTMENT OF CORRECTIONS* (Reported below: 522 S. W. 3d 238); and *NATHAN v. MISSOURI* (522 S. W. 3d 881). Sup. Ct. Mo. Certiorari denied.

No. 17-173. *SANTERAMO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 681 Fed. Appx. 762.

No. 17-174. *STOYANOV v. STACKLEY, ACTING SECRETARY OF THE NAVY, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 161.

No. 17-176. *FLORIDA v. WORSHAM*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 227 So. 3d 602.

No. 17-179. *BLACKORBY v. BNSF RAILWAY Co.* C. A. 8th Cir. Certiorari denied. Reported below: 849 F. 3d 716.

No. 17-185. *LOPEZ v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 17-188. *MAURICIO ET AL. v. DAUGAARD, GOVERNOR OF SOUTH DAKOTA, ET AL.* Sup. Ct. S. D. Certiorari denied. Reported below: 2017 S.D. 22, 895 N. W. 2d 358.

No. 17-200. *HEIM v. BNSF RAILWAY Co.* C. A. 8th Cir. Certiorari denied. Reported below: 849 F. 3d 723.

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No. 17–203. *HEE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 681 Fed. Appx. 650.

No. 17–226. *PRIME INCOME ASSET MANAGEMENT, L. L. C., ET AL. v. HOMETOWN 2006–1 1925 VALLEY VIEW, L. L. C.* C. A. 5th Cir. Certiorari denied. Reported below: 847 F. 3d 302.

No. 17–234. *TMC FUEL INJECTION SYSTEM, LLC v. FORD MOTOR CO.* C. A. Fed. Cir. Certiorari denied. Reported below: 682 Fed. Appx. 895.

No. 17–237. *DUNLAP v. COTTMAN TRANSMISSIONS SYSTEMS, LLC, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 188.

No. 17–238. *O’HARA v. COMPTROLLER OF MARYLAND ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 777.

No. 17–244. *ANNA’S BAR-B-Q PIT, LTD., ET AL. v. RAKER.* Super. Ct. Pa. Certiorari denied.

No. 17–264. *DANIEL CASTRO v. UNITED STATES.* C. A. 3d Cir. Certiorari denied.

No. 17–265. *ABB, INC., ET AL. v. TUSSEY ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 850 F. 3d 951.

No. 17–266. *CHAWLA v. HEFFERNAN, COMMISSIONER, MASSACHUSETTS DEPARTMENT OF REVENUE, ET AL.* C. A. 1st Cir. Certiorari denied.

No. 17–275. *REICH ET AL. v. BETANCOURT LOPEZ ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 858 F. 3d 55.

No. 17–281. *BENNETT ET AL. v. JEFFERSON COUNTY, ALABAMA, ET AL.* Sup. Ct. Ala. Certiorari denied. Reported below: 232 So. 3d 845.

No. 17–284. *BYAM v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 689 Fed. Appx. 680.

No. 17–285. *FARNUM PLACE, LLC v. KRYS, AS DULY APPOINTED LIQUIDATOR AND FOREIGN REPRESENTATIVE OF FAIRFIELD SENTRY LTD.* C. A. 2d Cir. Certiorari denied. Reported below: 690 Fed. Appx. 761.

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No. 17–292. *TOMITA TECHNOLOGIES USA, LLC, ET AL. v. NINTENDO Co., LTD., ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 681 Fed. Appx. 967.

No. 17–298. *RENZI v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 487.

No. 17–5001. *GASTON v. PERRY, SECRETARY, NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY.* C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 125.

No. 17–5003. *CARLOS SANCHEZ v. SHERMAN, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 17–5004. *SKLAR v. STATE BAR OF CALIFORNIA.* Sup. Ct. Cal. Certiorari denied.

No. 17–5005. *SANTANA-GUZMAN v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 687 Fed. Appx. 420.

No. 17–5006. *RICHARDS v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied.

No. 17–5009. *BLACK v. SUTTON, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 17–5010. *FEARS ET AL. v. KASICH, GOVERNOR OF OHIO, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 845 F. 3d 231.

No. 17–5011. *POWELL v. WALKER ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 685 Fed. Appx. 594.

No. 17–5013. *RUNNELS v. BORDELON, WARDEN.* C. A. 5th Cir. Certiorari denied.

No. 17–5014. *ROMERO v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 833 F. 3d 1151.

No. 17–5015. *WILLIAMS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 847 F. 3d 251.

No. 17–5016. *TEMBLADOR-SANDOVAL v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 863.

No. 17–5017. *WINBUSH v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied. Reported below: 2 Cal. 5th 402, 387 P. 3d 1187.

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No. 17–5019. *VIRIYAPANTHU v. BRANDON, ACTING DIRECTOR, BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES*. C. A. 9th Cir. Certiorari denied. Reported below: 686 Fed. Appx. 390.

No. 17–5020. *PALMER-SMITH v. ILLINOIS*. App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 2016 IL App (4th) 150204–U.

No. 17–5021. *SEAMAN v. STEWART, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–5024. *ANDERSON v. ARIZONA*. Ct. App. Ariz. Certiorari denied.

No. 17–5025. *STEIN v. SKIPPER, DEPUTY WARDEN, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 17–5027. *STECCHAUNER v. SMITH, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 852 F. 3d 708.

No. 17–5028. *BURTON v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 17–5029. *TRABELSI v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 845 F. 3d 1181.

No. 17–5030. *WILLIAMS v. PERRITT, SUPERINTENDENT, LUMBERTON CORRECTIONAL INSTITUTION*. C. A. 4th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 348.

No. 17–5031. *THOMAS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 537.

No. 17–5032. *TIKAL v. UNITED STATES*; and *TIKAL v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 17–5034. *MOSS v. HORTON, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–5035. *POE v. RAPELJE, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–5036. *OWENS v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 215 So. 3d 600.

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No. 17–5038. *BROOKS v. AMERICA HOME KEY ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 677 Fed. Appx. 526.

No. 17–5040. *DAVIS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 17–5041. *JOSEPH v. SAFEHAVEN CEC ET AL.* C. A. 3d Cir. Certiorari denied.

No. 17–5042. *WILLIAMS v. FOLSOM, WARDEN.* C. A. 4th Cir. Certiorari denied. Reported below: 677 Fed. Appx. 131.

No. 17–5043. *WILSON v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 17–5044. *JAMISON v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

No. 17–5045. *LASURE v. SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 357.

No. 17–5046. *JONES v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 843 F. 3d 321.

No. 17–5047. *ROBERTS v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 17–5048. *SAHU v. MINNEAPOLIS COMMUNITY AND TECHNICAL COLLEGE ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 674 Fed. Appx. 606.

No. 17–5049. *FREEMAN v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 17–5050. *GOLDEN v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 854 F. 3d 1256.

No. 17–5052. *HERNANDEZ v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 689.

No. 17–5053. *GARCIA v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 683 Fed. Appx. 838.

No. 17–5056. *MC SMITH v. BANK OF AMERICA, N. A.* Ct. App. Ga. Certiorari denied.

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No. 17–5057. *ANDERSON v. MINNESOTA*. Ct. App. Minn. Certiorari denied.

No. 17–5058. *SPILLANE v. NEW JERSEY DEPARTMENT OF CORRECTIONS*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 17–5059. *OSTERHOUDT v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 214 So. 3d 550.

No. 17–5060. *CURTIN v. RANGER CONSTRUCTION INDUSTRIES, INC., ET AL.* Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 217 So. 3d 162.

No. 17–5061. *HIDOU v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 143903–U.

No. 17–5062. *FLIE v. CALIFORNIA*. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 17–5066. *CARTER v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2017 IL App (1st) 123589–UB.

No. 17–5067. *WILSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 634 Fed. Appx. 718.

No. 17–5068. *LOPEZ v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 17–5069. *THOMPSON v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 1 Cal. 5th 1043, 384 P. 3d 693.

No. 17–5070. *WILLIAMS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 683 Fed. Appx. 189.

No. 17–5071. *VENABLE v. JOHNSON, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 17–5072. *RITTALL v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 688 Fed. Appx. 22.

No. 17–5073. *CARTWRIGHT v. MASSACHUSETTS*. App. Ct. Mass. Certiorari denied. Reported below: 91 Mass. App. 1104, 79 N. E. 3d 1109.

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No. 17–5074. *RODRIGUEZ v. UNITED STATES* (Reported below: 684 Fed. Appx. 379); and *PARROQUIN-LUNA v. UNITED STATES* (685 Fed. Appx. 326). C. A. 5th Cir. Certiorari denied.

No. 17–5075. *DAVIS v. HOLLOWAY, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–5076. *JACKSON v. HOGAN ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 870.

No. 17–5077. *KORFHAGE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 683 Fed. Appx. 888.

No. 17–5079. *CORLEY, AKA IRON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 679 Fed. Appx. 1.

No. 17–5081. *CASILLAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 853 F. 3d 215.

No. 17–5082. *MCKENZIE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 686 Fed. Appx. 77.

No. 17–5084. *MONTANEZ v. CHEESECAKE FACTORY RESTAURANTS, INC.* C. A. 2d Cir. Certiorari denied. Reported below: 675 Fed. Appx. 77.

No. 17–5085. *KENNEDY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 674 Fed. Appx. 977.

No. 17–5086. *SALINAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 684 Fed. Appx. 408.

No. 17–5087. *JOYNER v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 17–5088. *JACKSON v. TEXAS*. Ct. App. Tex., 14th Dist. Certiorari denied. Reported below: 495 S. W. 3d 398.

No. 17–5089. *PAGLIACCETTI v. DELBAISO, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT MAHANAY, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 17–5090. *MCNEAL v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist., Div. 6. Certiorari denied.

No. 17–5091. *MCNEAL v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist., Div. 6. Certiorari denied.

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No. 17–5092. *MCDONALD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 850 F. 3d 640.

No. 17–5093. *JONES v. MIRZA ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 685 Fed. Appx. 90.

No. 17–5094. *MAYER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 679 Fed. Appx. 895.

No. 17–5096. *BAILEY v. DUCART, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 684 Fed. Appx. 606.

No. 17–5097. *POOLE v. WALTON*. Ct. App. Miss. Certiorari denied. Reported below: 214 So. 3d 1064.

No. 17–5098. *WILLIAMS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17–5099. *TIBBS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 685 Fed. Appx. 456.

No. 17–5101. *CORLEY v. FARRELL ET AL.* C. A. 2d Cir. Certiorari denied.

No. 17–5103. *MALAK v. GRIFFIN, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 17–5104. *JHA v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 815.

No. 17–5105. *OKERE v. HIGH ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 684 Fed. Appx. 290.

No. 17–5106. *JORDAN v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 17–5107. *MARGHEIM v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 677 Fed. Appx. 484.

No. 17–5109. *HENDERSON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 841 F. 3d 623.

No. 17–5110. *GLEASON v. KANSAS*. Sup. Ct. Kan. Certiorari denied. Reported below: 305 Kan. 794, 388 P. 3d 101.

No. 17–5113. *TIGHE v. BERGHUIS, WARDEN*. C. A. 6th Cir. Certiorari denied.

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No. 17–5115. *TATUM v. MASSACHUSETTS*. App. Ct. Mass. Certiorari denied. Reported below: 90 Mass. App. 1113, 63 N. E. 3d 63.

No. 17–5117. *THOMAS v. OHIO*. Ct. App. Ohio, 9th App. Dist., Summit County. Certiorari denied. Reported below: 2016-Ohio-5507.

No. 17–5119. *TYLER v. VANNOY, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 17–5121. *THOMAS v. SOTERA DEFENSE SOLUTION, INC., ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 199.

No. 17–5123. *MAYS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 192.

No. 17–5124. *NASH v. OPTOMEC, INC.* C. A. 8th Cir. Certiorari denied. Reported below: 849 F. 3d 780.

No. 17–5127. *PRUETT v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 17–5128. *DOUGLAS v. HOVORE ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 676.

No. 17–5129. *MOSS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17–5130. *PELINO v. HENS-GRECO ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 693 Fed. Appx. 104.

No. 17–5132. *MARTINEZ v. TEXAS*. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 17–5133. *MURPHY v. DEPARTMENT OF EDUCATION*. C. A. 3d Cir. Certiorari denied. Reported below: 679 Fed. Appx. 107.

No. 17–5134. *OTROSINKA v. TERRIS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–5135. *PRIDGEON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 853 F. 3d 1192.

No. 17–5136. *MARTINEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 685 Fed. Appx. 306.

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No. 17–5137. *RAMIREZ v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied. Reported below: 684 Fed. Appx. 927.

No. 17–5138. *ROCKWELL v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 853 F. 3d 758.

No. 17–5139. *ROBINSON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 844 F. 3d 137.

No. 17–5140. *SUAREZ-JIMENEZ v. SUPREME COURT OF PUERTO RICO*. C. A. 1st Cir. Certiorari denied. Reported below: 666 Fed. Appx. 2.

No. 17–5141. *SALCEDO v. DAVEY, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 735.

No. 17–5142. *QUADRI v. SPEER, ACTING SECRETARY OF THE ARMY*. C. A. 5th Cir. Certiorari denied. Reported below: 688 Fed. Appx. 269.

No. 17–5143. *SHULMAN v. AMAZON.COM.KYDC, INC., ET AL.* C. A. 6th Cir. Certiorari denied.

No. 17–5144. *LEE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 687 Fed. Appx. 584.

No. 17–5145. *EVANS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 17–5146. *DIAZ v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied. Reported below: 853 F. 3d 1355.

No. 17–5147. *ROSS v. HALL, COMMISSIONER, MISSISSIPPI DEPARTMENT OF CORRECTIONS*. C. A. 5th Cir. Certiorari denied.

No. 17–5148. *STAUFFER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 695 Fed. Appx. 916.

No. 17–5149. *LEHMAN v. CLARKE, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ALBION, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 17–5150. *LEJI v. METROPOLITAN POLICE DEPARTMENT ET AL.* Ct. App. D. C. Certiorari denied.

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No. 17–5151. *BUTLER v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 225 So. 3d 802.

No. 17–5153. *LAMBRIX v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied. Reported below: 851 F. 3d 1158.

No. 17–5154. *LAURSEN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 847 F. 3d 1026.

No. 17–5156. *JACKSON v. NEBRASKA*. Sup. Ct. Neb. Certiorari denied. Reported below: 296 Neb. 31, 892 N. W. 2d 67.

No. 17–5157. *ROBINSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 17–5158. *EAKINS v. FERGUSON ET AL.* Ct. Civ. App. Ala. Certiorari denied. Reported below: 241 So. 3d 690.

No. 17–5159. *NESBITT v. NEBRASKA*. Sup. Ct. Neb. Certiorari denied. Reported below: 296 Neb. c.

No. 17–5160. *MALDONADO AGUILAR v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 17–5161. *BACKSTROM v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 17–5162. *PARNELL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 847 F. 3d 328.

No. 17–5163. *BIRON v. UPTON, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 869.

No. 17–5166. *CURINGTON, AKA CURRINGTON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 17–5167. *STEVENSON v. LEGRAND, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 17–5168. *ROBINSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 684 Fed. Appx. 901.

No. 17–5169. *LEON SANCHEZ v. ARIZONA*. Ct. App. Ariz. Certiorari denied.

No. 17–5170. *CHARLES v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 843 F. 3d 1142.

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No. 17–5171. *CAMACHO-SANTIAGO v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 851 F. 3d 81.

No. 17–5172. *LANDMAN v. DOOLEY, WARDEN, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 17–5173. *JOHNSON v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 17–5174. *DAVIS v. STEPHENSON, ACTING WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–5175. *BOLEY v. DURETS ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 687 Fed. Appx. 40.

No. 17–5176. *TUCKER v. KENTUCKY*. Sup. Ct. Ky. Certiorari denied.

No. 17–5177. *KNOX v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 687 Fed. Appx. 51.

No. 17–5178. *ROBERSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17–5179. *ROEDEL v. KIRKEGARD, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 17–5180. *RUIZ v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 17–5182. *DARNELL v. SHERMAN, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 17–5183. *KABBAJ v. AMERICAN SCHOOL OF TANGIER ET AL.* (Reported below: 676 Fed. Appx. 109); and *KABBAJ v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 17–5184. *MARTINEZ v. WASHINGTON*. Ct. App. Wash. Certiorari denied. Reported below: 193 Wash. App. 1006.

No. 17–5185. *DOTHARD v. PALMER, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–5187. *SEN v. WYOMING*. Sup. Ct. Wyo. Certiorari denied. Reported below: 2017 WY 30, 390 P. 3d 769.

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No. 17–5188. *RIVERA CASANOVA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 594.

No. 17–5189. *PRICE v. SLOAN, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–5190. *WRIGHT v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 483.

No. 17–5191. *WATTS v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 141446–U.

No. 17–5192. *WASHINGTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 17–5194. *NASOULUCK v. HAAS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–5196. *DAVENPORT v. FALLER ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 687 Fed. Appx. 537.

No. 17–5200. *CHAMBLIN v. JENKINS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–5201. *STANTON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 17–5202. *SNODGRASS v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 17–5203. *SCHISLER v. DOMENICO ET AL.* C. A. 2d Cir. Certiorari denied.

No. 17–5205. *ROYSTON v. UNITED STATES*; and

No. 17–5206. *ROYSTON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 681 Fed. Appx. 534.

No. 17–5207. *SIMS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 685 Fed. Appx. 216.

No. 17–5208. *SCHUMAKER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17–5209. *DUARTE v. NOLAN ET AL.* C. A. D. C. Cir. Certiorari denied.

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No. 17–5210. *BURNS v. OBENLAND*, SUPERINTENDENT, MONROE CORRECTIONAL COMPLEX. C. A. 9th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 485.

No. 17–5211. *JACKSON v. PEARSON*, JUDGE, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO. C. A. 6th Cir. Certiorari denied.

No. 17–5212. *JACKSON v. LIOI*, JUDGE, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO. C. A. 6th Cir. Certiorari denied.

No. 17–5213. *LUJAN v. FRAUENHEIM*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 17–5214. *JAMES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17–5216. *COMEAX v. MCDOWELL*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 17–5217. *IORDANOV v. DEUTSCHE BANK NATIONAL TRUST Co.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 152656, 64 N. E. 3d 147.

No. 17–5218. *GASCA-RUIZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 852 F. 3d 1167.

No. 17–5219. *HENSON v. CAIN*, SUPERINTENDENT, SNAKE RIVER CORRECTIONAL INSTITUTION. C. A. 9th Cir. Certiorari denied. Reported below: 686 Fed. Appx. 514.

No. 17–5220. *GRUBB v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 17–5221. *KETCHUM v. DAVIS*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 17–5222. *LOUISSAINT v. FLORIDA*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 229 So. 3d 1243.

No. 17–5223. *JAIMES-MEDERO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 686 Fed. Appx. 270.

No. 17–5225. *POLHILL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 681 Fed. Appx. 292.

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No. 17–5226. *PETTIGREW v. TEXAS*. Ct. App. Tex., 2d Dist. Certiorari denied.

No. 17–5228. *NICHOLS v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 17–5230. *GOUVEIA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 17–5231. *FLOYD v. GLENN GARDENS ASSOCIATES ET AL.* Ct. App. N. Y. Certiorari denied. Reported below: 29 N. Y. 3d 942, 73 N. E. 3d 845.

No. 17–5232. *IRIZARRY v. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 17–5233. *WASHINGTON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17–5234. *TAUMOEPEAU v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 569.

No. 17–5235. *TERRY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 17–5236. *YOUNG v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 685 Fed. Appx. 832.

No. 17–5237. *TOLLEFSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 853 F. 3d 481.

No. 17–5238. *FORQUER v. SAMUEL I. WHITE, P. C., ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 683 Fed. Appx. 221.

No. 17–5240. *ROBERTS v. BUCHANAH*. C. A. 11th Cir. Certiorari denied.

No. 17–5241. *SCHWERS v. CITY OF ALBUQUERQUE, NEW MEXICO, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 685 Fed. Appx. 670.

No. 17–5245. *REILLY v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 222 So. 3d 1211.

No. 17–5246. *SMITH v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

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No. 17–5247. *ARPINO v. WASHOE COUNTY BOARD OF COMMISSIONERS ET AL.* Ct. App. Nev. Certiorari denied. Reported below: 133 Nev. 980.

No. 17–5248. *BELYEW v. SUPERIOR COURT OF CALIFORNIA, COLUSA COUNTY, ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 17–5249. *MOLNAR v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 688 Fed. Appx. 427.

No. 17–5250. *PROPHET v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 17–5251. *PETRUCELLI v. RUSIN.* C. A. 2d Cir. Certiorari denied.

No. 17–5253. *BOOKER v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 152.

No. 17–5254. *SCHMIDT v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 845 F. 3d 153.

No. 17–5258. *NEAL v. PENNSYLVANIA ET AL.* Sup. Ct. Pa. Certiorari denied. Reported below: 641 Pa. 488, 168 A. 3d 1271.

No. 17–5260. *MONROE v. CHRISTIANSON.* C. A. 7th Cir. Certiorari denied.

No. 17–5262. *BAKER v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 680 Fed. Appx. 861.

No. 17–5263. *MILITELLO v. UNITED STATES.* C. A. 2d Cir. Certiorari denied.

No. 17–5264. *JOHNSON v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 686 Fed. Appx. 279.

No. 17–5265. *LEE v. BORDELON ET AL.* C. A. 5th Cir. Certiorari denied.

No. 17–5266. *CASTRUITA-ESCOBEDO v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 685 Fed. Appx. 341.

No. 17–5268. *DYAB v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 855 F. 3d 919.

No. 17–5270. *ALLEN v. SUPERIOR COURT OF PENNSYLVANIA ET AL.* Sup. Ct. Pa. Certiorari denied.

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No. 17–5271. *WHITIKER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 17–5272. *WHATLEY v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 17–5273. *BROOKS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 755.

No. 17–5274. *BROWN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 658 Fed. Appx. 100.

No. 17–5275. *JONES v. PAPILLON*. Sup. Ct. Iowa. Certiorari denied. Reported below: 892 N. W. 2d 763.

No. 17–5276. *LOPEZ-ROMO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 687 Fed. Appx. 597.

No. 17–5278. *EASON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 854 F. 3d 922.

No. 17–5279. *ESPINOZA-HORIUCHI v. WAL-MART STORES, INC.* C. A. 10th Cir. Certiorari denied. Reported below: 688 Fed. Appx. 591.

No. 17–5281. *GERALDO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 687 Fed. Appx. 101.

No. 17–5282. *HOSKINS v. PIERCE, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 17–5284. *HILDERBRAND v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 687 Fed. Appx. 361.

No. 17–5285. *JONES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 854 F. 3d 737.

No. 17–5286. *JONES v. CRANFORD*. C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 225.

No. 17–5287. *BECERRADA v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 2 Cal. 5th 1009, 393 P. 3d 114.

No. 17–5288. *EBERHARDT v. LINK, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL.* C. A. 3d Cir. Certiorari denied.

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No. 17–5289. *BURKETT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 684 Fed. Appx. 443.

No. 17–5290. *KADAMOVAS v. LOCKETT, WARDEN, ET AL.* C. A. 7th Cir. Certiorari denied.

No. 17–5291. *LANCASTER v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied.

No. 17–5292. *LIGHT v. ELLEDGE, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS JUDGE, SUPERIOR COURT OF COCHISE COUNTY, ARIZONA, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 17–5293. *RODRIGUEZ v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 17–5294. *SINGLETON v. COOLEY, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 679 Fed. Appx. 363.

No. 17–5295. *RUSK v. WARNER*. C. A. 10th Cir. Certiorari denied. Reported below: 693 Fed. Appx. 778.

No. 17–5297. *SIMS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 847 F. 3d 630.

No. 17–5298. *RIVERA v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 602.

No. 17–5299. *RILEY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 685 Fed. Appx. 390.

No. 17–5300. *MEDRANO AYALA v. DAVIS, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 829 F. 3d 1081.

No. 17–5301. *MORSE v. LAXALT, ATTORNEY GENERAL OF NEVADA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 687 Fed. Appx. 662.

No. 17–5302. *O'NEILL v. SHERMAN, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 17–5303. *MURILLO-SALGADO v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 854 F. 3d 407.

No. 17–5304. *O'NEIL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 758.

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No. 17–5306. *CASILLAS-PEREZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 688 Fed. Appx. 439.

No. 17–5307. *CHELMOWSKI v. AT&T MOBILITY, LLC*. C. A. 7th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 420.

No. 17–5308. *ORTUNO ALVEAR v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17–5309. *BUSH v. BALLARD, WARDEN*. Sup. Ct. App. W. Va. Certiorari denied.

No. 17–5311. *THORN v. MCGARY ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 684 Fed. Appx. 430.

No. 17–5312. *WILLIAMS v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. Sup. Ct. Va. Certiorari denied.

No. 17–5313. *WILKINS v. WILKINS*. Ct. Sp. App. Md. Certiorari denied. Reported below: 231 Md. App. 725.

No. 17–5314. *YOUNG v. PEREZ ET AL.* C. A. 9th Cir. Certiorari denied.

No. 17–5315. *WILSON v. BRITAIN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FRACKVILLE, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 17–5316. *VICTORIA v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 17–5317. *VENTURA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 17–5318. *VAZQUEZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 854 F. 3d 126.

No. 17–5320. *RALPH v. PHILLIPS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–5321. *CARDENA ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 842 F. 3d 959.

No. 17–5322. *BENNER v. JOHNSON*. Sup. Jud. Ct. Me. Certiorari denied.

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No. 17–5323. *MITCHELL v. PSZCZOLKOWSKI, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 685 Fed. Appx. 215.

No. 17–5324. *OLSON v. KOPEL ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 605.

No. 17–5325. *OWENS v. DUNCAN, WARDEN, ET AL.* C. A. 7th Cir. Certiorari denied.

No. 17–5327. *COOK v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 686 Fed. Appx. 662.

No. 17–5328. *JOHNSON v. MURPHY, JUDGE, DISTRICT COURT OF GRAYSON COUNTY, TEXAS*. Sup. Ct. Tex. Certiorari denied.

No. 17–5329. *PRYOR v. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 17–5330. *COLEMAN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 677 Fed. Appx. 89.

No. 17–5332. *DAY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 17–5333. *DAVIS v. SIMMERSON ET AL.* C. A. 9th Cir. Certiorari denied.

No. 17–5334. *ELLIOTT v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 17–5335. *CROSBY v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied.

No. 17–5336. *ELLIS v. WERLICH, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 17–5337. *CRUTCHFIELD v. WILLIAMSON COUNTY PUBLIC DEFENDER'S OFFICE*. Sup. Ct. Ill. Certiorari denied.

No. 17–5338. *SILLAS v. POLLARD, WARDEN*. Ct. App. Wis. Certiorari denied.

No. 17–5339. *RAY v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

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No. 17–5340. *SANJAR v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 853 F. 3d 190.

No. 17–5341. *STEELE v. SOCIAL SECURITY ADMINISTRATION*; and *RICHARDS v. SOCIAL SECURITY ADMINISTRATION*. C. A. 2d Cir. Certiorari denied.

No. 17–5342. *PARKER v. HUNTING POINT APARTMENTS, LLC, AKA BRIDGEYARD APARTMENTS, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 377.

No. 17–5345. *KINEMORE v. MOORE*. Ct. App. Ga. Certiorari denied.

No. 17–5348. *NETZER v. OFFICE OF LAWYER REGULATION ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 851 F. 3d 647.

No. 17–5349. *PEREZ-DIAZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 873.

No. 17–5353. *SWEETS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 90.

No. 17–5355. *BROOKS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 17–5357. *CARTER v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 17–5358. *CONSTANCE v. UTTECHT, SUPERINTENDENT, COYOTE RIDGE CORRECTIONS CENTER*. C. A. 9th Cir. Certiorari denied.

No. 17–5359. *CURTIS v. KEMPER, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 17–5360. *COLEMAN v. HILL, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 17–5361. *COOK v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 17–5364. *DAE HYUCK KO v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 682 Fed. Appx. 247.

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No. 17–5365. *MARTINEZ v. DELBALSO*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT MAHANAY, ET AL. C. A. 3d Cir. Certiorari denied.

No. 17–5366. *BURKHARDT v. BRADT*, SUPERINTENDENT, ATTICA CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 17–5367. *MOORE v. HOLLAND*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 17–5368. *DARBY v. MCKEE ET AL.* C. A. 3d Cir. Certiorari denied.

No. 17–5369. *ENMON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 686 Fed. Appx. 769.

No. 17–5370. *JAMES v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 686 Fed. Appx. 211.

No. 17–5371. *JOHN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 683 Fed. Appx. 589.

No. 17–5372. *COOPER v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 227 So. 3d 577.

No. 17–5373. *DIAZ v. BRAGG*, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 220.

No. 17–5374. *COLEMAN v. LEWIS*, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 17–5375. *GOUCH-ONASSIS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 17–5376. *GIRMA v. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION*. C. A. 4th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 97.

No. 17–5378. *GALLOWAY v. WILSON*, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 685 Fed. Appx. 181.

No. 17–5382. *GIPSON v. MNUCHIN*, SECRETARY OF THE TREASURY. C. A. 11th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 960.

No. 17–5383. *CASTONGUAY v. NEBRASKA*. Ct. App. Neb. Certiorari denied. Reported below: 24 Neb. App. lviii.

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No. 17–5384. *DINNING v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 112.

No. 17–5386. *GORDON v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 852 F. 3d 126.

No. 17–5387. *FLEISCHAUER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 691.

No. 17–5388. *GALVAN-SALAZAR v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 688 Fed. Appx. 440.

No. 17–5389. *GARIBO-GALEANA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 573.

No. 17–5390. *GRANT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 850 F. 3d 209.

No. 17–5391. *BAKER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 864.

No. 17–5392. *BARMORE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 17–5394. *BLAKE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 858 F. 3d 1134.

No. 17–5395. *BROWN v. SCOTT, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–5396. *GRAMMER v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 17–5398. *LINDELL v. POLLARD ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 681 Fed. Appx. 518.

No. 17–5399. *LENOIR v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 444.

No. 17–5400. *BRANCH v. SHANES, JUDGE, CIRCUIT COURT OF ILLINOIS, LAKE COUNTY*. Sup. Ct. Ill. Certiorari denied.

No. 17–5401. *SMITH v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 17–5403. *SCOTTON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

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No. 17-5404. *STANISHIA v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 687 Fed. Appx. 183.

No. 17-5405. *DURAND v. MASSACHUSETTS*. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 475 Mass. 657, 59 N. E. 3d 1152.

No. 17-5408. *ALLEN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 854 F. 3d 428.

No. 17-5413. *BOYD v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 685 Fed. Appx. 688.

No. 17-5414. *CLEMONS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17-5418. *FORD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 688 Fed. Appx. 309.

No. 17-5419. *BREWER v. HERALD ET AL.* C. A. 2d Cir. Certiorari denied.

No. 17-5421. *HERNANDEZ-CARDONA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 17-5422. *IANNUCCI v. MICHIGAN ET AL.* C. A. 6th Cir. Certiorari denied.

No. 17-5428. *HERRERA v. GROUNDS, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 17-5429. *GREEN v. DUNLAP, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 684 Fed. Appx. 294.

No. 17-5435. *ALLEN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 686 Fed. Appx. 289.

No. 17-5436. *QUINTERO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 307.

No. 17-5439. *LOPEZ-MARTINEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 688 Fed. Appx. 277.

No. 17-5441. *DEWEY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 861.

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No. 17-5443. *REATH v. SOCIAL SECURITY ADMINISTRATION*. C. A. 4th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 755.

No. 17-5446. *NGUYEN VU v. WETZEL, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 17-5448. *THOMAS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17-5455. *PETERS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 890.

No. 17-5458. *OTTOGALLI v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 881.

No. 17-5459. *DOGGINS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 17-5462. *ESTY v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 17-5463. *RUSHING v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 127 A. 3d 400.

No. 17-5464. *RE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 682 Fed. Appx. 33.

No. 17-5468. *LYLES v. JOYNER, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 684 Fed. Appx. 313.

No. 17-5469. *KIRBY ET AL. v. O'DENS ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 880.

No. 17-5470. *LOREDO-LOPEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 248.

No. 17-5473. *HOBBS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17-5475. *FOWLER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 619.

No. 17-5481. *WILLIAMS v. GEORGIA*. Ct. App. Ga. Certiorari denied. Reported below: 337 Ga. App. 381, 787 S. E. 2d 333.

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No. 17–5482. *LITTLES v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 688 Fed. Appx. 321.

No. 17–5486. *ABSTON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17–5487. *WARD v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 17–5492. *DAMIAN LOPEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 275.

No. 17–5496. *WRIGHT v. NEW YORK*. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied.

No. 17–5497. *CARROLL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 685 Fed. Appx. 303.

No. 17–5498. *BURNS v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 17–5500. *DAVIS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 855 F. 3d 587.

No. 17–5501. *CARSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 855 F. 3d 828.

No. 17–5502. *BARBOSA ORTIZ v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 17–5504. *PASCHALL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 937.

No. 17–5505. *LEECH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 642.

No. 17–5511. *SCHUENKE v. SMITH, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 17–5514. *STONE v. EMMONS, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 17–5516. *ROBERTSON v. PICHON, JUDGE, SANTA CLARA SUPERIOR COURT, CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 849 F. 3d 1173.

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No. 17–5517. *LISO v. MARQUIS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–5519. *PATEL v. MARTUSCELLO*. C. A. 2d Cir. Certiorari denied.

No. 17–5521. *CASTRILLON-SANCHEZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 861 F. 3d 26.

No. 17–5522. *DIAZ-ROSADO v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 857 F. 3d 116.

No. 17–5526. *BROWDY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17–5529. *HOLT v. TEXAS*. Ct. App. Tex., 5th Dist. Certiorari denied.

No. 17–5530. *ALLEN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17–5534. *MANNS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 347.

No. 17–5537. *GLOVER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 681 Fed. Appx. 432.

No. 17–5540. *LITTRELL v. KRUEGER, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 17–5542. *PRINGLE v. MCFADDEN, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 683 Fed. Appx. 239.

No. 17–5545. *DUKA v. UNITED STATES* (two judgments). C. A. 3d Cir. Certiorari denied.

No. 17–5548. *WOOTEN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 696 Fed. Appx. 337.

No. 17–5549. *WILLIAMS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 980.

No. 17–5551. *WILLIAMS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 864 F. 3d 826.

No. 17–5552. *TATE v. BUNTING, WARDEN*. C. A. 6th Cir. Certiorari denied.

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No. 17–5555. *SANCHEZ-COLBERG v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 856 F. 3d 180.

No. 17–5557. *RISHOR v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 17–5559. *RILEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 856 F. 3d 326.

No. 17–5564. *NUNN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 853 F. 3d 190.

No. 17–5565. *PATTERSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 853 F. 3d 298.

No. 17–5569. *SIMMONS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 683 Fed. Appx. 522.

No. 17–5573. *WHITE v. STEELE, WARDEN*. C. A. 8th Cir. Certiorari denied. Reported below: 853 F. 3d 486.

No. 17–5574. *TAYLOR v. NORTH CAROLINA*. Ct. App. N. C. Certiorari denied. Reported below: 251 N. C. App. 723, 795 S. E. 2d 156.

No. 17–5576. *BARR v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17–5579. *VALDES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 688 Fed. Appx. 739.

No. 17–5583. *REEVES v. HAMPTON FOREST APARTMENTS ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 768.

No. 17–5584. *SYMS v. MURPHY, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 17–5586. *STRONG v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 844 F. 3d 133.

No. 17–5587. *SMITH v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 703.

No. 17–5588. *SINCLAIR v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 173.

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No. 17–5590. *MYERS v. NORTH CAROLINA ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 310.

No. 17–5591. *NATAL v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 849 F. 3d 530.

No. 17–5594. *MAGALLANES-FLORES v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 687 Fed. Appx. 233.

No. 17–5595. *BROWN v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 680 Fed. Appx. 583.

No. 17–5597. *MONSALVATGE v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 850 F. 3d 483 and 689 Fed. Appx. 680.

No. 17–5599. *CONLAN v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 680 Fed. Appx. 339.

No. 17–5600. *AUSTIN v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

No. 17–5604. *WOODLEY v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

No. 17–5606. *BURKE v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 863 F. 3d 1355.

No. 17–5608. *CHAVEZ v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 17–5610. *BREEDEN v. KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION.* C. A. 8th Cir. Certiorari denied.

No. 17–5612. *RUBIO-MUNOZ v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 306.

No. 17–5614. *SALWAN v. MATAL, INTERIM DIRECTOR, UNITED STATES PATENT AND TRADEMARK OFFICE.* C. A. Fed. Cir. Certiorari denied. Reported below: 681 Fed. Appx. 938.

No. 17–5615. *BRANDT v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 17–5616. *MOOSE, AKA MOOSE BEY v. KRUEGER, WARDEN.* C. A. 7th Cir. Certiorari denied.

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No. 17–5620. *BAERT v. MUNIZ, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 17–5621. *PERRY v. UNITED STATES.* C. A. 1st Cir. Certiorari denied.

No. 17–5624. *BROWN v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 700 Fed. Appx. 976.

No. 17–5629. *MATTHEWS v. TEXAS.* Ct. App. Tex., 14th Dist. Certiorari denied. Reported below: 513 S. W. 3d 45.

No. 17–5630. *ADAM LIZARRAGA v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 682 Fed. Appx. 529.

No. 17–5631. *MCCOY v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 692 Fed. Appx. 17.

No. 17–5632. *BUENO-BELTRAN v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 857 F. 3d 65.

No. 17–5641. *WILLIAMS v. LARKINS, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER.* Sup. Ct. Mo. Certiorari denied.

No. 17–5642. *WILLIAMS v. GRIFFITH, WARDEN.* C. A. 8th Cir. Certiorari denied.

No. 17–5643. *MARTINOVICH v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

No. 17–5644. *JACKSON v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 688.

No. 17–5647. *MAJANO-CHICA v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 356.

No. 17–5655. *PEREZ-CARRERA v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 686 Fed. Appx. 15.

No. 17–5656. *AGHO-ALLEN v. UNITED STATES.* C. A. 3d Cir. Certiorari denied.

No. 17–5657. *CHARLES v. UNITED STATES.* C. A. 1st Cir. Certiorari denied.

No. 17–5658. *ENRIQUE-ASCENCIO v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 857 F. 3d 668.

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No. 17–5673. *BROWN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 689 Fed. Appx. 76.

No. 17–5675. *STEGAWSKI v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 687 Fed. Appx. 509.

No. 17–5685. *BELL v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 819 F. 3d 310.

No. 17–5688. *EDWARDS v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 857 F. 3d 420.

No. 17–5695. *BERGMAN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 852 F. 3d 1046.

No. 17–5698. *JEAN-CHARLES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17–5699. *CLARK v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 680 Fed. Appx. 470.

No. 17–5709. *PATINO-MANCIA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 168.

No. 17–5714. *LEFFEBRE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 17–5715. *JOCKISCH v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 857 F. 3d 1122.

No. 17–5717. *O’NEAL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 17–5719. *MCDUFFIE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 568.

No. 17–5729. *BEASLEY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 700 Fed. Appx. 394.

No. 17–5730. *HUNTER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 313.

No. 17–5731. *COOPER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 688 Fed. Appx. 410.

No. 17–5733. *HOUSTON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 683 Fed. Appx. 434.

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No. 17–5734. *ALVAREZ VASQUEZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17–5736. *VANMETER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 809.

No. 17–5737. *WOLF v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 438.

No. 17–5749. *PALMER v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 854 F. 3d 39.

No. 17–5765. *ULTSCH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 127.

No. 16–1159. *FLORIDA v. SIMMONS*. Sup. Ct. Fla. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 207 So. 3d 860.

No. 16–1167. *OHIO v. MOORE*. Sup. Ct. Ohio. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 149 Ohio St. 3d 557, 2016-Ohio-8288, 76 N. E. 3d 1127.

No. 16–1170. *FLORIDA v. FRANKLIN*. Sup. Ct. Fla. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 209 So. 3d 1241.

No. 16–1303. *SOLIDFX, LLC v. JEPPESEN SANDERSON, INC.* C. A. 10th Cir. Certiorari denied. JUSTICE ALITO and JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 841 F. 3d 827.

No. 16–1305. *NIES ET AL. v. TOWN OF EMERALD ISLE, NORTH CAROLINA*. Ct. App. N. C. Motion of Owners' Counsel of America et al. for leave to file brief as *amici curiae* granted. Certiorari denied. Reported below: 244 N. C. App. 81, 780 S. E. 2d 187.

No. 16–1321. *WONG v. ANDERSON ET AL.* C. A. 9th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 669 Fed. Appx. 461.

No. 16–1323. *SUPREME COURT OF NEW MEXICO ET AL. v. UNITED STATES*; and

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No. 16–1450. UNITED STATES *v.* SUPREME COURT OF NEW MEXICO ET AL. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of these petitions. Reported below: 839 F. 3d 888.

No. 16–1343. PELLEGRINI ET AL. *v.* UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA ET AL. C. A. 9th Cir. Certiorari before judgment denied.

No. 16–1351. BOARD OF COUNTY COMMISSIONERS OF OTERO COUNTY, NEW MEXICO *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 843 F. 3d 1208.

No. 16–1354. UNITED STATES EX REL. GRYNBERG *v.* AGAVE ENERGY CO. ET AL. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 845 F. 3d 1010.

No. 16–1394. KARSJENS ET AL. *v.* PIPER ET AL. C. A. 8th Cir. Motion of Association for the Treatment of Sexual Abusers for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 845 F. 3d 394.

No. 16–1399. ETHICON, INC., ET AL. *v.* HUSKEY ET VIR. C. A. 4th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 848 F. 3d 151.

No. 16–1426. TARTT *v.* MAGNA HEALTH SYSTEMS ET AL. C. A. 7th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition.

No. 16–1429. SCOTT *v.* KING, CHAPTER 7 TRUSTEE, ET AL. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 839 F. 3d 1290.

No. 16–1439. MENDIOLA *v.* SESSIONS, ATTORNEY GENERAL. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 655 Fed. Appx. 653.

No. 16–1446. SOUTHERN BAPTIST HOSPITAL OF FLORIDA, INC. *v.* CHARLES, AS NEXT FRIEND AND GUARDIAN OF HIS SISTER,

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CHARLES, ET AL. Sup. Ct. Fla. Motion for leave to file brief in opposition under seal with redacted copies for the public record granted. Motion for leave to file a motion for just damages and costs pursuant to this Court's Rule 42.2 under seal with redacted copies for the public record granted. Motion for leave to file a response to motion for leave to file a motion for just damages and costs pursuant to Rule 42.2 under seal with redacted copies for the public record granted. Motion for just damages and costs pursuant to Rule 42.2 denied. Certiorari denied. Reported below: 209 So. 3d 1199.

No. 16-1487. SUTURE EXPRESS, INC. *v.* OWENS & MINOR DISTRIBUTION, INC., ET AL. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 851 F. 3d 1029.

No. 16-1518. FLORIDA *v.* WALLS. Sup. Ct. Fla. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 213 So. 3d 340.

No. 16-8470. MAQAGI *v.* HORIZON LAMPS, INC., ET AL. C. A. 3d Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* granted. The order entered May 30, 2017, [581 U. S. 1005] vacated. Certiorari denied.

No. 16-8949. GRIGSBY *v.* DICK, JUDGE, DISTRICT COURT OF KANSAS, RENO COUNTY, ET AL. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 671 Fed. Appx. 1031.

No. 16-9071. BAILEY *v.* CARSON ET AL. Ct. App. Md. Motion of Bruce R. Jacob for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 450 Md. 107, 146 A. 3d 465.

No. 16-9108. OKAWAKI *v.* FIRST HAWAIIAN BANK ET AL. C. A. 9th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 682 Fed. Appx. 614.

No. 16-9132. LAMBERT *v.* LOUISIANA. Ct. App. La., 4th Cir. Motion of Criminal Justice Reform Clinic for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 2015-0886 (La. App. 4 Cir. 1/20/16), 186 So. 3d 728.

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No. 16–9139. *WOLFE v. BRYANT, WARDEN*. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 678 Fed. Appx. 631.

No. 16–9178. *BOYD v. EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS ET AL.* C. A. D. C. Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 16–9240. *JUSZCZYK v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 844 F. 3d 1213.

No. 16–9333. *SIRLEAF ET AL. v. ROBINSON ET AL.* C. A. 4th Cir. Certiorari before judgment denied.

No. 16–9348. *WRIGHT v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 848 F. 3d 1274.

No. 16–9390. *JOHN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 849 F. 3d 912.

No. 16–9434. *BROOKS v. ARCHULETA, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 681 Fed. Appx. 705.

No. 16–9445. *FOGLE v. PALOMINO*. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 687 Fed. Appx. 730.

No. 16–9476. *SIMPSON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 845 F. 3d 1039.

No. 16–9485. *POWELL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 850 F. 3d 145.

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No. 16–9490. *JORDAN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 678 Fed. Appx. 759.

No. 16–9492. *SAMPLE v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 159 A. 3d 588.

No. 16–9539. *COMBS v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF KENTUCKY*. C. A. 6th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 16–9577. *SALAZAR v. GREEN, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 677 Fed. Appx. 487.

No. 16–9607. *ROJEM v. ROYAL, WARDEN*. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 673 Fed. Appx. 797.

No. 16–9628. *HERNANDEZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 17–44. *HACKFORD v. UTAH ET AL.* C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 845 F. 3d 1325.

No. 17–104. *GRANADOS v. CROWLEY COUNTY CORRECTIONAL FACILITY ET AL.* C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 670 Fed. Appx. 972.

No. 17–129. *M. C. v. C. M.* Ct. App. Cal., 2d App. Dist., Div. 1. Motions of Concerned United Birthparents, Inc., American College of Pediatricians et al., American Association of Pro-Life Obstetricians & Gynecologists et al., and 15 Feminist Academics and Advocates for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 7 Cal. App. 5th 1188, 213 Cal. Rptr. 3d 351.

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No. 17–134. *EDELMAN v. SCHULTZ*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 683 Fed. Appx. 60.

No. 17–138. *ABELES v. METROPOLITAN WASHINGTON AIRPORTS AUTHORITY*. C. A. 4th Cir. Motions of National Jewish Commission on Law and Public Affairs, American Center for Law and Justice et al., and Becket Fund for Religious Liberty et al. for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 676 Fed. Appx. 170.

No. 17–148. *GAUDELLI v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 688 Fed. Appx. 115.

No. 17–5033. *TWITTY v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 689 Fed. Appx. 890.

No. 17–5102. *COOPER 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.

No. 17–5227. *NORWOOD v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. JUSTICE ALITO and JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 17–5296. *ROLLINS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition.

No. 17–5447. *WASHINGTON v. ROBERTS ET AL.* C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 846 F. 3d 1283.

No. 17–5566. *BROWN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 688 Fed. Appx. 644.

No. 17–5582. *HERNANDO RODRIGUEZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR and JUSTICE

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TICE KAGAN took no part in the consideration or decision of this petition. Reported below: 679 Fed. Appx. 41.

Rehearing Denied

- No. 16–872. HALLORAN *v.* UNITED STATES, 580 U. S. 1119;
No. 16–1014. TABONE *v.* UNITED STATES, 580 U. S. 1201;
No. 16–7716. JACKSON *v.* BRYSON, COMMISSIONER, GEORGIA DEPARTMENT OF CORRECTIONS, ET AL., 582 U. S. 933;
No. 16–8090. VILLAVERDE *v.* SMITH, WARDEN, ET AL., 581 U. S. 961;
No. 16–8235. DEWBERRY *v.* ALLBAUGH, DIRECTOR, OKLAHOMA DEPARTMENT OF CORRECTIONS, 581 U. S. 978;
No. 16–8513. SMITH *v.* SHARIAT ET AL., 581 U. S. 1009;
No. 16–8549. STURGIS *v.* SUARDINI ET AL., 581 U. S. 1009;
No. 16–8555. STODDART *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 581 U. S. 1020;
No. 16–8716. IN RE GLEIS, 582 U. S. 914;
No. 16–8754. EARL *v.* FOSTER, WARDEN, 582 U. S. 907;
No. 16–8758. SMILEY *v.* FERGUSON, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT BENNER TOWNSHIP, ET AL., 581 U. S. 1011;
No. 16–8766. CORDOVANO *v.* PETERSON ET AL., 582 U. S. 934;
No. 16–8824. ARMSTRONG *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA, 582 U. S. 919;
No. 16–8882. BROWN *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 582 U. S. 936;
No. 16–8892. MARTIN *v.* PARAMO, WARDEN, ET AL., 582 U. S. 937;
No. 16–9032. FIELDS *v.* UNITED STATES, 582 U. S. 937;
No. 16–9117. ESTRADA-JIMENEZ *v.* ECKSTEIN, WARDEN, 582 U. S. 920;
No. 16–9174. WILES *v.* UNITED STATES, 582 U. S. 921; and
No. 16–9253. BITSINNIE *v.* UNITED STATES, 582 U. S. 939. Petitions for rehearing denied.
No. 16–8993. WILSON *v.* JONES, WARDEN, ET AL., 581 U. S. 1026. Petition for rehearing denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition.

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Miscellaneous Order

No. 17A360. DUNN, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS, ET AL. *v.* BORDEN. Application to vacate the injunction entered by the United States Court of Appeals for the Eleventh Circuit on September 29, 2017, presented to JUSTICE THOMAS, and by him referred to the Court, granted. JUSTICE GINSBURG, JUSTICE BREYER, and JUSTICE SOTOMAYOR would deny the application to vacate the injunction.

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Miscellaneous Order

No. 17–6202 (17A370). IN RE LAMBRIX. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

Certiorari Denied

No. 17–5539 (17A368). LAMBRIX *v.* FLORIDA. Sup. Ct. Fla. 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: 217 So. 3d 977.

No. 17–6222 (17A375). LAMBRIX *v.* FLORIDA. Sup. Ct. Fla. 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: 227 So. 3d 112.

No. 17–6290 (17A380). LAMBRIX *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, 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: 872 F. 3d 1170.

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Certiorari Granted—Vacated and Remanded

No. 16–9446. WEATHERS *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* granted. Certiorari granted, judgment va-

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cated, and case remanded for further consideration in light of *Moore v. Texas*, 581 U. S. 1 (2017). Reported below: 659 Fed. Appx. 778.

Vacated and Remanded After Certiorari Granted

No. 16–1436. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL. *v.* INTERNATIONAL REFUGEE ASSISTANCE PROJECT ET AL. C. A. 4th Cir. [Certiorari granted, 582 U. S. 571.] We granted certiorari in this case to resolve a challenge to “the temporary suspension of entry of aliens abroad under section 2(c) of Executive Order No. 13,780.” Because that provision of the Order “expired by its own terms” on September 24, 2017, the appeal no longer presents a “live case or controversy.” *Burke v. Barnes*, 479 U. S. 361, 363 (1987). Following our established practice in such cases, the judgment is therefore vacated, and the case is remanded to the United States Court of Appeals for the Fourth Circuit with instructions to dismiss as moot the challenge to Executive Order No. 13780. *United States v. Munsingwear, Inc.*, 340 U. S. 36, 39 (1950). We express no view on the merits. JUSTICE SOTOMAYOR dissents from the order vacating the judgment below and would dismiss the writ of certiorari as improvidently granted.

Certiorari Dismissed

No. 17–5580. WINNINGHAM *v.* BAKER 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. 17–5784. HINES *v.* UNITED STATES. 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. 17M37. WAKEFIELD *v.* CIRCUIT COURT OF VIRGINIA;
No. 17M38. WILLIAMS *v.* MURPHY ET AL.;
No. 17M39. EDWARDS *v.* MARYLAND;
No. 17M41. LENNAN *v.* JANDA, WARDEN;
No. 17M42. PIRELA *v.* GUARDIANSHIP ET AL.; and
No. 17M43. LI WEN QIN *v.* UNITED NATIONS ET AL. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 17M40. STANCU *v.* STARWOOD HOTELS & RESORTS WORLDWIDE, INC., ET AL. Motion for leave to file petition for

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writ of certiorari under seal with redacted copies for the public record granted.

No. 141, Orig. TEXAS *v.* NEW MEXICO ET AL. Motion of New Mexico to dismiss Texas' complaint denied. Motions of Elephant Butte Irrigation District and El Paso County Water Improvement District No. 1 for leave to intervene denied. Motions of New Mexico State University and New Mexico Pecan Growers for leave to file briefs as *amici curiae* granted. Exception of the United States and first exception of Colorado to the First Interim Report of the Special Master (Feb. 13, 2017) are set for oral argument in due course. [For earlier order herein, see, *e.g.*, 581 U. S. 991.]

No. 142, Orig. FLORIDA *v.* GEORGIA. Exceptions to the Special Master Report are set for oral argument in due course. [For earlier order herein, see, *e.g.*, 581 U. S. 903.]

No. 16–498. PATCHAK *v.* ZINKE, SECRETARY OF THE INTERIOR, ET AL. C. A. D. C. Cir. [Certiorari granted, 581 U. S. 959.] Motion of respondents for divided argument granted.

No. 16–581. LEIDOS, INC., FKA SAIC, INC. *v.* INDIANA PUBLIC RETIREMENT SYSTEM ET AL. C. A. 2d Cir. [Certiorari granted, 580 U. S. 1216.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 16–712. OIL STATES ENERGY SERVICES, LLC *v.* GREENE'S ENERGY GROUP, LLC, ET AL. C. A. Fed. Cir. [Certiorari granted, 582 U. S. 903.] Motion of Houston Intellectual Property Law Association for leave to file brief as *amicus curiae* in support of neither party granted.

No. 16–969. SAS INSTITUTE INC. *v.* MATAL, INTERIM DIRECTOR, UNITED STATES PATENT AND TRADEMARK OFFICE, ET AL. C. A. Fed. Cir. [Certiorari granted *sub nom.* SAS Institute Inc. *v. Lee*, 581 U. S. 992.] Motion of respondent ComplementSoft, LLC, for divided argument denied.

No. 16–980. HUSTED, OHIO SECRETARY OF STATE *v.* A. PHILIP RANDOLPH INSTITUTE ET AL. C. A. 6th Cir. [Certiorari granted, 581 U. S. 1006.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

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No. 16–1067. *MURPHY v. SMITH ET AL.* C. A. 7th Cir. [Certiorari granted, 582 U.S. 961.] Motion of petitioner to dispense with printing joint appendix granted.

No. 17–204. *APPLE INC. v. PEPPER 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. 17–5417. *ADKINS v. PUBLIC STORAGE.* C. A. 4th Cir.;

No. 17–5423. *IANNUCCI v. SWITALSKI, JUDGE, 16TH CIRCUIT COURT OF MICHIGAN.* C. A. 6th Cir.; and

No. 17–5649. *SMITH v. CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA.* C. A. 9th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until October 31, 2017, 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. 17–5872. *IN RE SVEUM.* 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.

No. 17–205. *IN RE BERNOFSKY;*

No. 17–5533. *IN RE POLLINS;*

No. 17–5571. *IN RE SHEPPARD;* and

No. 17–5711. *IN RE CLARK.* Petitions for writs of mandamus denied.

No. 17–5490. *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.

Certiorari Denied

No. 16–1105. *POWER VENTURES, INC., ET AL. v. FACEBOOK, INC.* C. A. 9th Cir. Certiorari denied. Reported below: 844 F. 3d 1058.

No. 16–1221. *CONAGRA BRANDS, INC., FKA CONAGRA FOODS, INC. v. BRISENO ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 844 F. 3d 1121.

No. 16–1327. *BRADFORD v. BROWN, SUPERINTENDENT, WABASH VALLEY CORRECTIONAL FACILITY.* C. A. 7th Cir. Certiorari denied.

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No. 16–1330. *IVEY v. FIRST CITIZENS BANK & TRUST CO.* C. A. 4th Cir. Certiorari denied. Reported below: 848 F. 3d 205.

No. 16–1344. *NOSAL v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 844 F. 3d 1024.

No. 16–1372. *ABC, INC., AKA AMERICAN NATIONAL UNIVERSITY OF KENTUCKY, INC., FKA NATIONAL COLLEGE OF KENTUCKY, INC. v. BESHEAR, ATTORNEY GENERAL OF KENTUCKY.* Ct. App. Ky. Certiorari denied.

No. 16–1391. *MARILLEY ET AL. v. BONHAM, DIRECTOR, CALIFORNIA DEPARTMENT OF FISH AND GAME.* C. A. 9th Cir. Certiorari denied. Reported below: 844 F. 3d 841.

No. 16–1413. *BLANKENSHIP v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 846 F. 3d 663.

No. 16–7712. *TREY M. v. WASHINGTON.* Sup. Ct. Wash. Certiorari denied. Reported below: 186 Wash. 2d 884, 383 P. 3d 474.

No. 16–8855. *CAMPBELL v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 677 Fed. Appx. 838.

No. 16–8870. *HUMMEL v. NEW JERSEY.* Super. Ct. N. J., App. Div. Certiorari denied.

No. 16–8973. *MOORE v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 383.

No. 16–9279. *MERRITT v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied. Reported below: 2 Cal. 5th 819, 392 P. 3d 421.

No. 16–9389. *THOMAS v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 849 F. 3d 906.

No. 16–9416. *SMITH v. NEBRASKA.* Sup. Ct. Neb. Certiorari denied. Reported below: 295 Neb. 957, 892 N. W. 2d 52.

No. 16–9450. *WOOD ET AL. v. COLLIER, EXECUTIVE DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 248.

No. 16–9752. *ARRINGTON v. SELLERS, WARDEN.* Sup. Ct. Ga. Certiorari denied.

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No. 17–22. *ELMORE v. HARBOR FREIGHT TOOLS USA, INC.* C. A. 8th Cir. Certiorari denied. Reported below: 844 F. 3d 764.

No. 17–41. *ISMAEL VENTURA v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 673 Fed. Appx. 81.

No. 17–47. *CORCEL CORP., INC. v. FERGUSON ENTERPRISES, INC., ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 674 Fed. Appx. 972.

No. 17–128. *MAHMOUD v. LUNA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 17–139. *BELL v. LOUISIANA.* Sup. Ct. La. Certiorari denied. Reported below: 2016–0511 (La. 4/24/17), 217 So. 3d 330.

No. 17–143. *JONES v. NORTH CAROLINA.* Gen. Ct. Justice, Super. Ct. Div., Forsyth County, N. C. Certiorari denied.

No. 17–144. *ALDMYR SYSTEMS, INC., ET AL. v. FRIEDMAN ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 679 Fed. Appx. 254.

No. 17–151. *WALKER v. FLORIDA.* C. A. 11th Cir. Certiorari denied. Reported below: 688 Fed. Appx. 864.

No. 17–153. *ROBINSON v. OFFICE OF THE CHIEF DISCIPLINARY COUNSEL, SUPREME COURT OF MISSOURI;* and *WALTON v. OFFICE OF THE CHIEF DISCIPLINARY COUNSEL, SUPREME COURT OF MISSOURI.* Sup. Ct. Mo. Certiorari denied.

No. 17–156. *MARTIN, ARKANSAS SECRETARY OF STATE v. MOORE.* C. A. 8th Cir. Certiorari denied. Reported below: 854 F. 3d 1021.

No. 17–164. *SAMSON, CHAPTER 7 TRUSTEE FOR THE ESTATE OF BLIXSETH v. WESTERN CAPITAL PARTNERS, LLC.* C. A. 9th Cir. Certiorari denied. Reported below: 679 Fed. Appx. 611.

No. 17–167. *SWART v. PAWAR ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 684 Fed. Appx. 306.

No. 17–172. *FELDMAN v. AMERICAN DAWN, INC., ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 849 F. 3d 1333.

No. 17–177. *CHAMPEAN, AKA HOWELL v. RICH ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 682 Fed. Appx. 188.

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No. 17–180. SHAME ON YOU PRODUCTIONS, INC. *v.* BANKS ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 519.

No. 17–183. TOWN CENTER FLATS, LLC *v.* ECP COMMERCIAL II LLC. C. A. 6th Cir. Certiorari denied. Reported below: 855 F. 3d 721.

No. 17–186. BENDER *v.* TRUMP, PRESIDENT OF THE UNITED STATES, ET AL. C. A. 2d Cir. Certiorari denied.

No. 17–187. LIBBY *v.* WRIGHT, ACTING SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 689 Fed. Appx. 659.

No. 17–189. LAUER ET AL. *v.* SECURITIES AND EXCHANGE COMMISSION ET AL. C. A. 11th Cir. Certiorari denied.

No. 17–192. DONNETTE-SHERMAN *v.* WASHINGTON. Ct. App. Wash. Certiorari denied. Reported below: 196 Wash. App. 1038.

No. 17–194. LEAK SURVEYS, INC. *v.* FLIR SYSTEMS, INC. C. A. Fed. Cir. Certiorari denied. Reported below: 672 Fed. Appx. 995.

No. 17–196. HASHEMI-NEJAD *v.* KOMPANI HASHEMI. Sup. Ct. N. C. Certiorari denied. Reported below: 369 N. C. 521, 797 S. E. 2d 297.

No. 17–197. FRENCH *v.* STARR, JUDGE, COLORADO RIVER INDIAN TRIBES TRIBAL APPELLATE COURT, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 885.

No. 17–198. HUDACK ET AL. *v.* HOLMES, JUDGE, RIVERSIDE, CALIFORNIA SUPERIOR COURT. C. A. 9th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 883.

No. 17–199. FOX *v.* HCA HOLDINGS, INC. C. A. 9th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 648.

No. 17–201. MOCKOVAK *v.* KING COUNTY, WASHINGTON, ET AL. Ct. App. Wash. Certiorari denied. Reported below: 197 Wash. App. 1013.

No. 17–206. BROWN *v.* ELLMANN, CHAPTER 7 TRUSTEE. C. A. 6th Cir. Certiorari denied. Reported below: 851 F. 3d 619.

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No. 17–207. *BUEHLER ET AL. v. ROLLS-ROYCE CORP.* Ct. App. Ind. Certiorari denied.

No. 17–209. *MUCCIO v. MINNESOTA.* Sup. Ct. Minn. Certiorari denied. Reported below: 890 N. W. 2d 914.

No. 17–217. *MCDOWELL v. WYOMING.* Sup. Ct. Wyo. Certiorari denied.

No. 17–228. *RENCO GROUP, INC., ET AL. v. BUCHWALD, AS TRUSTEE FOR MAGNESIUM CORPORATION OF AMERICA AND RELATED DEBTOR, RENCO METALS, INC., ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 682 Fed. Appx. 24.

No. 17–230. *ALGUIRE ET AL. v. JANVEY.* C. A. 5th Cir. Certiorari denied. Reported below: 847 F. 3d 231.

No. 17–231. *ARUNACHALAM v. FREMONT BANCORPORATION ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 672 Fed. Appx. 994.

No. 17–235. *KHOURY v. SPEER, ACTING SECRETARY OF THE ARMY.* C. A. 3d Cir. Certiorari denied. Reported below: 677 Fed. Appx. 735.

No. 17–240. *NICKERSON v. WASHINGTON STATE DEPARTMENT OF REVENUE ET AL.* Ct. App. Wash. Certiorari denied. Reported below: 196 Wash. App. 1054.

No. 17–271. *MCNIECE v. CONNECTICUT ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 692 Fed. Appx. 655.

No. 17–274. *MUSLIM AMERICAN SOCIETY FREEDOM FOUNDATION v. DISTRICT OF COLUMBIA.* C. A. D. C. Cir. Certiorari denied. Reported below: 846 F. 3d 391.

No. 17–277. *ARUNACHALAM v. INTERNATIONAL BUSINESS MACHINES CORP. ET AL.* C. A. Fed. Cir. Certiorari denied.

No. 17–286. *McFADDEN v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS.* Sup. Ct. Va. Certiorari denied.

No. 17–287. *MILO & GABBY LLC ET AL. v. AMAZON.COM, INC.* C. A. Fed. Cir. Certiorari denied. Reported below: 693 Fed. Appx. 879.

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No. 17–293. *59TH & STATE STREET CORP. ET AL. v. EMANUEL ET AL.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 153098, 70 N. E. 3d 225.

No. 17–295. *ANDERSON v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2017 IL App (1st) 122640, 72 N. E. 3d 726.

No. 17–296. *DOE v. GOODMAN ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 272.

No. 17–305. *GILLETTE v. BOEHRINGER INGELHEIM PHARMACEUTICALS, INC., ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 683 Fed. Appx. 538.

No. 17–317. *COOK v. GARMAN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ROCKVIEW, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 17–318. *SIMON v. UNITED STATES.* C. A. 7th Cir. Certiorari denied.

No. 17–323. *SPEAR v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 17–329. *HORNE v. INTERNAL REVENUE SERVICE.* C. A. 9th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 422.

No. 17–338. *BANISTER v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 9th Cir. Certiorari denied. Reported below: 664 Fed. Appx. 673.

No. 17–5063. *GILCHRIST v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 685 Fed. Appx. 638.

No. 17–5080. *WHITAKER v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 853 F. 3d 253.

No. 17–5344. *AGUILAR QUIROZ v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 17–5350. *MCINTYRE v. GIDLEY, WARDEN.* C. A. 6th Cir. Certiorari denied.

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No. 17–5354. *SNYDER v. CLARKE*, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. Sup. Ct. Va. Certiorari denied.

No. 17–5362. *EALY v. KNIGHT*, SUPERINTENDENT, CORRECTIONAL INDUSTRIAL FACILITY. C. A. 7th Cir. Certiorari denied.

No. 17–5363. *JOHNSON v. DAVIS*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 17–5377. *FLANIGAN v. BANK OF AMERICA ET AL.* C. A. 8th Cir. Certiorari denied.

No. 17–5379. *FOOTE v. INDIANA*. Ct. App. Ind. Certiorari denied. Reported below: 69 N. E. 3d 955.

No. 17–5397. *KINARD v. CLARKE*, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 323.

No. 17–5407. *EVANS v. JOHNSON*, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL. C. A. 3d Cir. Certiorari denied.

No. 17–5409. *BELL v. SCOTT*. C. A. 7th Cir. Certiorari denied.

No. 17–5411. *WAGLE v. HORTON*, ACTING WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 687 Fed. Appx. 487.

No. 17–5415. *DAVIS v. JOHNSON*, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL. C. A. 3d Cir. Certiorari denied.

No. 17–5416. *DAVIS v. DAVEY*, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 17–5425. *GARCIA v. PEREZ*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 17–5426. *LEE v. DAVIS*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 17–5427. *HULL v. HULL*. App. Ct. Conn. Certiorari denied.

No. 17–5430. *BENNETT v. SUPERIOR COURT OF PENNSYLVANIA ET AL.* C. A. 3d Cir. Certiorari denied.

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No. 17–5433. *CANNON v. NEWPORT ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 850 F. 3d 303.

No. 17–5438. *RICHARDSON v. RED ONION STATE PRISON MEDICAL DEPARTMENT ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 820.

No. 17–5440. *DIANAS v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 17–5444. *YATES v. SCHERLE.* C. A. 8th Cir. Certiorari denied.

No. 17–5449. *FOSTER v. PRECYTHE, DIRECTOR, MISSOURI DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 17–5451. *ROBINSON v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 17–5453. *SALEEM v. FLORIDA.* Sup. Ct. Fla. Certiorari denied.

No. 17–5454. *REINHART v. CITIMORTGAGE, INC., ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 677 Fed. Appx. 17.

No. 17–5457. *PALACIOS v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 17–5461. *FATHI v. HAAS, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 17–5465. *SZYDLEK v. BRAMAN, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 17–5467. *JOHNSON v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied.

No. 17–5474. *DOERING v. HOLLENBECK, SHERIFF, SEBASTIAN COUNTY, ARKANSAS, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 302.

No. 17–5478. *RAY v. KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION.* C. A. 8th Cir. Certiorari denied.

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No. 17–5480. *SCANNELL v. WASHINGTON BAR ASSN. ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 529.

No. 17–5488. *ADGER v. TEXAS.* Ct. App. Tex., 5th Dist. Certiorari denied.

No. 17–5491. *JONES v. MISSISSIPPI.* Sup. Ct. Miss. Certiorari denied.

No. 17–5493. *VINZANT v. FERNANDEZ ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 739.

No. 17–5494. *WOODS v. LIZARRAGA, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 17–5499. *BERNARD v. OVERMYER, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTE AT FOREST, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 17–5506. *AUSTIN v. FLORIDA.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 199 So. 3d 327.

No. 17–5507. *ACKBAR v. MCPHERSON ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 187.

No. 17–5508. *SMALLS ET VIR v. WELLS FARGO HOME MORTGAGE ET AL.* Ct. Civ. App. Ala. Certiorari denied. Reported below: 231 So. 3d 285.

No. 17–5509. *BEASLEY v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 17–5510. *BEARD v. ILLINOIS.* App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 2016 IL App (4th) 140286–U.

No. 17–5513. *RICE v. STATE CORRECTIONAL INSTITUTION AT WAYMART ET AL.* C. A. 3d Cir. Certiorari denied.

No. 17–5515. *SHANNON v. JACKSON, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 17–5518. *JOHNSON v. DINGUS, WARDEN.* Sup. Ct. App. W. Va. Certiorari denied.

No. 17–5520. *JOHNSON v. TICE, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SMITHFIELD, ET AL.* C. A. 3d Cir. Certiorari denied.

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No. 17–5523. *BEN-LEVI v. HARRIS ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 687 Fed. Appx. 295.

No. 17–5524. *AJAI v. LARAMAR MANAGEMENT SERVICES, LLC, FKA LARAMAR GROUP, LLC, DBA HINSDALE LAKE TERRACE APARTMENTS.* C. A. 7th Cir. Certiorari denied.

No. 17–5525. *FULGIAM ET AL. v. MASSACHUSETTS.* Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 477 Mass. 20, 73 N. E. 3d 798.

No. 17–5528. *ALMENDAREZ v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 17–5531. *PETKOVIC v. CLIPPER, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 17–5535. *KING v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 17–5536. *ENDSLEY v. CALIFORNIA DEPARTMENT OF STATE HOSPITALS.* C. A. 9th Cir. Certiorari denied.

No. 17–5541. *MILO v. PARAMO, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 17–5544. *PRINGLE v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied.

No. 17–5547. *WAHEED v. CITY OF NEW YORK, NEW YORK, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 17–5550. *WILLIAMS v. BERRYHILL, ACTING COMMISSIONER OF SOCIAL SECURITY.* C. A. 6th Cir. Certiorari denied.

No. 17–5553. *NELSON v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 770.

No. 17–5568. *CAMPBELL v. SOUTH CAROLINA.* Sup. Ct. S. C. Certiorari denied.

No. 17–5570. *SPENGLER v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 688 Fed. Appx. 917.

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No. 17–5589. *PICKETT v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 142083–U.

No. 17–5601. *YARBROUGH v. SCHWEITZER, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–5609. *AGOSTO v. MASTRANTONIO ET AL.* C. A. 2d Cir. Certiorari denied.

No. 17–5633. *AIKEN v. FLORIDA*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 229 So. 3d 1240.

No. 17–5635. *MCMURTRY v. GEORGIA*. Ct. App. Ga. Certiorari denied. Reported below: 338 Ga. App. 622, 791 S. E. 2d 196.

No. 17–5640. *BROWN v. KAUFFMAN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HUNTINGDON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 17–5679. *PEREZ v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 159 A. 3d 49.

No. 17–5681. *MCCARTER v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 137.

No. 17–5687. *EALY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 682 Fed. Appx. 432.

No. 17–5708. *BROWN v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 17–5712. *DICKENS v. HUDSON SHERATON CORP. LLC ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 689 Fed. Appx. 670.

No. 17–5726. *ROMERO v. MCDOWELL, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 17–5735. *VAUGHAN v. KENTUCKY ARMY NATIONAL GUARD ET AL.* C. A. 6th Cir. Certiorari denied.

No. 17–5740. *ANGEL ESCAMILLA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 852 F. 3d 474.

No. 17–5743. *JACKSON v. MCCLAUGHLIN, WARDEN*. C. A. 11th Cir. Certiorari denied.

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No. 17–5744. *JACKSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 680 Fed. Appx. 237.

No. 17–5748. *CULBREATH v. WEEDON, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 682 Fed. Appx. 246.

No. 17–5757. *DINKINS-ROBINSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 679 Fed. Appx. 291.

No. 17–5760. *FERNANDEZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 648 Fed. Appx. 56.

No. 17–5761. *GRAY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17–5762. *GRAHAM v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 17–5766. *WALLACE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 773.

No. 17–5768. *TALIAFERRO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 677 Fed. Appx. 536.

No. 17–5770. *CANTLON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 489.

No. 17–5771. *CAIN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 688 Fed. Appx. 725.

No. 17–5775. *BURDULIS v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 17–5776. *GRIMES v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 17–5777. *FOX v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 17–5778. *GOMEZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 17–5786. *HILL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 684 Fed. Appx. 325.

No. 17–5787. *HEFFERNAN v. ARKANSAS*. Sup. Ct. Ark. Certiorari denied. Reported below: 2017 Ark. 177, 519 S. W. 3d 311.

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No. 17–5789. *HENINGTON v. ARKANSAS*. Sup. Ct. Ark. Certiorari denied. Reported below: 2017 Ark. 111, 515 S. W. 3d 577.

No. 17–5793. *CHACON-LARA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 166.

No. 17–5799. *WILLIAMS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17–5801. *WELLS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 338.

No. 17–5802. *TAPIA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 937.

No. 17–5803. *MCDUFFIE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 764.

No. 17–5809. *FRASCARELLI v. UNITED STATES PAROLE COMMISSION*. C. A. 5th Cir. Certiorari denied. Reported below: 857 F. 3d 701.

No. 17–5812. *CARPENTER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 855 F. 3d 880.

No. 17–5814. *STACY v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 17–5815. *LUIS SERRANO v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 17–5816. *SHAMBAUGH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 948.

No. 17–5818. *SMITH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 695 Fed. Appx. 854.

No. 17–5821. *SOLIS v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 17–5822. *SLATER v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 694 Fed. Appx. 813.

No. 17–5824. *SIVERTSON v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 29 N. Y. 3d 1006, 77 N. E. 3d 349.

No. 17–5826. *MONTOYA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 254.

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No. 17–5833. *MCDOWELL v. JARVIS, WARDEN*. C. A. 11th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 692.

No. 17–5838. *HENSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 705 Fed. Appx. 348.

No. 17–5840. *THOMAS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 678 Fed. Appx. 44.

No. 17–5841. *VADO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 683 Fed. Appx. 83.

No. 17–5847. *COBB v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 695 Fed. Appx. 650.

No. 17–5850. *MELVIN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 687 Fed. Appx. 300.

No. 17–5866. *VILLA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17–5871. *MCKENZIE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 696 Fed. Appx. 417.

No. 17–5873. *AGNANT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 166.

No. 17–5874. *CONEJO-RODRIGUEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 235.

No. 17–5879. *HAMMONS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 217.

No. 17–5883. *TEPIEW v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 859 F. 3d 452.

No. 17–5885. *WILLIAMS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 686 Fed. Appx. 630.

No. 17–5889. *MONTOYA-ORTIZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 233.

No. 17–5896. *FIGUEROA-MONTES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 17–5899. *SYKES v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 854 F. 3d 457.

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No. 17–5902. *BROOKER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 858 F. 3d 983.

No. 17–5903. *CARR v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 695 Fed. Appx. 953.

No. 17–5904. *DION v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 859 F. 3d 114.

No. 17–5905. *BOYKIN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 686 Fed. Appx. 267.

No. 17–5908. *BISHOP v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 683 Fed. Appx. 899.

No. 17–5910. *BLAKE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 695 Fed. Appx. 859.

No. 17–5911. *HARRIS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 708 Fed. Appx. 764.

No. 17–5928. *THOMPSON ET AL. v. STAR INSURANCE CO.* C. A. 9th Cir. Certiorari denied. Reported below: 687 Fed. Appx. 621.

No. 17–5938. *CAMPBELL v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 865 F. 3d 853.

No. 17–5950. *ABREAU-PENA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 560.

No. 17–5953. *BENEDICT v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 855 F. 3d 880.

No. 17–5956. *CHARLES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 367.

No. 17–5961. *WEAVER v. ORMOND, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 16–1307. *AL BAHLUL v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 840 F. 3d 757.

No. 16–1329. *BRYANT ET AL. v. KING ET UX*. Sup. Ct. N. C. Motion of Association of American Physicians & Surgeons for

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leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 369 N. C. 451, 795 S. E. 2d 340.

No. 17–17. GLISSON, SECRETARY, KENTUCKY CABINET FOR HEALTH AND FAMILY SERVICES *v.* D. O. ET AL. C. A. 6th Cir. Motion of respondents for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 847 F. 3d 374.

No. 17–64. GEO GROUP, INC. *v.* DETENTION WATCH NETWORK ET AL. C. A. 2d Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition.

No. 17–182. TIAN *v.* WATERGATE SOUTH, INC. Ct. App. D. C. Certiorari denied. JUSTICE GINSBURG took no part in the consideration or decision of this petition.

No. 17–210. OUBRE *v.* SCHLUMBERGER, LTD., ET AL. C. A. 5th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 684 Fed. Appx. 424.

No. 17–272. JEAN-PIERRE *v.* SCHWERS ET AL. C. A. 3d Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 682 Fed. Appx. 145.

No. 17–5823. REED *v.* UNITED STATES. C. A. 10th Cir. Certiorari before judgment denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition.

No. 17–5831. KOYLE *v.* SAND CANYON CORP. ET AL. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 683 Fed. Appx. 715.

No. 17–5929. TRUETTE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

Rehearing Denied

No. 16–1346. STRAW *v.* INDIANA SUPREME COURT, 582 U.S. 932; and

No. 16–8757. WHITNUM-BAKER *v.* BAKER, 582 U.S. 919. Petitions for rehearing denied.

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Miscellaneous Order

No. 17–6313 (17A391). *IN RE PRUETT*. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

Certiorari Denied

No. 17–6312 (17A390). *PRUETT v. CHOATE 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: 711 Fed. Appx. 203.

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Certiorari Granted—Vacated and Remanded

No. 17–5575. *WRIGHT v. FLORIDA*. Sup. Ct. Fla. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Moore v. Texas*, 581 U. S. 1 (2017). Reported below: 213 So. 3d 881.

Certiorari Dismissed

No. 17–5561. *MICHUDA v. BENSON, WARDEN*. Ct. App. Minn. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 17–5855. *DAKER v. BRYSON, COMMISSIONER, GEORGIA DEPARTMENT OF CORRECTIONS, 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.

Miscellaneous Orders

No. 17M44. *RAMON MARTINEZ v. ADULT CAREER AND CONTINUING EDUCATION SERVICE ET AL.*; and

No. 17M45. *DENHAM v. CEASE ET AL.* Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 17M46. *K. K. E. v. OREGON DEPARTMENT OF HUMAN SERVICES*. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

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No. 17–6060. *IN RE YOUNG*. Petition for writ of habeas corpus denied.

No. 17–5703. *IN RE VANDIVERE*. Petition for writ of mandamus denied.

Certiorari Granted

No. 16–1348. *CURRIER v. VIRGINIA*. Sup. Ct. Va. Certiorari granted. Reported below: 292 Va. 737, 798 S. E. 2d 164.

No. 16–1454. *OHIO ET AL. v. AMERICAN EXPRESS CO. ET AL.* C. A. 2d Cir. Certiorari granted. Reported below: 838 F. 3d 179.

No. 17–2. *UNITED STATES v. MICROSOFT CORP.* C. A. 2d Cir. Certiorari granted. Reported below: 829 F. 3d 197.

No. 17–43. *DAHDA v. UNITED STATES* (two judgments). C. A. 10th Cir. Certiorari granted. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 853 F. 3d 1101 (first judgment); 852 F. 3d 1282 (second judgment).

Certiorari Denied

No. 16–1239. *ROTHER DEVELOPMENT, INC. v. DEPARTMENT OF DEFENSE ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 836 F. 3d 57.

No. 16–1441. *CARRASCO ET AL. v. ATENCIO, SURVIVING FATHER OF ATENCIO, ET AL.*;

No. 16–1474. *HANLON ET AL. v. ATENCIO, SURVIVING FATHER OF ATENCIO, ET AL.*; and

No. 16–1475. *HATTON ET AL. v. ATENCIO, SURVIVING FATHER OF ATENCIO, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 674 Fed. Appx. 623.

No. 16–1503. *BLOOMINGDALE’S, INC. v. TANGUILIG*. Ct. App. Cal., 1st App. Dist., Div. 5. Certiorari denied. Reported below: 5 Cal. App. 5th 665, 210 Cal. Rptr. 3d 352.

No. 16–8327. *LO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 839 F. 3d 777.

No. 16–8386. *CAMEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 839 F. 3d 871.

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No. 16–8895. *RAGLIN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 663 Fed. Appx. 409.

No. 16–8966. *AL-NASHIRI v. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 835 F. 3d 110.

No. 16–9167. *MATTOX v. WISCONSIN*. Sup. Ct. Wis. Certiorari denied. Reported below: 2017 WI 9, 373 Wis. 2d 122, 890 N. W. 2d 256.

No. 16–9196. *HARRIS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 16–9584. *CANO-ROMERO, AKA MEZA-MEZA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 683 Fed. Appx. 279.

No. 17–53. *WALKER v. FARNAN ET AL.*; and

No. 17–5116. *WILLIAMS v. WETZEL, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 848 F. 3d 549.

No. 17–58. *SESSIONS, ATTORNEY GENERAL v. LARIOS-REYES*. C. A. 4th Cir. Certiorari denied. Reported below: 843 F. 3d 146.

No. 17–208. *BARTELS v. SOUTHERN MOTORS OF SAVANNAH, INC., AKA SOUTHERN MOTORS ACURA*. C. A. 11th Cir. Certiorari denied. Reported below: 681 Fed. Appx. 834.

No. 17–213. *XIAO-YING YU v. MARYLAND STATE DEPARTMENT OF HEALTH AND MENTAL HYGIENE ET AL.* Ct. App. Md. Certiorari denied. Reported below: 450 Md. 131, 146 A. 3d 477.

No. 17–218. *KEY ET AL. v. PELICAN EYES HOLDING Co., LLC, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 683 Fed. Appx. 615.

No. 17–219. *KINNEY v. STATE BAR OF CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 661.

No. 17–224. *FEIGNER v. VINTAGE CONSTRUCTION, INC.* Sup. Ct. Mont. Certiorari denied. Reported below: 387 Mont. 354, 394 P. 3d 179.

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No. 17-227. *STEVENS v. RITE AID CORP., DBA RITE AID PHARMACY, AKA ECKERD CORP., DBA RITE AID.* C. A. 2d Cir. Certiorari denied. Reported below: 851 F. 3d 224.

No. 17-239. *WRIGHT v. CITY OF PHILADELPHIA, PENNSYLVANIA.* C. A. 3d Cir. Certiorari denied. Reported below: 685 Fed. Appx. 142.

No. 17-245. *MULVANIA ET AL. v. ROCK ISLAND COUNTY SHERIFF ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 850 F. 3d 849.

No. 17-246. *MIZRACH, AS SUCCESSOR PERSONAL REPRESENTATIVE OF THE ESTATE OF KURLAND, DECEASED v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 179.

No. 17-258. *ELLIOTT ET AL. v. GOOGLE INC.* C. A. 9th Cir. Certiorari denied. Reported below: 860 F. 3d 1151.

No. 17-314. *JEFFERSON ET AL. v. RIFE.* C. A. 10th Cir. Certiorari denied. Reported below: 854 F. 3d 637.

No. 17-315. *WAITS v. J&J MANAGEMENT SERVICE, INC.* Ct. App. Ga. Certiorari denied. Reported below: 339 Ga. App. XXVI.

No. 17-319. *MALCOLM v. HONEOYE FALLS-LIMA EDUCATION ASSN.* C. A. 2d Cir. Certiorari denied. Reported below: 684 Fed. Appx. 87.

No. 17-322. *TABB v. GARNETT, CHIEF OF PAROLE, ILLINOIS DEPARTMENT OF CORRECTIONS.* C. A. 7th Cir. Certiorari denied. Reported below: 855 F. 3d 757.

No. 17-352. *LIVELY v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 852 F. 3d 549.

No. 17-353. *LYONS v. AMERICAN COLLEGE OF VETERINARY SPORTS MEDICINE AND REHABILITATION.* C. A. Fed. Cir. Certiorari denied. Reported below: 859 F. 3d 1023.

No. 17-359. *BLOOM v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 846 F. 3d 243.

No. 17-386. *SALAZAR v. SOUTH SAN ANTONIO INDEPENDENT SCHOOL DISTRICT.* C. A. 5th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 853.

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No. 17–390. *HAYES v. LBBW ASSET MANAGEMENT INVESTMENTGESELLSCHAFT MBH ET AL.* C. A. 2d Cir. Certiorari denied.

No. 17–5120. *WHEELER v. WHITE, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 852 F. 3d 509.

No. 17–5125. *MELLENDEZ v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied. Reported below: 2 Cal. 5th 1, 384 P. 3d 1202.

No. 17–5197. *CLARK v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 850 F. 3d 770.

No. 17–5546. *PARKER v. OREGON.* Ct. App. Ore. Certiorari denied. Reported below: 284 Ore. App. 315, 391 P. 3d 1010.

No. 17–5556. *STEWART v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 17–5558. *RHODES v. KIRKPATRICK, SUPERINTENDENT, CLINTON CORRECTIONAL FACILITY, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 17–5560. *RAMIREZ v. FLORIDA.* Dist. Ct. App. Fla., 5th Dist. Certiorari denied.

No. 17–5567. *SHEA v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 17–5577. *ADKINS v. KODURI.* C. A. 10th Cir. Certiorari denied. Reported below: 688 Fed. Appx. 589.

No. 17–5581. *ROBERTSON v. STATE BAR OF CALIFORNIA.* Sup. Ct. Cal. Certiorari denied.

No. 17–5593. *LIGHTSEY v. FLORIDA.* C. A. 11th Cir. Certiorari denied.

No. 17–5596. *BRASWELL v. ADAMS, ACTING WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 17–5598. *BIXBY v. SOUTH CAROLINA.* Ct. Common Pleas of Abbeville County, S. C. Certiorari denied.

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No. 17–5602. THOMAS *v.* MAHONING COUNTY JAIL ET AL. C. A. 6th Cir. Certiorari denied.

No. 17–5603. VOLPE *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied.

No. 17–5607. ABDEL-GHANI *v.* TARGET CORP. ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 686 Fed. Appx. 377.

No. 17–5611. MOORE *v.* GRUNDMANN, CHAIRMAN, MERIT SYSTEMS PROTECTION BOARD, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 686.

No. 17–5613. MCGEE *v.* GEORGIA. Sup. Ct. Ga. Certiorari denied. Reported below: 301 Ga. 169, 800 S. E. 2d 324.

No. 17–5617. MORELAND *v.* LYNCHBURG DEPARTMENT OF SOCIAL SERVICES. Sup. Ct. Va. Certiorari denied.

No. 17–5618. PETERSON *v.* WOODS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 17–5625. CANNON *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 17–5626. LAMAR *v.* OHIO. Sup. Ct. Ohio. Certiorari denied. Reported below: 148 Ohio St. 3d 1424, 2017-Ohio-905, 71 N. E. 3d 296.

No. 17–5628. BENITEZ *v.* NEVADA. Certiorari denied. Reported below: 133 Nev. 985.

No. 17–5696. ACEVEDO *v.* RAILROAD RETIREMENT BOARD. C. A. 5th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 264.

No. 17–5697. LENA *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 4. Certiorari denied. Reported below: 8 Cal. App. 5th 1145, 214 Cal. Rptr. 3d 547.

No. 17–5752. BROOKS *v.* ARNOLD, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 17–5780. SMITH *v.* TICE, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SMITHFIELD, ET AL. C. A. 3d Cir. Certiorari denied.

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No. 17–5782. *RAMZEE v. GILMORE, SUPERINTENDENT, CORRECTIONAL INSTITUTION AT GREENE, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 17–5794. *WILLIAMS v. MITCHELL, WARDEN.* C. A. 4th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 217.

No. 17–5916. *KAHL v. BUREAU OF NATIONAL AFFAIRS, INC.* C. A. D. C. Cir. Certiorari denied. Reported below: 856 F. 3d 106.

No. 17–5979. *NORWOOD v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 854 F. 3d 469.

No. 17–5991. *SYKES v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 854 F. 3d 457.

No. 17–6010. *RAMDEO v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 682 Fed. Appx. 751.

No. 17–6011. *RENTZ v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 696 Fed. Appx. 348.

No. 17–6013. *HOUSE v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 872 F. 3d 748.

No. 17–6018. *GONSALVES v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 859 F. 3d 95.

No. 17–6020. *BURROW v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 696 Fed. Appx. 214.

No. 17–6035. *CUETO-NUNEZ v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 869 F. 3d 31.

No. 17–6040. *SALGADO-ROSALES v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 175.

No. 16–739. *SCENIC AMERICA, INC. v. DEPARTMENT OF TRANSPORTATION ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 836 F. 3d 42.

Statement of JUSTICE GORSUCH, with whom THE CHIEF JUSTICE and JUSTICE ALITO join, respecting the denial of certiorari.

Say an administrative agency contracts with an outside party. Later, the two sides wind up disagreeing over the meaning of an

ambiguous term in their agreement. How should courts resolve the dispute? Usually, of course, judges look to the tested and pretty ancient rules of contract construction. For example, we often resolve contractual ambiguities against the party who wrote the agreement, in part on the theory that the drafter might have avoided the dispute by picking clearer terms. Sometimes, too, we consider testimony from the participants or proof about industry custom to help deduce the contested term's meaning. But in relatively recent times some courts have sought to displace familiar rules like these in favor of a new one, suggesting that an administrative agency's interpretation of an ambiguous contractual term should always prevail—at least so long as the agency's interpretation falls within a (generously defined) zone of “reasonableness.”

Of course, courts sometimes defer to an agency's interpretations of statutory law under *Chevron U. S. A. Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837, 866 (1984), and its progeny. But whatever one thinks of that practice in statutory interpretation cases, it seems quite another thing to suggest that the doctrine (or something like it) should displace the traditional rules of contract interpretation too.

Indeed, there's a disagreement among the circuits on this very question. The court in this case agreed to defer to an agency's interpretation of a disputed contractual term. But other courts have rejected much the same sort of invitation. See, e.g., *Muratore v. Office of Personnel Management*, 222 F.3d 918, 921 (CA11 2000) (recognizing split); *Koch Gateway Pipeline Co. v. FERC*, 136 F.3d 810, 814, n. 10 (CA10 1998) (same); *Mid-Louisiana Gas Co. v. FERC*, 780 F.2d 1238, 1243 (CA5 1986); *Meadow Green-Wildcat Corp. v. Hathaway*, 936 F.2d 601, 604–605 (CA1 1991) (Breyer, C. J.) (declining to apply *Chevron* deference to “agency's interpretation of a contract that it makes with an outside party”).

Whether *Chevron*-type deference warrants a place in the canons of contract interpretation is surely open to dispute. For example, *Chevron* deference is often defended on the ground that statutory ambiguities reflect a kind of implicit decision by Congress to delegate lawmaking power to the agency to handle the problem on its own. But even assuming (without granting) the accuracy and propriety of that much, what's the case for supposing that Congress implicitly delegates to agencies the power to adjudicate

their own contractual disputes too? Especially when independent judges in our legal order have traditionally performed just that job? Some defend *Chevron* deference in statutory interpretation cases on the theory that agencies are technical experts in the fields they are charged with regulating. But contracts usually represent compromises between two or more parties. And is it reasonable to suppose that one side to a compromise always has more expert insight into its meaning? Sometimes *Chevron* is promoted on the premise that agencies have the public interest at heart when interpreting statutory texts. But does that logic extend with equal force to contract disputes where the contending parties are at least usually a little self-interested? See generally Armstrong, *Chevron* Deference and Agency Self-Interest, 13 Cornell J. L. & Pub. Pol’y 203 (2004). And, for that matter, aren’t our traditional rules of contract interpretation, at least at some level of generality, themselves all about promoting the public interest?

These are but a few of the questions posed by this case. No doubt good arguments might be presented on both sides. No doubt, too, the questions presented here are important ones. At the same time, this particular case also comes with some rather less significant and considerably more factbound questions. Questions that would, I fear, only complicate our effort to reach the heart of the matter, for these attendant questions include “difficult and close” jurisdictional issues that would have to be settled first. 983 F. Supp. 2d 170, 173 (DC 2013). In this light, I am persuaded that the proper course is to deny certiorari in this particular case even though the issues lying at its core are surely worthy of consideration in a case burdened with fewer antecedent and factbound questions.

No. 16–1424. *FOSTER v. TATUM*. C. A. 7th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 847 F. 3d 459.

No. 16–9448. *TRUEHILL v. FLORIDA*. Sup. Ct. Fla.; and

No. 17–5083. *OLIVER v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: No. 16–9448, 211 So. 3d 930; No. 17–5083, 214 So. 3d 606.

JUSTICE BREYER, dissenting.

In part for the reasons set forth in my opinion in *Hurst v. Florida*, 577 U. S. 92, 103 (2016) (opinion concurring in judgment),

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SOTOMAYOR, J., dissenting

I would vacate and remand for the Florida Supreme Court to address the Eighth Amendment issue in these cases. I therefore join the dissenting opinion of JUSTICE SOTOMAYOR in full.

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

At least twice now, capital defendants in Florida have raised an important Eighth Amendment challenge to their death sentences that the Florida Supreme Court has failed to address. Specifically, those capital defendants, petitioners here, argue that the jury instructions in their cases impermissibly diminished the jurors' sense of responsibility as to the ultimate determination of death by repeatedly emphasizing that their verdict was merely advisory. "This Court has always premised its capital punishment decisions on the assumption that a capital sentencing jury recognizes the gravity of its task," and we have thus found unconstitutional under the Eighth Amendment comments that "minimize the jury's sense of responsibility for determining the appropriateness of death." *Caldwell v. Mississippi*, 472 U. S. 320, 341 (1985).

Although the Florida Supreme Court has rejected a *Caldwell* challenge to its jury instructions in capital cases in the past, it did so in the context of its prior sentencing scheme, where "the court [was] the final decision-maker and the sentencer—not the jury." *Combs v. State*, 525 So. 2d 853, 857 (1988). In *Hurst v. Florida*, 577 U. S. 92, 103 (2016), however, we held that process, "which required the judge alone to find the existence of an aggravating circumstance," to be unconstitutional.

With the rationale underlying its previous rejection of the *Caldwell* challenge now undermined by this Court in *Hurst*, petitioners ask that the Florida Supreme Court revisit the question. The Florida Supreme Court, however, did not address that Eighth Amendment challenge.

This Court has not in the past hesitated to vacate and remand a case when a court has failed to address an important question that was raised below. See, e. g., *Beer v. United States*, 564 U. S. 1050 (2011) (remanding for consideration of unaddressed preclusion claim); *Youngblood v. West Virginia*, 547 U. S. 867 (2006) (*per curiam*) (remanding for consideration of unaddressed claim under *Brady v. Maryland*, 373 U. S. 83 (1963)). Because petitioners here raised a potentially meritorious Eighth Amendment chal-

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lenge to their death sentences, and because the stakes in capital cases are too high to ignore such constitutional challenges, I dissent from the Court's refusal to correct that error.

No. 17–60. *CITY OF BLOOMFIELD, NEW MEXICO v. FELIX ET AL.* C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 841 F. 3d 848.

No. 17–310. *DALE ET AL. v. RIFE.* C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 854 F. 3d 637.

No. 17–327. *GRIFFIN v. AETNA HEALTH INC. ET AL.* C. A. 11th Cir. Certiorari before judgment denied.

No. 17–5690. *LESSARD v. CRAVITZ ET AL.* C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 686 Fed. Appx. 581.

Rehearing Denied

No. 16–8948. *GRIGSBY v. MARTEN, JUDGE, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS, ET AL.,* 582 U. S. 910. Petition for rehearing denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition.

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Miscellaneous Order

No. 16–581. *LEIDOS, INC., FKA SAIC, INC. v. INDIANA PUBLIC RETIREMENT SYSTEM ET AL.* C. A. 2d Cir. [Certiorari granted, 580 U. S. 1216.] Joint motion of the parties to remove case from argument calendar and hold in abeyance any further proceedings granted.

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Miscellaneous Orders

No. 17A437. *MCNABB v. DUNN, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS, ET AL.* Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. The order heretofore entered by JUSTICE THOMAS is vacated.

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No. 17A440. DUNN, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS, ET AL. *v.* MCNABB. Application to vacate the injunction entered by the United States District Court for the Middle District of Alabama on October 16, 2017, presented to JUSTICE THOMAS, and by him referred to the Court, granted. “[I]nmates seeking time to challenge the manner in which the State plans to execute them must satisfy all of the requirements for a stay, including a showing of a significant possibility of success on the merits.” *Hill v. McDonough*, 547 U.S. 573, 584 (2006). The All Writs Act does not excuse a court from making these findings. Because the District Court enjoined respondent’s execution without finding that he has a significant possibility of success on the merits, it abused its discretion. We accordingly vacate the injunction. JUSTICE BREYER and JUSTICE SOTOMAYOR would deny the application to vacate the injunction.

Certiorari Denied

No. 17–6400. MCNABB *v.* DUNN, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

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Dismissal Under Rule 46

No. 17–247. TRIPLE CANOPY, INC. *v.* UNITED STATES ET AL. C. A. 4th Cir. Certiorari dismissed under this Court’s Rule 46.1. Reported below: 857 F. 3d 174.

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Vacated and Remanded After Certiorari Granted

No. 16–1540. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL. *v.* HAWAII ET AL. C. A. 9th Cir. [Certiorari granted, 582 U.S. 571.] We granted certiorari in this case to resolve a challenge to the temporary suspension of entry of aliens and refugees under §§2(c) and 6 of Executive Order No. 13780. Because those provisions of the Order have “expired by [their] own terms,” the appeal no longer presents a “live case or controversy.” *Burke v. Barnes*, 479 U.S. 361, 363 (1987). Following our established practice in such cases, the judgment is therefore vacated, and the case is remanded to the United States Court of Appeals for the Ninth Circuit with instructions to dismiss as moot the challenge to Exec-

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utive Order No. 13780. *United States v. Munsingwear, Inc.*, 340 U. S. 36, 39 (1950). We express no view on the merits. JUSTICE SOTOMAYOR dissents from the order vacating the judgment below and would dismiss the writ of certiorari as improvidently granted.

OCTOBER 25, 2017

Dismissal Under Rule 46

No. 17–123. EWING ET AL. *v.* WELLS FARGO BANK ET AL. Dist. Ct. App. Fla., 1st Dist. Certiorari dismissed under this Court’s Rule 46.1. Reported below: 225 So. 3d 802.

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Certiorari Dismissed

No. 17–5680. MODRALL *v.* DEUTSCH ET AL. C. A. D. C. Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. Reported below: 686 Fed. Appx. 9.

Miscellaneous Orders

No. 17A293. SMITH ET UX, *v.* HSBC BANK ET AL. Bkrtey. Ct. S. D. Ga. Application for stay, addressed to JUSTICE SOTOMAYOR and referred to the Court, denied.

No. 17M47. MILLER *v.* CARRINGTON MORTGAGE SERVICES, INC., ET AL.;

No. 17M48. DOUGLAS *v.* JOSEPH;

No. 17M49. CHARLES *v.* METHODIST HEALTH CENTERS, DBA HOUSTON METHODIST SUGAR LAND HOSPITAL;

No. 17M50. LEVY *v.* DEPARTMENT OF HOMELAND SECURITY; and

No. 17M51. COPELAND *v.* DEPARTMENT OF JUSTICE ET AL. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 16–111. MASTERPIECE CAKESHOP, LTD., ET AL. *v.* COLORADO CIVIL RIGHTS COMMISSION ET AL. Ct. App. Colo. [Certiorari granted, 582 U. S. 929.] Motions of Chris Sevier et al. and John Gunter, Jr., et al. for leave to intervene denied.

No. 17–57. PACIFIC GAS & ELECTRIC CO. ET AL. *v.* UNITED STATES. C. A. Fed. Cir. Joint motion to defer consideration of petition for writ of certiorari granted.

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No. 17–5676. LEE *v.* ING GROEP, N. V., ET AL. C. A. 9th Cir.; and

No. 17–6072. MERCER *v.* POWERS. Sup. Ct. Va. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until November 20, 2017, 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. 17–6155. IN RE RICE. Petition for writ of habeas corpus denied.

No. 17–6152. IN RE ROGERS. 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. JUSTICE GORSUCH took no part in the consideration or decision of this motion and this petition.

Certiorari Denied

No. 16–1457. HANNSTAR DISPLAY CORP. *v.* SONY ELECTRONICS, INC., ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 835 F. 3d 1155.

No. 16–1459. PROSTROLLO *v.* CITY OF SCOTTSDALE, ARIZONA, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 678.

No. 16–1483. FISCH *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 851 F. 3d 402.

No. 16–1532. ROBINSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 846 F. 3d 694.

No. 16–1546. SCOTT *v.* MARYLAND STATE DEPARTMENT OF LABOR, LICENSING AND REGULATION, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 299.

No. 16–9255. DELOTTINVILLE *v.* MINNESOTA. Sup. Ct. Minn. Certiorari denied. Reported below: 890 N. W. 2d 116.

No. 16–9553. ROSS *v.* CARPENTER, INDIVIDUALLY AND IN HER OFFICIAL CAPACITY AS DIRECTOR OF PRISON HEALTH CARE. C. A. 8th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 612.

No. 16–9611. STINSON *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 224 So. 3d 217.

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No. 16–9642. *DAVIS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 854 F. 3d 1276.

No. 17–81. *RAMSEY v. COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 849 F. 3d 858.

No. 17–86. *PICKERING v. COLORADO*. Ct. App. Colo. Certiorari denied.

No. 17–88. *WAYSIDE CHURCH ET AL. v. VAN BUREN COUNTY, MICHIGAN, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 847 F. 3d 812.

No. 17–98. *MORFIN ET AL. v. TILLERSON, SECRETARY OF STATE, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 851 F. 3d 710.

No. 17–135. *SHALHOUB v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 855 F. 3d 1255.

No. 17–147. *CMSG RESTAURANT GROUP, LLC, ET AL. v. NEW YORK ET AL.* Ct. App. N. Y. Certiorari denied. Reported below: 29 N. Y. 3d 929, 72 N. E. 3d 567.

No. 17–150. *TUTOR PERINI CORP. v. CITY OF LOS ANGELES, CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 854 F. 3d 1149.

No. 17–163. *JARREAU ET AL. v. SOUTH LAFOURCHE LEVEE DISTRICT*. Sup. Ct. La. Certiorari denied. Reported below: 2016–0788 (La. 3/31/17), 217 So. 3d 298.

No. 17–253. *PERKINS v. TEXAS*. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 17–259. *ELLSWORTH v. STOCKDALE ET AL.* Ct. App. Colo. Certiorari denied.

No. 17–261. *BARNES ET UX. v. WEBB ET AL.* Ct. App. Ark. Certiorari denied. Reported below: 2017 Ark. App. 32, 510 S. W. 3d 286.

No. 17–268. *PROSTYAKOV v. MASCO CORP.* C. A. 7th Cir. Certiorari denied. Reported below: 683 Fed. Appx. 524.

No. 17–273. *JOSEPH v. METROPOLITAN MUSEUM OF ART ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 684 Fed. Appx. 16.

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No. 17–279. *LEWIS v. IOTA VIOLET, LLC, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 687 Fed. Appx. 667.

No. 17–280. *PURPURA v. CHRISTIE, GOVERNOR OF NEW JERSEY, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 687 Fed. Appx. 208.

No. 17–283. *BONA FIDE CONGLOMERATE, INC. v. SOURCE-AMERICA ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 389.

No. 17–288. *BROOKS v. WASHINGTON MUTUAL BANK, F. A.* (Reported below: 53 Kan. App. 2d xxix, 387 P. 3d 865); and *BROOKS v. CITY OF OVERLAND PARK, KANSAS* (52 Kan. App. 2d xii, 376 P. 3d 96). Ct. App. Kan. Certiorari denied.

No. 17–289. *SANCHEZ-OCHOA ET AL. v. SESSIONS, ATTORNEY GENERAL.* C. A. 6th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 317.

No. 17–300. *BALTIERRA v. ILLINOIS.* App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 2017 IL App (4th) 160575–U.

No. 17–303. *DUARTE ET AL. v. CITY OF LEWISVILLE, TEXAS.* C. A. 5th Cir. Certiorari denied. Reported below: 858 F. 3d 348.

No. 17–308. *SMITH ET AL. v. CITY OF LOS ANGELES, CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 686 Fed. Appx. 509.

No. 17–316. *PIERSON v. ROGOW ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 550.

No. 17–328. *FLETES v. CITY OF SAN DIEGO, CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 687 Fed. Appx. 640.

No. 17–339. *ARMENDARIZ ET AL. v. CHOWAIKI ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 683 Fed. Appx. 338.

No. 17–347. *ALBA VILLARREAL v. TEXAS.* Ct. App. Tex., 13th Dist. Certiorari denied. Reported below: 504 S. W. 3d 494.

No. 17–361. *BROWN v. MERCADANTE ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 687 Fed. Appx. 220.

No. 17–366. *XIU JIAN SUN v. CAVALLO ET AL.* C. A. 2d Cir. Certiorari denied.

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No. 17–385. *ROBINSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 17–403. *LIVACCARI v. VIRGINIA*. C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 46.

No. 17–404. *ERIKSON v. OKLAHOMA ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 620.

No. 17–410. *PERSICO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 688 Fed. Appx. 58.

No. 17–411. *O’GRADY ET AL. v. BIRENBAUM*. C. A. 5th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 155.

No. 17–412. *MCGRATH v. MICROSEMI CORP. ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 551.

No. 17–414. *DUNCAN v. BOYLES, SUPERINTENDENT, CHILLICOTHE CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied.

No. 17–435. *VAILE v. PORSBOLL*. Sup. Ct. Nev. Certiorari denied. Reported below: 133 Nev. 213, 396 P. 3d 791.

No. 17–451. *BURMASTER v. HOLLAND, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 795.

No. 17–456. *NIX v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 17–457. *VITAL ET AL. v. NATIONAL OILWELL VARCO, L. P.* C. A. 5th Cir. Certiorari denied. Reported below: 685 Fed. Appx. 355.

No. 17–5023. *CORTEZ v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 683 Fed. Appx. 292.

No. 17–5078. *MATTHEWS v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 665 Fed. Appx. 315.

No. 17–5277. *JONES v. OHIO*. Ct. App. Ohio, 8th App. Dist., Cuyahoga County. Certiorari denied. Reported below: 2016-Ohio-4565.

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No. 17–5346. *MADISON v. DAVIS*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 17–5356. *CARGILL v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 17–5605. *THOMAS v. BONDI*, ATTORNEY GENERAL OF FLORIDA, ET AL. C. A. 11th Cir. Certiorari denied.

No. 17–5622. *SUTTLES v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 17–5623. *SHARP v. DOLAN ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 17–5627. *LOTT v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 148 Ohio St. 3d 1429, 2017-Ohio-906, 71 N. E. 3d 300.

No. 17–5636. *PEREZ v. DAVIS*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 17–5637. *EVANS v. MARYLAND*. Ct. App. Md. Certiorari denied. Reported below: 452 Md. 531, 157 A. 3d 813.

No. 17–5638. *JONES v. ILLINOIS*. App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 2017 IL App (4th) 141114–U.

No. 17–5645. *DUNSON v. JONES*, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. Sup. Ct. Fla. Certiorari denied.

No. 17–5646. *BUSTAMANTE v. MONTGOMERY*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 17–5648. *SMITH v. FRAKES*, DIRECTOR, NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES. C. A. 8th Cir. Certiorari denied.

No. 17–5650. *CASTRO v. TEXAS*. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 17–5651. *STURGIS v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 17–5652. *STEIGER v. ALABAMA*. Sup. Ct. Ala. Certiorari denied.

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No. 17–5654. *MILLS v. LAROSE, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 693 Fed. Appx. 411.

No. 17–5659. *WRIGHT, AKA SWARTZ, AKA MCDUGAL v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied. Reported below: 701 Fed. Appx. 967.

No. 17–5661. *VAUGHN v. KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION*. C. A. 9th Cir. Certiorari denied.

No. 17–5662. *WAITERS v. GRIFFIN, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied. Reported below: 857 F. 3d 466.

No. 17–5663. *WIMBLEY v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 238 So. 3d 1268.

No. 17–5665. *BELING v. ENNIS, INC.* C. A. Fed. Cir. Certiorari denied. Reported below: 690 Fed. Appx. 680.

No. 17–5666. *BACON v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 159 A. 3d 44.

No. 17–5667. *AUSTIN v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 229 So. 3d 1233.

No. 17–5670. *BENAVIDES v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 17–5671. *ANDERSON v. MISSOURI*. Sup. Ct. Mo. Certiorari denied.

No. 17–5672. *BOND v. EDENWALD-GERMAN GENERAL AGED HOME OF BALTIMORE*. C. A. 4th Cir. Certiorari denied. Reported below: 680 Fed. Appx. 261.

No. 17–5682. *LINTHECOME v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 17–5689. *JABARY v. MCCULLOUGH ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 686 Fed. Appx. 282.

No. 17–5691. *COLLINS ET AL. v. JPMORGAN CHASE BANK, N. A., ET AL.* Ct. App. Cal., 2d App. Dist., Div. 5. Certiorari denied.

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No. 17–5694. *SMITH v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 17–5701. *WILLIAMS v. LOUISIANA*. Ct. App. La., 2d Cir. Certiorari denied. Reported below: 50,468 (La. App. 2 Cir. 2/24/16), 190 So. 3d 737.

No. 17–5702. *THUNDERBIRD, AKA JOHNSON v. POPOFF, SUPERINTENDENT, OREGON STATE CORRECTIONAL INSTITUTION*. Ct. App. Ore. Certiorari denied. Reported below: 281 Ore. App. 461, 383 P. 3d 1002.

No. 17–5705. *HAWKINS v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 17–5706. *ARIAS v. STATE BAR OF CALIFORNIA ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 17–5710. *MCDUGLE v. PHILLIPS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–5718. *MILLS v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 17–5720. *PETRIC v. BRACY, WARDEN*. Sup. Ct. Ohio. Certiorari denied. Reported below: 150 Ohio St. 3d 1404, 2017-Ohio-6964, 78 N. E. 3d 905.

No. 17–5721. *RANGAMAR v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 17–5722. *RANDALL v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 143371, 64 N. E. 3d 1149.

No. 17–5723. *RODRIGUEZ v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 693 Fed. Appx. 276.

No. 17–5727. *MYRICK v. GREENWOOD ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 856 F. 3d 487.

No. 17–5728. *DOBSON v. WRIGLEY, WARDEN*. Sup. Ct. Ariz. Certiorari denied.

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No. 17–5738. *WATSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 738.

No. 17–5747. *PATTERSON v. NEVADA*. Sup. Ct. Nev. Certiorari denied. Reported below: 133 Nev. 1059, 399 P. 3d 913.

No. 17–5750. *ADAMS v. DEPARTMENT OF DEFENSE*. C. A. 4th Cir. Certiorari denied. Reported below: 683 Fed. Appx. 255.

No. 17–5751. *ALEXANDER v. ARIZONA*. Ct. App. Ariz. Certiorari denied.

No. 17–5754. *CHARLES v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 702 Fed. Appx. 288.

No. 17–5755. *BAUMBERGER v. LOUISIANA*. Ct. App. La., 3d Cir. Certiorari denied. Reported below: 2015–1056 (La. App. 3 Cir. 6/1/16), 200 So. 3d 817.

No. 17–5756. *STONE v. SOUTH CAROLINA*. Sup. Ct. S. C. Certiorari denied. Reported below: 419 S. C. 370, 798 S. E. 2d 561.

No. 17–5758. *HINSON-BEY v. CITY OF ALBERMARLE POLICE DEPARTMENT ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 220.

No. 17–5763. *TALYOSEF v. BERRYHILL, ACTING COMMISSIONER OF SOCIAL SECURITY*. C. A. 2d Cir. Certiorari denied. Reported below: 683 Fed. Appx. 46.

No. 17–5764. *THOMAS v. NORTHSTAR MORTGAGE GROUP, LLC, ET AL.* Sup. Ct. Ga. Certiorari denied.

No. 17–5769. *WEST, AKA JAHKIDO v. UNKNOWN PARTY ET AL.* C. A. 6th Cir. Certiorari denied.

No. 17–5773. *BROWN v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 682 Fed. Appx. 193.

No. 17–5774. *ALVAREZ v. SPEARMAN, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 693 Fed. Appx. 678.

No. 17–5779. *RILEY v. PFEIFFER, WARDEN*. C. A. 9th Cir. Certiorari denied.

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No. 17–5781. *STORY v. STROTHER*, JUDGE, DISTRICT COURT OF TEXAS, MCLENNAN COUNTY, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 208.

No. 17–5788. *HARPER v. SANTOS ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 847 F. 3d 923.

No. 17–5790. *PADGETT v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 93.

No. 17–5791. *MOFFETT v. DAVIS*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 17–5792. *MINCEY v. VANNOY*, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 17–5795. *LUIS TORRES v. CITY OF PHILADELPHIA*, PENNSYLVANIA, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 673 Fed. Appx. 233.

No. 17–5796. *ULLAND v. COKER*, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 17–5798. *TORRES v. SESSIONS*, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 455.

No. 17–5800. *YEAGLE v. LITTERAL*, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 17–5805. *GOWING v. MICHIGAN.* Sup. Ct. Mich. Certiorari denied. Reported below: 500 Mich. 900, 887 N. W. 2d 618.

No. 17–5806. *GUTIERREZ v. BITER*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 17–5807. *HARTMAN v. BELANGER*, JUDGE, CIRCUIT COURT OF FLORIDA, 19TH JUDICIAL CIRCUIT, ET AL. C. A. 11th Cir. Certiorari denied.

No. 17–5808. *FRANKLIN v. JENKINS*, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 17–5825. *SCOTT v. ILLINOIS.* App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 2017 IL App (2d) 141173–U.

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No. 17–5828. *OWENS v. DZURENDA*, DIRECTOR, NEVADA DEPARTMENT OF CORRECTIONS. Sup. Ct. Nev. Certiorari denied. Reported below: 133 Nev. 1058.

No. 17–5829. *KELLEY v. LARKIN*, SUPERINTENDENT, EASTERN CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied. Reported below: 680 Fed. Appx. 5.

No. 17–5835. *JONES v. SHELDON*, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 17–5842. *WOODSON v. UNITED STATES*;

No. 17–5843. *WOODSON v. UNITED STATES*;

No. 17–5844. *WOODSON v. UNITED STATES*;

No. 17–5845. *WOODSON v. UNITED STATES*;

No. 17–5846. *WOODSON v. UNITED STATES*;

No. 17–5858. *WOODSON v. UNITED STATES*; and

No. 17–5859. *WOODSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 844.

No. 17–5848. *DEATON v. KELLEY*, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. C. A. 8th Cir. Certiorari denied. Reported below: 684 Fed. Appx. 598.

No. 17–5851. *MAJOR v. WYOMING*. Sup. Ct. Wyo. Certiorari denied. Reported below: 2017 WY 39A, 401 P. 3d 889.

No. 17–5862. *TAPLIN v. HOLLAND*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 17–5864. *ZIRUS v. TEXAS* (three judgments). Ct. Crim. App. Tex. Certiorari denied.

No. 17–5870. *MARRERO v. SMITH*, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 693 Fed. Appx. 266.

No. 17–5875. *COPELAND v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17–5877. *MATHERLY v. ANDREWS ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 859 F. 3d 264.

No. 17–5881. *MERMER v. MCDOWELL*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 17–5884. *VETCHER v. SESSIONS*, ATTORNEY GENERAL. C. A. 5th Cir. Certiorari denied.

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No. 17–5886. *TAYLOR v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 78.

No. 17–5887. *VIOLA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 17–5890. *MCCAULEY v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 220.

No. 17–5893. *HOLMES v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 381.

No. 17–5906. *BROWN v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied.

No. 17–5909. *COSTIGAN v. PORRINO, ATTORNEY GENERAL OF NEW JERSEY*. C. A. 3d Cir. Certiorari denied.

No. 17–5920. *MORIARTY v. ANDERSON*. Ct. App. Ga. Certiorari denied.

No. 17–5922. *REMBERT v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 851 F. 3d 836.

No. 17–5924. *STANDRIDGE v. SHARTEL, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 17–5925. *WILKERSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 230.

No. 17–5927. *WOOD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 657 Fed. Appx. 214.

No. 17–5932. *TANGABEYKAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 17–5934. *ZULU v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist., Div. 8. Certiorari denied.

No. 17–5937. *MEDINA v. HEDGPETH, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 17–5944. *SMITH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 701 Fed. Appx. 239.

No. 17–5946. *KONCI v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

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No. 17–5947. *MADAD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 17–5952. *BERTHIAUME v. CONNECTICUT*. App. Ct. Conn. Certiorari denied. Reported below: 171 Conn. App. 436, 157 A. 3d 681.

No. 17–5955. *DAVIS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 859 F. 3d 572.

No. 17–5960. *NUNN v. HAMMER, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 17–5966. *WETHERALL v. REYNOLDS, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 31.

No. 17–5967. *FRISKEY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 698 Fed. Appx. 252.

No. 17–5971. *JIMENEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 282.

No. 17–5972. *LEE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 318.

No. 17–5973. *COLE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 17–5975. *RODRIGUEZ-TREVINO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 294.

No. 17–5978. *KIRLIN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 859 F. 3d 539.

No. 17–5981. *PHILLIPS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 17–5982. *MCNEW v. WISCONSIN*. Ct. App. Wis. Certiorari denied. Reported below: 2017 WI App 21, 374 Wis. 2d 436, 896 N. W. 2d 390.

No. 17–5983. *DAVIS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 720.

No. 17–5984. *COX v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 692 Fed. Appx. 85.

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No. 17–5987. *SHIPMAN v. SEMPLE, COMMISSIONER, CONNECTICUT DEPARTMENT OF CORRECTION*. App. Ct. Conn. Certiorari denied. Reported below: 172 Conn. App. 600, 161 A. 3d 585.

No. 17–5990. *R. B. R. v. K. D.* Ct. App. Ohio, 10th App. Dist., Franklin County. Certiorari denied. Reported below: 2017-Ohio-265.

No. 17–5996. *BONDS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 679 Fed. Appx. 635.

No. 17–5997. *ARROYO-JUSINO v. SHULKIN, SECRETARY OF VETERANS AFFAIRS*. C. A. Fed. Cir. Certiorari denied. Reported below: 664 Fed. Appx. 953.

No. 17–5998. *RAWLS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 866.

No. 17–5999. *SMITH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 112.

No. 17–6004. *BURTON v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied.

No. 17–6005. *CHARLES, AKA HEINZELMAN, AKA INGALLS v. SOUTH DAKOTA*. Sup. Ct. S. D. Certiorari denied. Reported below: 2017 S.D. 10, 892 N. W. 2d 915.

No. 17–6007. *KLUG v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 17–6014. *HALL v. TEXAS COMMISSION ON LAW ENFORCEMENT ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 685 Fed. Appx. 337.

No. 17–6023. *TALLEY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17–6027. *WHALEY v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 29 N. Y. 3d 1095, 85 N. E. 3d 106.

No. 17–6034. *CROSS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 312.

No. 17–6038. *JOLING v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 696 Fed. Appx. 193.

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No. 17–6039. *CARLOS ORTIZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 17–6044. *LOPEZ v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 860 F. 3d 201.

No. 17–6046. *MAURIZIO v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 701 Fed. Appx. 129.

No. 17–6047. *RODRIGUEZ-RIVERA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 17–6048. *SCHUMAKER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 126.

No. 17–6057. *BRUGNARA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 856 F. 3d 1198.

No. 17–6061. *OLDEN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 649.

No. 17–6063. *PETTY v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 856 F. 3d 1306.

No. 17–6064. *GUERRERO-ALMODOVAR v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 693 Fed. Appx. 546.

No. 17–6066. *KANDI v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 17–6069. *ALVIN v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 17–6073. *SHARIATI v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 893.

No. 17–6077. *FABIAN CRUZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 204.

No. 17–6078. *MINOR v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 698 Fed. Appx. 765.

No. 17–6079. *JOHNSON ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 349.

No. 17–6088. *PLASCENCIA-OROZCO, AKA MURO-GUERRERO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 852 F. 3d 910.

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No. 17–6089. *STEGEMANN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 701 Fed. Appx. 35.

No. 17–6092. *ROBINSON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 697 Fed. Appx. 732.

No. 17–6093. *SMITH v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 696 Fed. Appx. 427.

No. 17–6094. *SMORYNSKI v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 17–6097. *STACKHOUSE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 679 Fed. Appx. 746.

No. 17–6102. *WOLFSTEIN v. MORGAN, LEWIS AND BOCKIUS, LLP, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 831.

No. 17–6104. *ZAMORA-SALAZAR v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 860 F. 3d 826.

No. 17–6106. *ADDISON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 683 Fed. Appx. 921.

No. 17–6111. *SWABY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 697 Fed. Appx. 619.

No. 17–6112. *RUNNING CRANE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 828.

No. 17–6115. *KWAJA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 214.

No. 17–6119. *RIVERA-RODRIGUEZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 17–6121. *SERNA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 688 Fed. Appx. 241.

No. 17–6123. *GOODE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 700 Fed. Appx. 100.

No. 17–6125. *MILAM v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 17–6128. *ARMSTEAD v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied.

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No. 17–6131. *MALEKPOUR v. CHAO, SECRETARY OF TRANSPORTATION*. C. A. 7th Cir. Certiorari denied. Reported below: 682 Fed. Appx. 471.

No. 17–6138. *MCGARITY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17–6139. *JONES v. ARCHULETA, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 902.

No. 17–6141. *KAPLLANI v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 861 F. 3d 10.

No. 17–6142. *LOWERY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 80.

No. 17–6145. *COIMBRE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17–6153. *ROBINSON v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 17–6167. *JOHNSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17–6170. *THOMAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 17–6181. *HAYES v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 683 Fed. Appx. 223.

No. 17–6185. *SIMMONS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 17–6205. *BLYDEN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 17–6208. *GARCIA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 501.

No. 17–6224. *PENASS v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 155 A. 3d 415.

No. 16–1137. *616 CROFT AVE., LLC, ET AL. v. CITY OF WEST HOLLYWOOD, CALIFORNIA*. Ct. App. Cal., 2d App. Dist., Div. 1. Motions of Southeastern Legal Foundation, Center for Constitu-

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tional Jurisprudence, Citizens' Alliance for Property Rights Legal Fund, Cato Institute et al., Scholars of Land Use Regulation, and National Federation of Independent Business Small Business Legal Center et al. for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 3 Cal. App. 5th 621, 207 Cal. Rptr. 3d 729.

No. 16–1456. OPALINSKI ET AL. *v.* ROBERT HALF INTERNATIONAL, INC., ET AL. C. A. 3d Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 677 Fed. Appx. 738.

No. 17–95. S. S. ET AL. *v.* COLORADO RIVER INDIAN TRIBES ET AL. Ct. App. Ariz. Motion of Pacific Legal Foundation for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 241 Ariz. 419, 388 P. 3d 569.

No. 17–99. BOARD OF COMMISSIONERS OF THE SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST ET AL. *v.* TENNESSEE GAS PIPELINE CO., L. L. C., ET AL. C. A. 5th Cir. Motion of Law Professors for leave to file brief as *amici curiae* granted. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this motion and this petition. Reported below: 850 F. 3d 714.

No. 17–256. SHAO *v.* MCMANIS FAULKNER, LLP, ET AL. C. A. 9th Cir. Motion of Mothers of Lost Child for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 670 Fed. Appx. 575.

No. 17–267. MCCULLOUGH *v.* JABARY. C. A. 5th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 686 Fed. Appx. 282.

No. 17–291. WESTBROOKS, WARDEN *v.* THOMAS. C. A. 6th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 849 F. 3d 659.

No. 17–309. SNYDER ET AL. *v.* ACORD CORP. ET AL. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 684 Fed. Appx. 710.

No. 17–409. NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF MULTIJURISDICTION PRACTICE ET AL. *v.* HOWELL, CHIEF

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JUDGE, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, ET AL. C. A. D. C. Cir. Motion of Jennifer Low for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 851 F. 3d 12.

No. 17–5707. BAXTER *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 17–5915. LEATCH *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 858 F. 3d 974.

No. 17–5954. CONTRERAS *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 689 Fed. Appx. 886.

No. 17–6081. BAXTER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 694 Fed. Appx. 762.

No. 17–6084. COOPER *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 17–6101. WELLS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. Reported below: 684 Fed. Appx. 374.

No. 17–6135. ZAJAC *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 680 Fed. Appx. 776.

Rehearing Denied

No. 17–141. IN RE BUNDY, *ante*, p. 813. Petition for rehearing denied.

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Dismissal Under Rule 46

No. 16–1274. TING XUE *v.* SESSIONS, ATTORNEY GENERAL. C. A. 10th Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 846 F. 3d 1099.

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Certiorari Granted—Reversed and Remanded. (See No. 16–1468, *ante*, p. 1.)

Certiorari Granted—Vacated and Remanded

No. 17–5460. *ROSS v. UNITED STATES*. C. A. 5th 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 *Dean v. United States*, 581 U. S. 62 (2017). Reported below: 689 Fed. Appx. 237.

Certiorari Granted—Reversed. (See No. 17–193, *ante*, p. 10.)

Certiorari Dismissed

No. 17–5854. *DAKER v. FERRERO 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.

No. 17–6059. *WELLS v. BERRYHILL, ACTING COMMISSIONER OF SOCIAL SECURITY*. 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. Reported below: 690 Fed. Appx. 157.

Miscellaneous Orders

No. 17M52. *COTA v. UNITED STATES*. Motion for leave to file petition for writ of certiorari with supplemental appendix under seal granted.

No. 17M53. *PIRELA v. FLORIDA*;

No. 17M54. *DILLARD v. OREGON ET AL.*;

No. 17M55. *STANFORD v. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.*; and

No. 17M56. *BANKS v. MERIT SYSTEMS PROTECTION BOARD*. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 142, Orig. *FLORIDA v. GEORGIA*. Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted. [For earlier order herein, see, *e. g.*, *ante*, p. 913.]

No. 15–1439. *CYAN, INC., ET AL. v. BEAVER COUNTY EMPLOYEES RETIREMENT FUND ET AL.* Ct. App. Cal., 1st App. Dist.,

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Div. 4. [Certiorari granted, 582 U. S. 951.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted in part, and the time is to be divided as follows: 30 minutes for petitioners, 25 minutes for respondents, and 10 minutes for the Solicitor General.

No. 16–1276. DIGITAL REALTY TRUST, INC. *v.* SOMERS. C. A. 9th Cir. [Certiorari granted, 582 U. S. 929.] Motion of the Solicitor General to argue *pro hac vice* granted. Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 16–1495. CITY OF HAYS, KANSAS *v.* VOGT. C. A. 10th Cir. [Certiorari granted, 582 U. S. 967.] Motion of petitioner to dispense with printing joint appendix granted. JUSTICE GORSUCH took no part in the consideration or decision of this motion.

No. 17–6348. IN RE ANDERSON;

No. 17–6356. IN RE BREWER; and

No. 17–6369. IN RE WILLIAMS. Petitions for writs of habeas corpus denied.

No. 17–6032. IN RE EIB;

No. 17–6203. IN RE DICKEY; and

No. 17–6274. IN RE JOHNSON. Petitions for writs of mandamus denied.

No. 17–6304. IN RE BAMDAD. 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. 17–5827. IN RE PHILLIPS; and

No. 17–6251. IN RE TILLMAN. Petitions for writs of mandamus and/or prohibition denied.

No. 17–5810. IN RE PANNELL. 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 non-criminal 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*).

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Certiorari Denied

No. 16–1102. SAMSUNG ELECTRONICS CO., LTD., ET AL. *v.* APPLE INC. C. A. Fed. Cir. Certiorari denied. Reported below: 839 F. 3d 1034.

No. 16–1395. ALEXANDER ET AL. *v.* AMERIPRO FUNDING, INC., ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 848 F. 3d 698.

No. 16–9415. RIOS-VIZCARRA *v.* WIGEN, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 886.

No. 17–38. JOHNSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 683 Fed. Appx. 241.

No. 17–169. 2 CROOKED CREEK, LLC, ET AL. *v.* TREASURER OF CASS COUNTY, MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 17–191. COOK, INDIVIDUALLY AND AS NATURAL MOTHER TO COOK, ET AL. *v.* T-MOBILE USA, INC., ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 683 Fed. Appx. 315.

No. 17–304. GOLDMAN *v.* GREENFOREST COMMUNITY BAPTIST CHURCH, INC., ET AL. Ct. App. Ga. Certiorari denied.

No. 17–324. KHAN *v.* CITY OF MINNEAPOLIS, MINNESOTA. Ct. App. Minn. Certiorari denied.

No. 17–331. MINA *v.* CHESTER COUNTY, PENNSYLVANIA, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 684 Fed. Appx. 256.

No. 17–337. BENT *v.* LASHWAY ET AL. C. A. 9th Cir. Certiorari denied.

No. 17–341. O’NEAL *v.* CRAWFORD COUNTY, GEORGIA. Ct. App. Ga. Certiorari denied. Reported below: 339 Ga. App. 687, 792 S. E. 2d 498.

No. 17–356. FISHER *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

No. 17–360. BEENICK *v.* LEFEBVRE ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 684 Fed. Appx. 200.

No. 17–364. SOLOMON *v.* SESSIONS, ATTORNEY GENERAL. C. A. 3d Cir. Certiorari denied. Reported below: 684 Fed. Appx. 102.

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No. 17–402. *LOGLIA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 17–421. *MANN v. JOYNER, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 124.

No. 17–430. *SPRINT SPECTRUM L. P., DBA SPRINT PCS v. PRISM TECHNOLOGIES LLC*. C. A. Fed. Cir. Certiorari denied. Reported below: 849 F. 3d 1360.

No. 17–433. *KREIT v. QUINN*. C. A. 5th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 283.

No. 17–434. *PROJECT EXECUTION & CONTROL CONSULTING, LLC, DBA PEAC CONSULTING, LLC, ET AL. v. PAPANICOLAS*. C. A. 4th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 212.

No. 17–437. *SINGH v. UNITED STATES POSTAL SERVICE*. C. A. Fed. Cir. Certiorari denied. Reported below: 688 Fed. Appx. 911.

No. 17–439. *ASTORIA LANDING, INC. v. NEW YORK CITY ENVIRONMENTAL CONTROL BOARD*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 148 App. Div. 3d 1141, 50 N. Y. S. 3d 448.

No. 17–474. *HAIYING FAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 17–480. *MALNES v. ARIZONA ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 705 Fed. Appx. 499.

No. 17–484. *GOSSAGE v. MERIT SYSTEMS PROTECTION BOARD*. C. A. 9th Cir. Certiorari denied.

No. 17–495. *DONNELL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 17–506. *FUSCO v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 149 App. Div. 3d 776, 49 N. Y. S. 3d 631.

No. 17–5051. *GILBERT v. TEXAS*. Ct. App. Tex., 7th Dist. Certiorari denied.

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No. 17–5164. *MESQUITI v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 854 F. 3d 267.

No. 17–5204. *RIVERS v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 246 So. 3d 1014.

No. 17–5215. *UPSHAW v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 17–5479. *SEIBERT v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 17–5783. *ORAM v. CITY OF DILLON, MONTANA, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 17–5797. *MARSHALL v. CITY OF DETROIT, MICHIGAN, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 17–5811. *CAMPBELL v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 17–5813. *RUMPH v. CALIFORNIA*. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 17–5817. *COHEN v. LANE, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FAYETTE, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 17–5819. *ERVIN v. CHEATHAM, WARDEN, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 17–5820. *BRANSON v. WRIGLEY, WARDEN*. Sup. Ct. Ariz. Certiorari denied.

No. 17–5832. *ROGERS v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied.

No. 17–5834. *JONES v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 17–5836. *VAN AUKEN v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 226 So. 3d 854.

No. 17–5837. *BRATTON v. NORTH CAROLINA ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 184.

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No. 17–5839. *JEANS v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 141675–U.

No. 17–5852. *JOHNSON v. HARRY, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–5853. *LEWIS v. TEXAS*. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 17–5856. *JONES v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 17–5857. *SIMON v. GASTELO, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 697 Fed. Appx. 903.

No. 17–5860. *TUCKER v. LINK, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD*. C. A. 3d Cir. Certiorari denied. Reported below: 677 Fed. Appx. 768.

No. 17–5880. *NDIBALEMA v. KANKOLONGO*. Sup. Ct. Vt. Certiorari denied. Reported below: 204 Vt. 659, 161 A. 3d 535.

No. 17–5912. *GARRETT v. CHASE HOME FINANCE LLC*. Sup. Ct. Pa. Certiorari denied.

No. 17–5957. *NISKEY v. DUKE, ACTING SECRETARY OF HOMELAND SECURITY*. C. A. D. C. Cir. Certiorari denied. Reported below: 859 F. 3d 1.

No. 17–5977. *JACKSON v. OHIO*. Ct. App. Ohio, 9th App. Dist., Lorain County. Certiorari denied.

No. 17–6029. *HARROD v. SCRIBNER, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 17–6037. *LOWE v. ESPINOZA, ACTING WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 701 Fed. Appx. 548.

No. 17–6052. *VASQUEZ NAVARRETTE v. LONG, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 17–6053. *MOSLEY v. MINNESOTA*. Sup. Ct. Minn. Certiorari denied. Reported below: 895 N. W. 2d 585.

No. 17–6091. *CILWA v. FORT*. C. A. 4th Cir. Certiorari denied. Reported below: 687 Fed. Appx. 280.

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No. 17–6113. *KIRKSEY v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 243 So. 3d 849.

No. 17–6158. *MCDERMOTT v. CARLIN, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 17–6163. *MUHTOROV v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 702 Fed. Appx. 694.

No. 17–6166. *JACKSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 700 Fed. Appx. 411.

No. 17–6168. *SPELLER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 193.

No. 17–6174. *JAIMES-JURADO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 312.

No. 17–6183. *FAN GU v. INVISTA S. A. R. L.* C. A. 5th Cir. Certiorari denied. Reported below: 682 Fed. Appx. 316.

No. 17–6187. *DELEON GARZA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 262.

No. 17–6191. *FLUKER v. BRENNAN, POSTMASTER GENERAL*. C. A. 11th Cir. Certiorari denied. Reported below: 677 Fed. Appx. 617.

No. 17–6192. *HAWKINS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 858.

No. 17–6193. *GATSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17–6194. *GUMBS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 17–6196. *HAIRSTON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 664 Fed. Appx. 485.

No. 17–6209. *LEON v. ARIZONA*. Ct. App. Ariz. Certiorari denied. Reported below: 240 Ariz. 492, 381 P. 3d 286.

No. 17–6211. *EDGERTON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 686 Fed. Appx. 177.

No. 17–6216. *ANDERSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

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No. 17–6218. *THOMPSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 687 Fed. Appx. 331.

No. 17–6220. *CASTEEL v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 17–6223. *GORDON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 556.

No. 17–6227. *COVINGTON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 687 Fed. Appx. 253.

No. 17–6229. *FAURE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 660 Fed. Appx. 596.

No. 17–6230. *HERNANDEZ-MUJICA v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 17–6233. *MARTINEZ-RODRIGUEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 218.

No. 17–6234. *HARRIS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 636 Fed. Appx. 922.

No. 17–6235. *HUMPHREY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 634.

No. 17–6238. *CAMARENA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 17–6240. *DECOSTE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 557.

No. 17–6248. *ESTEEN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 703 Fed. Appx. 825.

No. 17–6249. *WILLIAMSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 686 Fed. Appx. 238.

No. 17–6258. *HOTT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 866 F. 3d 618.

No. 17–6259. *DEL VALLE GARCIA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 700 Fed. Appx. 639.

No. 17–6263. *HARRIS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 688 Fed. Appx. 223.

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No. 17–6267. *RUSSELL v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 17–6268. *SCHNEIDER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 864 F. 3d 518.

No. 17–6270. *HOBODY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 205.

No. 17–6272. *MAGGIO v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 862 F. 3d 642.

No. 17–6279. *URENA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 694 Fed. Appx. 829.

No. 17–6283. *BERNAL-RIVAS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 693 Fed. Appx. 559.

No. 17–6291. *BOYKIN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 679 Fed. Appx. 400.

No. 17–6298. *HOUSTON v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 857 F. 3d 427.

No. 17–6299. *GRIMM v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 693 Fed. Appx. 582.

No. 17–6301. *BANET v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 17–6305. *THORNTON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 697 Fed. Appx. 897.

No. 17–6311. *KEY v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 854 F. 3d 163.

No. 17–168. *ANTONICK v. ELECTRONIC ARTS, INC.* C. A. 9th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 841 F. 3d 1062.

No. 17–6197. *FULTON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 17–6253. *WILLISTON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consid-

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eration or decision of this petition. Reported below: 862 F. 3d 1023.

Rehearing Denied

No. 16–1417. *RODRIGUES v. WELLS FARGO BANK, N. A., ET AL.*, *ante*, p. 822;

No. 16–8272. *GREENE v. FLORIDA*, 581 U. S. 979;

No. 16–9474. *GRAY v. STOUFFER ET AL.*, *ante*, p. 851;

No. 16–9552. *STEWART v. LOUISIANA ET AL.*, *ante*, p. 855;

No. 17–103. *GRIFFIN v. COCA-COLA ENTERPRISES, INC.*, *ante*, p. 871; and

No. 17–5759. *IN RE HARMON*, *ante*, p. 813. Petitions for rehearing denied.

No. 16–1321. *WONG v. ANDERSON ET AL.*, *ante*, p. 904. Petition for rehearing denied. JUSTICE BREYER took no part in the consideration or decision of this petition.

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Miscellaneous Order

No. 17A516. *CARDENAS RAMIREZ v. MCCRAW, DIRECTOR, TEXAS DEPARTMENT OF PUBLIC SAFETY, ET AL.* Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied.

Certiorari Denied

No. 17–6650 (17A490). *HANNON v. FLORIDA*. Sup. Ct. Fla. 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: 228 So. 3d 505.

No. 17–6651 (17A491). *HANNON v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, 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: 716 Fed. Appx. 843.

No. 17–6705 (17A515). *CARDENAS RAMIREZ 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.

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Certiorari Granted—Vacated and Remanded

No. 17–5100. *CHITTENDEN 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 *Honeycutt v. United States*, 581 U.S. 443 (2017). Reported below: 848 F. 3d 188.

Certiorari Dismissed

No. 17–5921. *STEINER v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* (three judgments). 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. 17–5974. *SHEKHEM EL BEY v. UNITED STATES ET AL.* C. A. D. C. Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. Reported below: 697 Fed. Appx. 706.

*Miscellaneous Orders**

No. 17M57. *ELGHANNAM v. NATIONAL ASSOCIATION OF BOARDS OF PHARMACY*; and

No. 17M58. *STEINES v. ILLINOIS DEPARTMENT OF HUMAN SERVICES ET AL.* Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 17M59. *DUMEL v. FLORIDA DEPARTMENT OF CORRECTIONS*. Motion to direct the Clerk to file petition for writ of certiorari out of time under this Court’s Rule 14.5 denied.

No. 16–476. *CHRISTIE, GOVERNOR OF NEW JERSEY, ET AL. v. NATIONAL COLLEGIATE ATHLETIC ASSN. ET AL.*; and

No. 16–477. *NEW JERSEY THOROUGHBRED HORSEMEN’S ASSN., INC. v. NATIONAL COLLEGIATE ATHLETIC ASSN. ET AL.* C. A. 3d Cir. [Certiorari granted, 582 U.S. 951.] Motion of Professor Ryan M. Rodenberg for leave to participate in oral argu-

*For revisions to the Rules of this Court effective this date, see 582 U.S. 969.

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ment as *amicus curiae* and for divided argument denied. Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 17–6326. *RICHARDS v. UNITED STATES*. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until December 4, 2017, 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 KAGAN took no part in the consideration or decision of this motion.

No. 17–6445. *IN RE PERAZA VIERA*. Petition for writ of habeas corpus denied.

No. 17–5914. *IN RE KENNEDY*. Petition for writ of mandamus denied.

No. 17–6314. *IN RE GADSDEN*. Petition for writ of prohibition denied.

Certiorari Granted

No. 17–21. *LOZMAN v. CITY OF RIVIERA BEACH, FLORIDA*. C. A. 11th Cir. Certiorari granted. Reported below: 681 Fed. Appx. 746.

No. 16–1140. *NATIONAL INSTITUTE OF FAMILY AND LIFE ADVOCATES, DBA NIFLA, ET AL. v. BECERRA, ATTORNEY GENERAL OF CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari granted limited to the following question: “Whether the disclosures required by the California Reproductive FACT [Freedom, Accountability, Comprehensive Care, and Transparency] Act violate the protections set forth in the Free Speech Clause of the First Amendment, applicable to the States through the Fourteenth Amendment.” Reported below: 839 F. 3d 823.

No. 16–1435. *MINNESOTA VOTERS ALLIANCE ET AL. v. MANSKY ET AL.* C. A. 8th Cir. Motions of Cato Institute et al., American Civil Rights Union et al., and Center for Competitive Politics for leave to file briefs as *amici curiae* granted. Certiorari granted. Reported below: 849 F. 3d 749.

Certiorari Denied

No. 16–1480. *HILL ET AL. v. SERVICE EMPLOYEES INTERNATIONAL UNION, HEALTHCARE ILLINOIS ET AL., ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 850 F. 3d 861.

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No. 16–9270. *KILGORE v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied. Reported below: 805 F. 3d 1301.

No. 16–9454. *ZANDERS v. U. S. BANK N. A.* C. A. 8th Cir. Certiorari denied. Reported below: 674 Fed. Appx. 591.

No. 17–154. *MUCHIRA v. AL-RAWAF ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 850 F. 3d 605.

No. 17–252. *GOVERNMENT OF BELIZE v. BELIZE BANK LTD.* C. A. D. C. Cir. Certiorari denied. Reported below: 852 F. 3d 1107.

No. 17–336. *K. K. E. v. OREGON DEPARTMENT OF HUMAN SERVICES*. Ct. App. Ore. Certiorari denied. Reported below: 284 Ore. App. 314, 391 P. 3d 1007.

No. 17–345. *SPATAFORE v. WELLS FARGO BANK, N. A.* Super. Ct. N. J., App. Div. Certiorari denied.

No. 17–348. *TODD ET AL. v. U. S. BANK N. A. ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 685 Fed. Appx. 103.

No. 17–354. *KNOPP ET AL. v. JPMORGAN CHASE BANK & Co. ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 684 Fed. Appx. 579.

No. 17–362. *GUZMAN MEJIA v. HSBC MORTGAGE SERVICES, INC.* Sup. Ct. Fla. Certiorari denied.

No. 17–391. *FUTRELL v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 859 F. 3d 403.

No. 17–392. *GALVIN ET VIR v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 859 F. 3d 71.

No. 17–399. *CUTONILLI v. MARYLAND*. C. A. 4th Cir. Certiorari denied. Reported below: 696 Fed. Appx. 648.

No. 17–420. *JEFFERSON v. NATIONAL RAILROAD PASSENGER CORPORATION, DBA AMTRAK*. C. A. 4th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 190.

No. 17–442. *ALLIED AVIATION SERVICE COMPANY OF NEW JERSEY v. NATIONAL LABOR RELATIONS BOARD*. C. A. D. C. Cir. Certiorari denied. Reported below: 854 F. 3d 55.

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No. 17–452. *HAGENESS ET AL. v. DAVIS ET AL.* Sup. Ct. N. D. Certiorari denied. Reported below: 2017 ND 132, 896 N. W. 2d 251.

No. 17–460. *SATO v. ORANGE COUNTY DEPARTMENT OF EDUCATION.* C. A. 9th Cir. Certiorari denied. Reported below: 861 F. 3d 923.

No. 17–477. *CHABOT v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 681 Fed. Appx. 134.

No. 17–525. *PLEATMAN v. OHIO* (Reported below: 2016-Ohio-7659); and *PLEATMAN ET AL. v. SIBCY CLINE, INC., ET AL.* (2016-Ohio-7683, 65 N. E. 3d 809). Ct. App. Ohio, 1st App. Dist., Hamilton County. Certiorari denied.

No. 17–541. *RUTIGLIANO v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 694 Fed. Appx. 19.

No. 17–549. *DUNKEL v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 685 Fed. Appx. 234.

No. 17–5037. *JOSEPH v. CITY OF CEDAR HILL POLICE DEPARTMENT ET AL.* C. A. 5th Cir. Certiorari denied.

No. 17–5331. *CRAY v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 17–5424. *GOLDEN v. WASHINGTON ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 847 F. 3d 1151.

No. 17–5431. *BARCLAY v. OREGON ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 682.

No. 17–5849. *MILLER v. WEST VIRGINIA.* Sup. Ct. App. W. Va. Certiorari denied.

No. 17–5861. *ZEIGLER v. FLORIDA.* Sup. Ct. Fla. Certiorari denied.

No. 17–5863. *TORRES v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 17–5865. *WEEKS v. KANSAS.* Ct. App. Kan. Certiorari denied.

No. 17–5867. *ROBINSON v. ROMANOWSKI, WARDEN.* C. A. 6th Cir. Certiorari denied.

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No. 17–5868. *MAPS v. FERNANDEZ-RUNDLE ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 693 Fed. Appx. 784.

No. 17–5878. *HOFFMAN v. HARRIS, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 17–5882. *WARDLAW v. EDWARDS ET AL.* C. A. 11th Cir. Certiorari denied.

No. 17–5888. *VENABLE v. MCCOY ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 687 Fed. Appx. 285.

No. 17–5891. *MIRACLE v. BREWER, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 17–5892. *MORGENSTERN v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 17–5894. *PRIMEAU v. OHIO.* Ct. App. Ohio, 8th App. Dist., Cuyahoga County. Certiorari denied. Reported below: 2017-Ohio-1162.

No. 17–5895. *PENNIX v. STANDFORD ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 689.

No. 17–5898. *ALVARADO RAMIREZ v. ARIZONA.* Ct. App. Ariz. Certiorari denied.

No. 17–5900. *SAUNDERS-BEY v. JPMORGAN CHASE BANK, N. A.* Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 226 So. 3d 849.

No. 17–5901. *ROBINSON v. WOODS, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 17–5907. *MONREAL CONTRERAS v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 17–5913. *CRUMP v. SOTO, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 17–5917. *MORRIS v. FLORIDA.* Sup. Ct. Fla. Certiorari denied. Reported below: 219 So. 3d 33.

No. 17–5918. *PHUNG v. CALIFORNIA.* Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied. Reported below: 9 Cal. App. 5th 866, 215 Cal. Rptr. 3d 252.

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No. 17–5919. *PHILLIP v. UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE*. C. A. 6th Cir. Certiorari denied.

No. 17–5923. *SHARP v. SOUTH DAKOTA*. Sup. Ct. S. D. Certiorari denied. Reported below: 905 N. W. 2d 783.

No. 17–5926. *NIXON ET AL. v. BRENT MANNING’S QUALITY PREOWNED, INC., ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 693 Fed. Appx. 463.

No. 17–5930. *WOODSON v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 17–5931. *WILEY v. FOULK, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 17–5933. *WEEKLEY v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 17–5935. *THIBEAULT v. NEW YORK*. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied.

No. 17–5936. *MUSTAFA v. NSI INTERNATIONAL, INC., ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 685 Fed. Appx. 493.

No. 17–5940. *SAMPLE v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 17–5941. *DUFFEY v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 17–5942. *EDWARDS v. VANNOY, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 17–5949. *JONES v. JUSTICE OF THE PEACE COURT NO. 4, SUSSEX COUNTY, DELAWARE*. C. A. 3d Cir. Certiorari denied. Reported below: 694 Fed. Appx. 66.

No. 17–5958. *O’CONNOR v. VORTHMANN ET AL.* Sup. Ct. Colo. Certiorari denied.

No. 17–5959. *MCMILLIAN v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 214 So. 3d 1274.

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No. 17–5962. *CURTIS v. MACKEY*, JUDGE, COURT OF APPEALS OF ARIZONA, DIVISION ONE, ET AL.; *SHATZER v. MACKEY*, JUDGE, COURT OF APPEALS OF ARIZONA, DIVISION ONE, ET AL.; and *GREENBERG v. MACKEY*, JUDGE, COURT OF APPEALS OF ARIZONA, DIVISION ONE, ET AL. Sup. Ct. Ariz. Certiorari denied.

No. 17–5969. *AUMULLER v. JONES*, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 17–5988. *TORRES RIVERA v. JONES*, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 17–5995. *ANDERSON v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 29 N. Y. 3d 69, 74 N. E. 3d 639.

No. 17–6000. *CRONIN v. JONES*, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 17–6002. *CALHOUN-EL v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied. Reported below: 231 Md. App. 285, 150 A. 3d 886.

No. 17–6003. *SHIPP v. WRIGHT*, ACTING SECRETARY OF HEALTH AND HUMAN SERVICES. C. A. 9th Cir. Certiorari denied.

No. 17–6022. *VENNES v. HANSEN*. C. A. 8th Cir. Certiorari denied.

No. 17–6030. *FRENEEY v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 140328, 55 N. E. 3d 88.

No. 17–6033. *JUENGAIN v. LOUISIANA ET AL.* C. A. 5th Cir. Certiorari denied.

No. 17–6067. *DELGADO v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 224 So. 3d 219.

No. 17–6090. *BLANC v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 686 Fed. Appx. 803.

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No. 17–6108. *EL-AMIN v. VANNOY, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 17–6134. *GREEN v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 2016–0107 (La. 6/29/17), 225 So. 3d 1033.

No. 17–6204. *WILLIAMS v. SMITH, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 17–6236. *GARCIA v. WETZEL, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL.* Sup. Ct. Pa. Certiorari denied. Reported below: 167 A. 3d 704.

No. 17–6260. *GORDON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 696 Fed. Appx. 483.

No. 17–6289. *ROBINSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 700 Fed. Appx. 178.

No. 17–6316. *REGUERO-MENDEZ v. UNITED STATES* (Reported below: 697 Fed. Appx. 280); *SOLIS-RUIZ v. UNITED STATES* (697 Fed. Appx. 333); *ARMSTRONG v. UNITED STATES* (695 Fed. Appx. 806); *MEDINA v. UNITED STATES* (694 Fed. Appx. 261); *GONZALEZ-ZAVALA v. UNITED STATES* (693 Fed. Appx. 330); and *MARTINEZ-MONTES v. UNITED STATES* (697 Fed. Appx. 428). C. A. 5th Cir. Certiorari denied.

No. 17–6319. *LOWE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 689 Fed. Appx. 26.

No. 17–6324. *SUTTON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 862 F. 3d 547.

No. 17–6330. *THOMAS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 681 Fed. Appx. 787.

No. 17–6341. *DAVIS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 734.

No. 17–6345. *BURNS-JOHNSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 864 F. 3d 313.

No. 17–6347. *ANDERSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 854 F. 3d 1033.

No. 17–6350. *OVERSTREET v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 693 Fed. Appx. 374.

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No. 17–6351. *BILLINGSLEY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 17–6353. *BEYERS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 854 F. 3d 1041.

No. 17–6355. *MIRANDA-ORTIZ, AKA SORIANO-QUIJADA v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 700 Fed. Appx. 547.

No. 17–6359. *REID v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 861 F. 3d 523.

No. 17–6361. *KINZER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 17–6364. *ANDERSON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 689 Fed. Appx. 53.

No. 17–6365. *TURNER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 701 Fed. Appx. 209.

No. 16–1524. *M–I, LLC v. SYED*. C. A. 9th Cir. Motions of Consumer Data Industry Association and Chamber of Commerce of the United States of America for leave to file briefs as *amici curiae* granted. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of these motions and this petition. Reported below: 853 F. 3d 492.

No. 16–1545. *PHILLIP ET AL. v. SCINTO*. C. A. 4th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 841 F. 3d 219.

No. 16–9282. *REEVES v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 226 So. 3d 711.

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

Petitioner Matthew Reeves was convicted by an Alabama jury of capital murder and sentenced to death. He sought postconviction relief in state court based on, as relevant here, several claims of ineffective assistance of trial and appellate counsel.¹ Among

¹Reeves also argued in his postconviction petition that he was constitutionally ineligible for the death penalty pursuant to *Atkins v. Virginia*, 536 U.S. 304 (2002). The Alabama Court of Criminal Appeals rejected that

those claims, Reeves argued that his trial counsel was ineffective for failing to hire an expert to evaluate him for intellectual disability, despite having sought and obtained funding and an appointment order from the state trial court to hire a specific neuropsychologist. His postconviction counsel subsequently hired that same neuropsychologist, who concluded that Reeves was, in fact, intellectually disabled. Reeves contended that this and other evidence could have been used during the penalty phase of his trial to establish mitigation.

The Alabama Circuit Court held an evidentiary hearing on Reeves' postconviction petition, at which Reeves presented substantial evidence regarding his intellectual disability and his counsel's performance. He did not, however, call his trial or appellate counsel to testify. The court denied the petition, and the Alabama Court of Criminal Appeals affirmed. In doing so, the Court of Criminal Appeals explained that a petitioner seeking postconviction relief on the basis of ineffective assistance of counsel must question his counsel about his reasoning and actions. Without considering the extensive record evidence before it regarding Reeves' counsel's performance or giving any explanation as to why that evidence did not prove that his counsel's actions were unreasonable, the Court of Criminal Appeals held that Reeves' failure to call his attorneys to testify was fatal to his claims of ineffective assistance of counsel. The Alabama Supreme Court denied review.

There can be no dispute that the imposition of a categorical rule that counsel must testify in order for a petitioner to succeed on a federal constitutional ineffective-assistance-of-counsel claim contravenes our decisions requiring an objective inquiry into the adequacy and reasonableness of counsel's performance based on the full record before the court. Even Alabama does not defend such a rule. Instead, the dispute here is whether the Alabama Court of Criminal Appeals in fact imposed such a rule in this case. I believe it plainly did so. For that reason, I respectfully dissent from the denial of certiorari.

claim, and Reeves does not challenge that decision in his petition for writ of certiorari. Instead, he maintains that regardless of whether he is ineligible for execution under *Atkins*, he has the right to effective assistance in presenting evidence of his intellectual disability as mitigation during the penalty phase of his trial. Pet. for Cert. 10, n. 2.

I

At his capital trial, Reeves was initially appointed two attorneys, Blanchard McLeod, Jr., and Marvin Wiggins, to represent him. Before trial, McLeod and Wiggins filed a motion requesting that the court appoint Dr. John R. Goff, a clinical neuropsychologist, as an expert “to evaluate, test, and interview” Reeves and require the State to provide them with the necessary funds to hire Dr. Goff. 1 Record in No. 98-77 (Ala. Crim. App.), pp. 64-65 (Direct Appeal Record). The trial court denied the motion, *id.*, at 67, and McLeod and Wiggins requested rehearing. In the rehearing request, the attorneys explained that they “possesse[d] hundreds of pages of psychological, psychometric and behavioral analysis material” and “[t]hat a clinical neuropsychologist or a person of like standing and expertise [was] the only avenue open to the defense to compile [and] correlate this information, interview [Reeves,] and present this information in an orderly and informative fashion to the jury during the mitigation phase of the trial.” *Id.*, at 68-69.

During a hearing on the request, McLeod represented that hiring Dr. Goff was critical to the attorneys’ preparation for the mitigation phase of Reeves’ trial. He urged the importance of retaining Dr. Goff right away, as Dr. Goff would require time to review the existing records, interview people familiar with Reeves, and meet with Reeves several times prior to testifying. 3 Direct Appeal Record, Tr. in No. CC-97-31 (C. C. Dallas Cty., Ala.), pp. 9-10. As support for that point, McLeod recounted that, in a recent capital case in which another trial court had granted an “identical” motion to appoint Dr. Goff, the counsel there had filed “at a very late date” such that Dr. Goff “did not have the time to adequately prepare” for that defendant’s hearing, and the death penalty was imposed. *Id.*, at 10. The trial court reconsidered and granted the funding and appointment requests. 1 *id.*, at 75.

Shortly thereafter, McLeod withdrew as counsel and was replaced by Thomas Goggans. Wiggins, however, remained as counsel on the case, and he and Goggans represented Reeves at trial.

Despite having received funding and an appointment order from the court, Reeves’ trial counsel never contacted Dr. Goff, nor did they hire any other expert to evaluate Reeves for intellectual

disability, notwithstanding the “hundreds of pages” of materials they possessed. 13 Record in No. CC-97-31.60 (Rule 32 Record), pp. 66-67; 4 *id.*, at 697; 5 *id.*, at 862.

After the guilt phase of the trial concluded, the jury convicted Reeves of capital murder. During the penalty phase, Reeves’ trial counsel called three mitigation witnesses. First, they called Detective Pat Grindle, the officer in charge of investigating the murder, who gave a physical description of Reeves’ childhood home based on his search of the house during the investigation. 8 Direct Appeal Record, Tr. 1118-1122; 226 So. 3d 711, 721 (Ala. Crim. App. 2016). Next, petitioner’s mother testified about Reeves’ childhood, including that he had repeated two grades, was put in “special classes,” received mental health services starting in second or third grade, and was expelled in eighth grade. 8 Direct Appeal Record, Tr. 1127. She also testified that, when he was young, Reeves had “little blackout spells” and would report “seeing things,” and that he was shot in the head a few months before the murder for which he was convicted. *Id.*, at 1127, 1131, 1137, 1120-1150. Finally, Reeves’ counsel called Dr. Kathleen Ronan, a court-appointed clinical psychologist, with whom counsel met and spoke for the first time shortly before she took the witness stand. 4 Rule 32 Record 609. Dr. Ronan had evaluated Reeves for the purposes of assessing his competency to stand trial and his mental state at the time of the offense, but had not conducted a penalty-phase evaluation or evaluated Reeves for intellectual disability. *Ibid.* Dr. Ronan testified that she had given Reeves only the verbal part of an intelligence test, noting that this was the “portion [of the test that] taps into the issues that were being asked by the Court,” and had concluded based on that partial assessment that he was at “the borderline of mental retardation.” 8 Direct Appeal Record, Tr. 1165.

The jury deliberated for less than an hour. *Id.*, at 1227. By a vote of 10 to 2, they recommended that Reeves be sentenced to death.² 2 *id.*, at 233. The trial judge then considered the aggravating and mitigating circumstances and found two mitigating factors: Reeves’ age and lack of significant prior criminal history. *Id.*, at 236. He expressly refused to find that Reeves’ “capacity . . . to appreciate the criminality of his conduct or to

²Had only one more juror voted against imposing the death penalty, the jury could not have recommended death. Ala. Code § 13A-5-46(f) (2015).

conform his conduct to the requirements of law was substantially impaired.” Ala. Code § 13A-5-51(6) (2015); 2 Direct Appeal Record 237. The trial judge found that the aggravating circumstances outweighed the two mitigating ones and sentenced Reeves to death. *Id.*, at 239.

After his conviction and sentence were affirmed on direct appeal, during which Goggans continued to represent him, Reeves, with the assistance of new counsel, sought postconviction relief in state court pursuant to Rule 32 of the Alabama Rules of Criminal Procedure. He alleged, *inter alia*, ineffective assistance of both his trial and appellate counsel. Among his claims were that his trial counsel were ineffective for failing to hire Dr. Goff or another neuropsychologist to evaluate him for intellectual disability, failing to present expert testimony of intellectual disability during the penalty phase to establish a mitigating circumstance, and failing to conduct an adequate mitigation investigation.

The Alabama Circuit Court held a 2-day hearing on Reeves’ Rule 32 petition. Reeves did not call McLeod, Wiggins, or Goggans to testify.³ He did, however, call Dr. Goff, who had evaluated Reeves for purposes of his postconviction petition. Dr. Goff testified based on his review of Reeves’ childhood and adolescent records and the results of a battery of tests designed to assess IQ, neuropsychological functioning, cognitive abilities, and adaptive functioning. He concluded that Reeves had significantly subaverage intellectual functioning and significant deficits in multiple areas of adaptive functioning, both of which manifested before Reeves was 18 years old, and that Reeves therefore was intellectually disabled. 226 So. 3d, at 730–731. Dr. Goff further testified that, had Reeves’ trial counsel asked him to evaluate Reeves years earlier for purposes of testifying at trial, he would have performed similar evaluations and reached the same conclusion. 13 Rule 32 Record 21–22, 66–68; 4 *id.*, at 704.

Reeves also introduced testimony from Dr. Ronan about the limitations of her earlier evaluation. She stated in an affidavit that even though she had been asked “*only* to evaluate [Reeves] for the purposes of Competence to Stand Trial and Mental State

³Reeves implies in his petition for writ of certiorari that one reason he did not call Wiggins to testify was that Wiggins had become a state-court judge by the time the Rule 32 proceedings had started and thus would have had to testify before one of his judicial colleagues about whether his prior professional conduct had been deficient.

at the Time of Offense, i. e., for the trial phase of the case,” and “was not requested to complete a sentencing phase evaluation” or “extensive clinical evaluation regarding mental retardation,” Reeves’ counsel nonetheless “called [her] to testify at the sentencing phase.” *Id.*, at 609. Dr. Ronan explained that “[t]he evaluation for [c]apital sentencing would contain different components than those for the trial phase evaluations, and would be more extensive in terms of testing and background investigation.” *Id.*, at 610. She confirmed that Reeves’ counsel would have known about these differences, because she “informed [them] as to the limitations of any testimony during [c]apital sentencing, in that the original evaluation was not performed for that purpose.” *Id.*, at 609.

In addition, Reeves presented a report and testimony from Dr. Karen Salekin, a forensic and developmental psychologist who conducted a mitigation evaluation. 13 *id.*, at 111, 118, 125. Dr. Salekin testified about her assessment of the risk factors in Reeves’ life and stated that, based on her review of the evidence presented at trial, Dr. Ronan and Reeves’ mother had failed to identify several of those factors and had inadequately addressed the impact of others during their testimony at the sentencing hearing. *Id.*, at 130–190. Among those factors were the harmful influence of Reeves’ brother and Reeves’ exposure to domestic violence, guns, and substance abuse as a child. *Id.*, at 140, 144–150.

The State presented one rebuttal witness, Dr. Glen David King, a clinical and forensic psychologist who testified that, based on his testing and the information available to him, Reeves “was in the borderline range of intellectual ability, but was not intellectually disabled.” 226 So. 3d, at 736. On cross-examination, Dr. King acknowledged that Reeves had achieved a score of 68 on an IQ test Dr. King administered, and on that basis, suffered from significant subaverage intellectual functioning. *Id.*, at 737. Dr. King also testified on cross-examination that his testing revealed that Reeves’ adaptive functioning skills in three categories—domestic activity, prevocational/vocational activity, and self-direction—were in the 25th percentile of developmentally disabled individuals. *Id.*, at 736; 14 Rule 32 Record 265–268, 273–280; 2 *id.*, at 385.

Following the Rule 32 hearing, the Circuit Court held that Reeves failed to prove his ineffective-assistance claims. The Ala-

bama Court of Criminal Appeals affirmed on the basis that Reeves did not present testimony of his former counsel. The court stressed that “to overcome the strong presumption of effectiveness, a *Rule 32* petitioner must, at his evidentiary hearing, question trial counsel regarding his or her actions and reasoning.” 226 So. 3d, at 748 (quoting *Stallworth v. State*, 171 So. 3d 53, 92 (Ala. Crim. App. 2013); emphasis in original). “The burden was on Reeves to prove by a preponderance of the evidence that his counsel’s challenged decisions were not the result of reasonable strategy,” the court explained. 226 So. 3d, at 750–751. “[B]ecause Reeves failed to call his counsel to testify, the record is silent as to the reasons trial counsel” made various decisions, including the choice “not to hire Dr. Goff or another neuropsychologist to evaluate Reeves for intellectual disability” and the choice “not to present testimony from such an expert during the penalty phase of the trial . . . in order to establish a mitigating circumstance.” *Id.*, at 751. The court therefore concluded, without any consideration of the ample evidence before it of Reeves’ counsel’s actions and reasoning, that the presumption of effectiveness had not been disturbed and rejected Reeves’ ineffective-assistance claims. *Id.*, at 752. The Alabama Supreme Court denied review.

Reeves petitioned for a writ of certiorari. He contended that the state appellate court’s position that a defendant must present his counsel’s testimony to establish that his counsel’s performance was deficient is unreasonable under and at odds with *Strickland v. Washington*, 466 U. S. 668 (1984). I agree. Because I further agree that the proceeding below was tainted by this constitutional error, I would grant the petition and summarily reverse.

II

A

Strickland established the legal principles governing ineffective-assistance-of-counsel claims. Namely, a defendant must show both deficient performance and prejudice. *Id.*, at 687. It is the first prong of the *Strickland* test that is at issue here. In assessing deficiency, a court presumes that counsel “rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” *Id.*, at 690. The burden to rebut that strong presumption rests with the defendant, *id.*, at 687, who must present evidence of what his counsel did or did not do, see *Burt v. Titlow*, 571 U. S. 12, 23 (2013).

This Court has never, however, required that a defendant present evidence of his counsel's actions or reasoning in the form of testimony from counsel, nor has it ever rejected an ineffective-assistance claim solely because the record did not include such testimony. Rather, *Strickland* and its progeny establish that when a court is presented with an ineffective-assistance-of-counsel claim, it should look to the full record presented by the defendant to determine whether the defendant satisfied his burden to prove deficient performance. The absence of counsel's testimony may make it more difficult for a defendant to meet his burden, but that fact alone does not absolve a court of its duty to look at the whole record and evaluate the reasonableness of counsel's professional assistance in light of that evidence.

That *Strickland* does not require testimony from counsel to succeed on an ineffective-assistance claim is clear from past decisions in which this Court has found deficient performance *despite* such testimony, based on review of the full record. For example, in *Wiggins v. Smith*, 539 U. S. 510 (2003), the Court considered the decision of two attorneys "to limit the scope of their investigation into potential mitigating evidence." *Id.*, at 521. Counsel justified their limited investigation as reflecting a tactical judgment to pursue an alternative strategy, *ibid.*, but the Court did not simply accept that explanation at face value. Instead, it "conduct[ed] an objective review of their performance." *Id.*, at 523. In reviewing "[t]he record as a whole," *id.*, at 531, the Court considered, among other evidence, that the State had made funds available for the retention of a forensic social worker to prepare a social history report, yet counsel had decided not to commission such a report, *id.*, at 516–517, 524. Based on the record, the Court concluded that the attorneys' conduct was unreasonable, "not reasoned strategic judgment" as they had testified. *Id.*, at 526.

In *Porter v. McCollum*, 558 U. S. 30 (2009) (*per curiam*), the Court again addressed a claim of an attorney's alleged failure to investigate and present mitigating evidence. Counsel there also testified at the postconviction hearing about his preparation for the penalty phase, but the Court still looked at the full record to assess whether the defendant had nevertheless demonstrated deficient performance. For instance, the Court pointed to court-ordered competency evaluations in the record that discussed the defendant's academic history, military service, and wounds sus-

tained during combat, and observed, based on that evidence, that counsel had “ignored pertinent avenues for investigation of which he should have been aware.” *Id.*, at 40. Again, here, trial counsel’s testimony about his reasoning did not defeat the ineffective-assistance-of-counsel claim, given the Court’s consideration of the evidence in the record as a whole.

As *Porter* and *Wiggins* illustrate, trial counsel’s testimony is not sufficient to find adequate performance when the full record rebuts the reasonableness of the proffered justification. It cannot be, then, that such testimony is necessary in every case. Where counsel does not testify but the defendant offers other record evidence, a court can simply presume that counsel would have justified his actions as tactical decisions and then consider whether the record rebuts the reasonableness of that justification.

Not only is the imposition of a *per se* rule requiring testimonial evidence from counsel inconsistent with our precedent, it is also at odds with the Court’s observation in *Massaro v. United States*, 538 U.S. 500 (2003), that ineffective-assistance claims need not always be brought on collateral review because “[t]here may be cases in which trial counsel’s ineffectiveness is so apparent from the record that appellate counsel will consider it advisable to raise the issue on direct appeal” or an appellate court will address the deficiencies *sua sponte*. *Id.*, at 508. As a challenge on direct appeal is made without any further factual development, *Massaro* necessarily recognized that an ineffective-assistance-of-counsel claim can be proved even absent counsel’s testimony.

Lastly, that courts have a duty to look to the whole record when considering whether a defendant has met his burden makes good practical sense. There are many reasons why counsel may be unable or unwilling to testify about his reasoning, including death, illness, or memory loss. Such circumstances should not in and of themselves defeat an ineffective-assistance claim.

B

Alabama rightly does not attempt to defend the Court of Criminal Appeals’ rule on its merits. Instead, the State asserts that Reeves misreads the decision below. The Court of Criminal Appeals, it maintains, did not hold that trial counsel’s testimony is required to prove an ineffective-assistance claim. Brief in Opposition 14. Rather, in the State’s view, the court “made the sound decision that Reeves failed to prove his ineffective assistance of

counsel claims” because he “failed to present any evidence, including the testimony of trial counsel, to prove that his attorney’s strategic decisions were unreasonable.” *Id.*, at 16. That position, however, is belied by the record before the court and the decision’s express language and analysis. Reeves presented ample evidence in support of his claim that his counsel’s performance was deficient, but the court never considered or explained why, in light of that evidence, his counsel’s strategic decisions were reasonable. It rested its decision solely on the fact that Reeves had not called his counsel to testify at the postconviction hearing.

In the course of explaining the requirement that a defendant must overcome the strong presumption that counsel acted reasonably with “*evidence to the contrary*,” 226 So. 3d, at 747 (emphasis in original), the decision below plainly stated, with emphasis, that “to overcome the strong presumption of effectiveness, a *Rule 32* petitioner must, at his evidentiary hearing, question trial counsel regarding his or her actions and reasoning,” *id.*, at 748 (quoting *Stallworth*, 171 So. 3d, at 92). That pronouncement was followed by citations to other Alabama Court of Criminal Appeals cases with explanatory parentheticals noting that those decisions had held “that a petitioner failed to meet his burden of overcoming the presumption that counsel were effective because the petitioner failed to question . . . counsel regarding their reasoning.” 226 So. 3d, at 748 (citing *Broadnax v. State*, 130 So. 3d 1232, 155–156 (2013); *Whitson v. State*, 109 So. 3d 665, 676 (2012); *Brooks v. State*, 929 So. 2d 491, 497 (2005); *McGahee v. State*, 885 So. 2d 191, 221–222 (2003)).

This was not mere stock language. The appellate court unquestionably applied this requirement to Reeves’ claims. At the outset of its analysis, it announced that “Reeves’s failure to call his attorneys to testify is fatal to his claims of ineffective assistance of counsel.” 226 So. 3d, at 749. As described above, the court explained that “because Reeves failed to call his counsel to testify, the record [was] silent” as to his counsel’s reasons and actions, and the presumption of effective assistance therefore could not be rebutted. *Id.*, at 751. In total, the court emphasized that Reeves did not call his counsel to testify at five different points in the opinion. *Id.*, at 722, 747, 749, 751, 752.

Unlike the whole-record analysis undertaken in *Wiggins* and *Porter*, the Alabama Court of Criminal Appeals never considered

whether the other, non-counsel-testimony evidence before it could rebut the presumption of reasonable professional assistance. Its failure to do so is baffling given that there was ample such evidence in the record below, all of which Reeves pointed the court to in his brief. See Brief for Appellant in No. CR–13–1504, pp. 58–82.

For instance, the Court of Criminal Appeals had before it trial counsel's two motions for the appointment and funding of Dr. Goff, in which they explained why his assistance and testimony would be critical to the case; the representations made by Reeves' counsel during the pretrial hearing on the rehearing motion; and the trial court's order granting the request. From those motions and representations, the court knew that trial counsel had in their possession voluminous materials bearing on Reeves' intellectual impairments. The court further knew from the record and Dr. Goff's testimony at the Rule 32 hearing that, despite the appointment order and funding, Reeves' counsel never contacted him and never obtained any other intellectual disability evaluation in preparation for trial.

The court also knew from Dr. Ronan's affidavit that the first time Reeves' counsel spoke with her was shortly before she took the stand and that she had not conducted a penalty-phase evaluation, evaluated Reeves for intellectual disability, or administered a complete IQ test. Moreover, it knew that a capital sentencing evaluation would have involved different components and been more extensive, and that Reeves' attorneys were informed as to such differences.

The court, too, knew that Dr. Salekin had presented significant mitigation evidence at the Rule 32 hearing that was not set forth in any testimony during the sentencing-phase hearing.

The Alabama Court of Criminal Appeals was not free to ignore this evidence simply because Reeves did not call his counsel to testify at the postconviction hearing. On this point, *Strickland* could not be more clear:

“[A] court deciding an actual ineffectiveness claim must judge the reasonableness of counsel's challenged conduct on the facts of the particular case, viewed as of the time of counsel's conduct. A convicted defendant making a claim of ineffective assistance must identify the acts or omissions of counsel that are alleged not to have been the result of reasonable professional judgment. The court must then determine whether,

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in light of all the circumstances, the identified acts or omissions were outside the wide range of professionally competent assistance.” 466 U. S., at 690.

Reeves identified the omissions of his counsel that he alleged were constitutionally deficient. He presented evidence of what his counsel knew, which included several red flags indicating intellectual disability; what his counsel believed to be necessary for his defense, which included funding for an expert to evaluate him for intellectual disability; what his counsel did, which included repeatedly asking for and securing such funding; and what his counsel did not do, which included failing to then use that funding to hire such an expert and failing to present evidence of intellectual disability as mitigation. In so doing, Reeves upheld his end of the evidentiary bargain. The Alabama Court of Criminal Appeals, on the other hand, did not. It never explained, in light of the substantial record before it, why the choices Reeves’ counsel made were reasonable.

Strickland and its progeny demand more. In light of the constitutional error below, I would grant the petition for writ of certiorari, reverse, and remand so that the Court of Criminal Appeals could explain why, given the full factual record, Reeves’ counsel’s choices constituted reasonable performance. Instead, the Court has cleared the way for Reeves’ execution. That is a result with which I cannot agree.

I respectfully dissent from the denial of certiorari.

No. 16–9439. *QUINTANA v. ADAIR ET AL.* C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 673 Fed. Appx. 815.

No. 17–344. *TOBINICK ET AL. v. NOVELLA ET AL.* C. A. 11th Cir. Motion of Stephen J. Ralph for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 848 F. 3d 935.

No. 17–511. *ARTHUR RUTENBERG HOMES, INC., ET AL. v. JEWEL HOMES, LLC, ET AL.* C. A. 11th Cir. Motion of American Institute of Building Design et al. for leave to file brief as *amici curiae* granted. Certiorari denied. Reported below: 655 Fed. Appx. 807.

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No. 17–5951. *BERRIOS v. ALLIED MANOR ROAD LLC*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

Rehearing Denied

No. 16–1343. *PELLEGRINI ET AL. v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA ET AL.*, *ante*, p. 905;

No. 16–1367. *DE CASSAGNOL v. NEW JERSEY BASKETBALL, LLC, ET AL.*, *ante*, p. 820;

No. 16–8415. *JOHNSON v. UNITED STATES*, *ante*, p. 830;

No. 16–9484. *MC CLOUD v. FUNAIOCK ET AL.*, *ante*, p. 851;

No. 17–5171. *CAMACHO-SANTIAGO v. UNITED STATES*, *ante*, p. 884;

No. 17–5183. *KABBAJ v. AMERICAN SCHOOL OF TANGIER ET AL.*; and *KABBAJ v. UNITED STATES*, *ante*, p. 884. Petitions for rehearing denied.

No. 16–1426. *TARTT v. MAGNA HEALTH SYSTEMS ET AL.*, *ante*, p. 905. Petition for rehearing denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition.

NOVEMBER 14, 2017

Certiorari Denied

No. 17–6688 (17A505). *CAMPBELL v. JENKINS, WARDEN*. C. A. 6th Cir. Application for stay of execution of sentence of death, presented to JUSTICE KAGAN, and by her referred to the Court, denied. Certiorari denied. Reported below: 874 F. 3d 454.

NOVEMBER 16, 2017

Dismissal Under Rule 46

No. 17–306. *HEGNA, INDIVIDUALLY AND AS EXECUTRIX ON BEHALF OF THE ESTATE OF HEGNA, ET AL. v. UNITED STATES ET AL.* C. A. 2d Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 673 Fed. Appx. 34.

NOVEMBER 21, 2017

Miscellaneous Orders

No. 16–111. *MASTERPIECE CAKESHOP, LTD., ET AL. v. COLORADO CIVIL RIGHTS COMMISSION ET AL.* Ct. App. Colo. [Certio-

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rari granted, 582 U.S. 929.] Joint motion of respondents for divided argument granted. Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 16–534. RUBIN ET AL. *v.* ISLAMIC REPUBLIC OF IRAN ET AL. C. A. 7th Cir. [Certiorari granted, 582 U.S. 952.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted. JUSTICE KAGAN took no part in the consideration or decision of this motion.

No. 16–712. OIL STATES ENERGY SERVICES, LLC *v.* GREENE'S ENERGY GROUP, LLC, ET AL. C. A. Fed. Cir. [Certiorari granted, 582 U.S. 903.] Motion of the Solicitor General for divided argument granted.

NOVEMBER 27, 2017

Certiorari Granted—Vacated and Remanded

No. 16–9747. BROWN *v.* UNITED STATES. C. A. 3d 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 *Honeycutt v. United States*, 581 U.S. 443 (2017). Reported below: 661 Fed. Appx. 190.

Certiorari Dismissed

No. 17–6049. CHAFE *v.* FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES. Dist. Ct. App. Fla., 4th 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*).

No. 17–6058. WILSON *v.* SWAN 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

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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. D-2924. IN RE OWENS. It having been reported that Dennis J. Campbell Owens, of Kansas City, Mo., has died, the rule to show cause, issued on October 11, 2016, [580 U. S. 912] is discharged.

No. D-2973. IN RE ROBBINS. Due to mistaken identity, the order suspending James A. Robbins, of New York, N. Y., from the practice of law in this Court, dated May 15, 2017, [581 U. S. 970] is vacated and the rule to show cause issued on that date is discharged.

No. D-2975. IN RE DISBARMENT OF KLEIN. Disbarment entered. [For earlier order herein, see 581 U. S. 970.]

No. D-3001. IN RE DISCIPLINE OF KENNEDY. James W. Kennedy, of Toms River, 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-3002. IN RE DISCIPLINE OF KELLERMAN. Craig Michael Kellerman, of Eagleville, 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-3003. IN RE DISCIPLINE OF GREENMAN. Jonathan Greenman, of Fair Lawn, 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-3004. IN RE DISCIPLINE OF EICHENBERGER. Raymond Leland Eichenberger III, of Reynoldsburg, 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.

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No. D-3005. *IN RE DISCIPLINE OF MICHNIAK*. Andre Michniak, of King of Prussia, 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-3006. *IN RE DISCIPLINE OF WILLIAMS*. Rufus Seth Williams, 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-3007. *IN RE DISCIPLINE OF GUREVICH*. Alexander J. Gurevich, of Greenwich, Conn., 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-3008. *IN RE DISCIPLINE OF WILLIS*. Douglas Alan Willis, of Crest Hill, Ill., 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-3009. *IN RE DISCIPLINE OF MEACHAM*. William James Meacham, of Edwardsville, Ill., 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-3010. *IN RE DISCIPLINE OF CLUTTS*. Raymond Edward Clutts, of Schaumburg, Ill., 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-3011. *IN RE DISCIPLINE OF POWELL*. Rodney Howard Powell, of Clive, Iowa, 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-3012. *IN RE DISCIPLINE OF GRAHAM*. Robert C. Graham, of Henderson, Nev., is suspended from the practice of law

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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. 17M60. BLACKWELL *v.* SOUTH CAROLINA. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

No. 16–9425. DOUGHERTY *v.* MCKEE ET AL. C. A. D. C. Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 804] denied.

No. 16–9687. MELOT *v.* UNITED STATES. C. A. 10th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 804] denied.

No. 17–5989. STUKES *v.* VIRGINIA EMPLOYMENT COMMISSION ET AL. Sup. Ct. Va.;

No. 17–6043. PODGORETSKY *v.* OCWEN LOAN SERVICING, LLC, ET AL. C. A. 4th Cir.;

No. 17–6071. MERCER *v.* FAIRFAX COUNTY BOARD OF SUPERVISORS ET AL. C. A. 4th Cir.;

No. 17–6133. WARKENTIN *v.* FEDERATED LIFE INSURANCE CO. C. A. 9th Cir.; and

No. 17–6190. IMPERATO *v.* SECURITIES AND EXCHANGE COMMISSION. C. A. 11th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until December 18, 2017, 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. 17–614. IN RE SNYDER;

No. 17–6472. IN RE WEEKLEY;

No. 17–6513. IN RE CLUM;

No. 17–6563. IN RE BROWN; and

No. 17–6564. IN RE LUCAS. Petitions for writs of habeas corpus denied.

Certiorari Denied

No. 16–9363. RODRIGUEZ RAMOS *v.* WASHINGTON. Sup. Ct. Wash. Certiorari denied. Reported below: 187 Wash. 2d 420, 387 P. 3d 650.

No. 16–9424. VALENCIA ET AL. *v.* ARIZONA. Sup. Ct. Ariz. Certiorari denied. Reported below: 241 Ariz. 206, 386 P. 3d 392.

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No. 16–9707. *DONMEZ v. NEW YORK CITY DEPARTMENT OF CONSUMER AFFAIRS ET AL.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 139 App. Div. 3d 595, 33 N. Y. S. 3d 19.

No. 16–9708. *DONMEZ v. NEW YORK CITY DEPARTMENT OF CONSUMER AFFAIRS ET AL.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 139 App. Div. 3d 596, 30 N. Y. S. 3d 820.

No. 17–23. *MOORE v. BRYANT, GOVERNOR OF MISSISSIPPI.* C. A. 5th Cir. Certiorari denied. Reported below: 853 F. 3d 245.

No. 17–40. *COACHELLA VALLEY WATER DISTRICT ET AL. v. AGUA CALIENTE BAND OF CAHUILLA INDIANS ET AL.*; and

No. 17–42. *DESERT WATER AGENCY ET AL. v. AGUA CALIENTE BAND OF CAHUILLA INDIANS ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 849 F. 3d 1262.

No. 17–68. *NORMAN v. FLORIDA.* Sup. Ct. Fla. Certiorari denied. Reported below: 215 So. 3d 18.

No. 17–136. *OPENET TELECOM, INC., ET AL. v. AMDOCS (ISRAEL) LTD.* C. A. Fed. Cir. Certiorari denied. Reported below: 841 F. 3d 1288.

No. 17–178. *AMERICAN HUMANIST ASSN. ET AL. v. BIRDVILLE INDEPENDENT SCHOOL DISTRICT ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 851 F. 3d 521.

No. 17–236. *JOHNSON v. IDAHO.* Sup. Ct. Idaho. Certiorari denied. Reported below: 162 Idaho 213, 395 P. 3d 1246.

No. 17–242. *CROUSE ET AL. v. TOWN OF MONCK'S CORNER ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 848 F. 3d 576.

No. 17–248. *WILMINGTON TRUST CO. v. BRESLER, AS CO-PERSONAL REPRESENTATIVE OF THE ESTATE OF BRESLER, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 855 F. 3d 178.

No. 17–369. *TOWNSEND v. MONTGOMERY, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 17–371. *PROVIDENT SAVINGS BANK, FSB v. MCKEEN-CHAPLIN, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMI-*

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LARLY SITUATED. C. A. 9th Cir. Certiorari denied. Reported below: 862 F. 3d 847.

No. 17-373. LONG *v.* PARRY ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 679 Fed. Appx. 60.

No. 17-374. LEGGETT, INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF LEGGETT, ET AL. *v.* EQT PRODUCTION CO. ET AL. Sup. Ct. App. W. Va. Certiorari denied.

No. 17-377. VIRIYAPANTHU *v.* CANTIL-SAKAUYE ET AL. C. A. 9th Cir. Certiorari denied.

No. 17-381. MANN *v.* STRUCTURED ASSET MORTGAGE INVESTMENT II TRUST 2007-AR3, MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2007-AR3, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 416.

No. 17-382. GONZALEZ *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 229 So. 3d 1229.

No. 17-388. F5 CAPITAL *v.* PAPPAS ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 856 F. 3d 61.

No. 17-397. FORD, AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF SMILEY *v.* SHELBY COUNTY HEALTH CARE CORP., DBA REGIONAL MEDICAL CENTER, ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 855 F. 3d 836.

No. 17-398. STUNZIG *v.* KOCH ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 687 Fed. Appx. 841.

No. 17-406. SOLONENKO ET AL. *v.* GEORGIA NOTES 18, LLC, ET AL. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 182 So. 3d 876.

No. 17-407. SMITH *v.* LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 381.

No. 17-413. COLE ET AL. *v.* MERITOR, INC., ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 855 F. 3d 695.

No. 17-427. PHELPS-ROPER *v.* RICKETTS, GOVERNOR OF NEBRASKA, ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 867 F. 3d 883.

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No. 17-440. *ESTATE OF HAGE ET AL. v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied. Reported below: 685 Fed. Appx. 927.

No. 17-461. *SPENCER v. MATTIS, SECRETARY OF DEFENSE*. C. A. 4th Cir. Certiorari denied. Reported below: 686 Fed. Appx. 228.

No. 17-462. *VASATURO v. PETERKA ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 17-471. *CHAPMAN v. BERRYHILL, ACTING COMMISSIONER OF SOCIAL SECURITY*. C. A. 4th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 309.

No. 17-472. *BIN ALI JABER, PERSONAL REPRESENTATIVE OF THE ESTATE OF BIN ALI JABER, BY HIS NEXT FRIEND BIN ALI JABER, ET AL. v. UNITED STATES ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 861 F. 3d 241.

No. 17-487. *JORDAN v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 145 App. Div. 3d 584, 44 N. Y. S. 3d 378.

No. 17-488. *HENDRIX v. WAL-MART STORES, INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 697 Fed. Appx. 806.

No. 17-489. *HAMMANN v. WELLS FARGO BANK, N. A., ET AL.* Ct. App. Minn. Certiorari denied.

No. 17-496. *TAYLOR v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 17-497. *WOLICKI-GABLES ET VIR v. DOCTORS SAME DAY SURGERY CENTER, LTD., DBA DOCTORS SAME DAY SURGERY CENTER*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 216 So. 3d 665.

No. 17-536. *J. D. B. v. SOUTH CAROLINA*. Sup. Ct. S. C. Certiorari denied. Reported below: 419 S. C. 575, 799 S. E. 2d 675.

No. 17-545. *PONIATOWSKI v. MATAL, INTERIM DIRECTOR, UNITED STATES PATENT AND TRADEMARK OFFICE*. C. A. Fed. Cir. Certiorari denied. Reported below: 688 Fed. Appx. 912.

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No. 17–559. *GILLETTE v. WILSON SONSINI GROUP WELFARE BENEFIT PLAN ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 779.

No. 17–593. *HERRMANN v. UNITED STATES.* C. A. Armed Forces. Certiorari denied. Reported below: 76 M. J. 304.

No. 17–602. *CARTER v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

No. 17–605. *KASS v. CITY OF NEW YORK, NEW YORK, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 864 F. 3d 200.

No. 17–5007. *ROCHELL v. LEE ET AL.* Sup. Ct. Miss. Certiorari denied.

No. 17–5155. *JOHNSON v. DISTRICT OF COLUMBIA.* C. A. D. C. Cir. Certiorari denied. Reported below: 688 Fed. Appx. 4.

No. 17–5181. *SCHAFFER v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 851 F. 3d 166.

No. 17–5423. *IANNUCCI v. SWITALSKI, JUDGE, 16TH CIRCUIT COURT OF MICHIGAN.* C. A. 6th Cir. Certiorari denied.

No. 17–5634. *GRANGER v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 17–5669. *GASKIN v. FLORIDA.* Sup. Ct. Fla. Certiorari denied. Reported below: 218 So. 3d 399.

No. 17–5678. *LARGIN v. ALABAMA.* Ct. Crim. App. Ala. Certiorari denied. Reported below: 233 So. 3d 374.

No. 17–5945. *LEWIS v. JOLIET POLICE DEPARTMENT ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 682 Fed. Appx. 504.

No. 17–5963. *WILLIAMS v. VANNOY, WARDEN.* C. A. 5th Cir. Certiorari denied.

No. 17–5968. *BROOKS v. BROOKS.* C. A. 9th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 888.

No. 17–5970. *BALL v. MARICOPA COUNTY, ARIZONA, ET AL.* Ct. App. Ariz. Certiorari denied.

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No. 17–5976. *MARSALA v. MARTINEZ, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 17–5985. *NOGUERO v. AMERICAN FAMILY MUTUAL INSURANCE Co.* Ct. App. Ariz. Certiorari denied.

No. 17–5986. *POLSON v. ALABAMA ET AL.* C. A. 11th Cir. Certiorari denied.

No. 17–5993. *BLACKKETTER v. AMSBERRY, SUPERINTENDENT, EASTERN OREGON CORRECTIONAL INSTITUTION*. C. A. 9th Cir. Certiorari denied.

No. 17–5994. *ANTHONY v. GORDY, WARDEN*. C. A. 11th Cir. Certiorari denied.

No. 17–6001. *KINNEY v. MICHIGAN DEPARTMENT OF CORRECTIONS*. Ct. App. Mich. Certiorari denied.

No. 17–6006. *BLANKS v. GRAHAM, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 839.

No. 17–6008. *BRUZZONE v. INTEL CORP. ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 931.

No. 17–6009. *SALIM v. RICHARDSON, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 17–6012. *MAKAU v. MEYER, JUDGE, DISTRICT COURT OF NORTH CAROLINA, ORANGE COUNTY, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 781.

No. 17–6016. *HILTON v. KELLY, SUPERINTENDENT, OREGON STATE PENITENTIARY*. C. A. 9th Cir. Certiorari denied.

No. 17–6017. *HAYES v. OHIO*. Ct. App. Ohio, 2d App. Dist., Montgomery County. Certiorari denied. Reported below: 2016-Ohio-7241.

No. 17–6019. *DOSENBERRY v. PALMER, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–6024. *WEST ET AL. v. PARKER, COMMISSIONER, TENNESSEE DEPARTMENT OF CORRECTIONS, ET AL.* Sup. Ct. Tenn. Certiorari denied. Reported below: 519 S. W. 3d 550.

No. 17–6028. *WILSON v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

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No. 17–6031. *HALL v. RIVARD, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–6041. *RUIZ v. OREGON*. Ct. App. Ore. Certiorari denied. Reported below: 283 Ore. App. 110, 385 P. 3d 1286.

No. 17–6042. *MCCRARY v. UNITED PARCEL SERVICE, INC., ET AL.* Ct. App. Minn. Certiorari denied.

No. 17–6045. *JOHNSON v. JENKINS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–6051. *SCOTT v. HORTON, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–6055. *MOORE v. SOTO, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 17–6056. *NELSON v. JACKSON, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–6080. *WANT v. FREI ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 686 Fed. Appx. 161.

No. 17–6096. *SAUNDERS v. GARMAN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ROCKVIEW, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 17–6109. *WHITNUM-BAKER v. CONNECTICUT*. App. Ct. Conn. Certiorari denied.

No. 17–6118. *ROBLES v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 703 Fed. Appx. 652.

No. 17–6137. *ORTIZ v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 139.

No. 17–6144. *ALLEN v. BERRYHILL, ACTING COMMISSIONER OF SOCIAL SECURITY*. C. A. 10th Cir. Certiorari denied. Reported below: 687 Fed. Appx. 723.

No. 17–6159. *PROUT v. CLARKE, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ALBION, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 17–6169. *VINCENT v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

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No. 17–6176. *DOBBS v. GEORGIA*. Sup. Ct. Ga. Certiorari denied.

No. 17–6188. *HIVES v. BISK EDUCATION, INC.* C. A. 11th Cir. Certiorari denied.

No. 17–6195. *GUMBS v. PENN.* C. A. 3d Cir. Certiorari denied. Reported below: 691 Fed. Appx. 57.

No. 17–6212. *DENHAM v. HORTON, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–6215. *CARSON v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 212 So. 3d 22.

No. 17–6264. *GRANT v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 756.

No. 17–6294. *WILLINGHAM v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17–6296. *LARSON v. PARAMO, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 700 Fed. Appx. 594.

No. 17–6300. *BANKS v. HORNAK ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 698 Fed. Appx. 731.

No. 17–6302. *BAHTUOH v. MILES, WARDEN*. C. A. 8th Cir. Certiorari denied. Reported below: 855 F. 3d 868.

No. 17–6315. *SURIEL v. MASSACHUSETTS*. App. Ct. Mass. Certiorari denied. Reported below: 91 Mass. App. 604, 78 N. E. 3d 799.

No. 17–6325. *SIMMONS v. BEAM ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 685 Fed. Appx. 220.

No. 17–6335. *MATELYAN v. ASCAP ET AL.* C. A. 9th Cir. Certiorari denied.

No. 17–6342. *MOJICA v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 863 F. 3d 727.

No. 17–6358. *RIGG v. MAIORANA, WARDEN*. C. A. 11th Cir. Certiorari denied. Reported below: 685 Fed. Appx. 812.

No. 17–6371. *BUSKEY v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 148 A. 3d 1193.

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No. 17–6372. *YOUNG v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 693 Fed. Appx. 361.

No. 17–6377. *ROJO-RIVAS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 674 Fed. Appx. 746.

No. 17–6380. *SIMMONS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 17–6391. *EVENSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 864 F. 3d 981.

No. 17–6401. *MELLENDEZ-GONZALEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 170.

No. 17–6403. *ZAMORA-ALONSO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 693 Fed. Appx. 370.

No. 17–6406. *WEISS, AKA SIVAD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 684 Fed. Appx. 328.

No. 17–6407. *VALDEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 307.

No. 17–6409. *RICO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 864 F. 3d 381.

No. 17–6410. *SMITH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 701 Fed. Appx. 237.

No. 17–6418. *DAVILA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 856 F. 3d 141.

No. 17–6422. *LANGE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 862 F. 3d 1290.

No. 17–6429. *RHODES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 259.

No. 17–6431. *RUSSELL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 17–6432. *KOH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 704 Fed. Appx. 639.

No. 17–6436. *HAMID v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 693 Fed. Appx. 201.

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No. 17–6438. *FIorentino v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 862 F. 3d 223.

No. 17–6439. *HOPES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 693 Fed. Appx. 337.

No. 17–6440. *GUERRERO-RODRIGUEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 693 Fed. Appx. 354.

No. 17–6441. *WILLIAMS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17–6443. *PITTMAN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 696 Fed. Appx. 609.

No. 17–6444. *THUNDER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 17–6447. *VANDERBECK v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 702 Fed. Appx. 54.

No. 17–6454. *FOWLER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 702 Fed. Appx. 531.

No. 17–6455. *FONTANA v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 869 F. 3d 464.

No. 17–6456. *GARY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 701 Fed. Appx. 234.

No. 17–6464. *CORNELIUS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 693 Fed. Appx. 604.

No. 16–1320. *UPSTATE CITIZENS FOR EQUALITY, INC., ET AL. v. UNITED STATES ET AL.*; and

No. 17–8. *TOWN OF VERNON, NEW YORK v. UNITED STATES ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 841 F. 3d 556.

JUSTICE THOMAS, dissenting.

The Indian Reorganization Act (IRA), 48 Stat. 985, as amended, permits the Secretary of the Interior to take land into trust for individual Indians or Indian tribes. 25 U. S. C. § 5108. Once land is taken into trust under the IRA, it is exempt from almost all state control. It is no longer subject to state or local taxation. *Ibid.* Local zoning and regulatory requirements do not apply.

25 CFR § 1.4(a) (2017). And unless the Indian tribe consents, the State may not exercise criminal or civil jurisdiction. 25 U. S. C. §§ 1321(a)(1), 1322(a). The IRA thus allows the Secretary to take state land and strip the State of almost all sovereign power over it.

In 2008, the Secretary invoked the IRA to take into trust more than 13,000 acres of land in upstate New York for the Oneida Nation of New York, an Indian Tribe that descended from one of the Iroquois nations. 841 F. 3d 556, 564 (CA2 2016). Petitioners, a local government and several interested citizens from upstate New York, ask us to decide whether this use of the IRA is a constitutional exercise of Congress' power under the Indian Commerce Clause "[t]o regulate Commerce . . . with the Indian Tribes," Art. I, § 8, cl. 3. I would grant the petitions for writs of certiorari to reconsider our Indian Commerce Clause precedents.

Those precedents have acquiesced in Congress' assertion of a "plenary power to legislate in the field of Indian affairs." *Cotton Petroleum Corp. v. New Mexico*, 490 U. S. 163, 192 (1989). But "neither the text nor the original understanding of the [Indian Commerce] Clause supports Congress' claim to such 'plenary' power." *Adoptive Couple v. Baby Girl*, 570 U. S. 637, 659 (2013) (THOMAS, J., concurring); see *United States v. Lara*, 541 U. S. 193, 224 (2004) (THOMAS, J., concurring in judgment); *Puerto Rico v. Sánchez Valle*, 579 U. S. 59, 79 (2016) (THOMAS, J., concurring in part and concurring in judgment); *United States v. Bryant*, 579 U. S. 140, 159–161 (2016) (THOMAS, J., concurring). Instead, as I have previously explained, the Clause extends only to "regulat[ing] trade with Indian tribes—that is, Indians who had not been incorporated into the body-politic of any State." *Adoptive Couple*, *supra*, at 660.

Understood this way, the Indian Commerce Clause does not appear to give Congress the power to authorize the taking of land into trust under the IRA. Even assuming that land transactions are "Commerce" within the scope of the Clause, but see Natelson, *The Original Understanding of the Indian Commerce Clause*, 85 *Denver U. L. Rev.* 201, 214–215, and n. 94 (2007), many applications of the IRA do not involve trade of any kind. The IRA permits the Secretary to take into trust land that an Indian tribe *already owns*. See 25 U. S. C. § 5108 (authorizing the Secretary to take into trust land acquired through "relinquishment," "gift," or "assignment"); 25 CFR § 151.3 (providing that the Secre-

tary may take land into trust “[w]hen the tribe already owns an interest in the land”); § 151.4 (providing that the Secretary may take into trust “[u]nrestricted land owned by an individual Indian or a tribe”). And in cases like these, where the tribe already owns the land, neither money nor property changes hands. Instead, title is slightly modified by adding “the United States in trust for” in front of the name of “the Indian tribe or individual Indian” who owns the land. See 25 U.S.C. § 5108. This arrangement does not affect the Indian tribe’s beneficial ownership of the property, and it does not afford the United States any meaningful property rights. See F. Cohen, *Handbook of Federal Indian Law* 997–998, 1057–1058 (2012); Prakash, *Against Tribal Fungibility*, 89 *Cornell L. Rev.* 1069, 1093–1094, and n. 152 (2004). In short, because no exchange takes place, these trust arrangements do not resemble “‘trade with Indians.’” *Adoptive Couple*, *supra*, at 659 (THOMAS, J., concurring) (quoting Natelson, *supra*, at 215–216).

Applying our precedents, the Second Circuit concluded that the Indian Commerce Clause empowered the Federal Government to take into trust the land at issue here. In so doing, it showed how far our precedents interpreting the Indian Commerce Clause have strayed from the original understanding, and how much Congress’ power has grown as a result. Asserting plenary power, Congress authorized the Secretary to take 13,000 acres of New York and to declare it sovereign Oneida territory. It did so even though the land had been under New York’s sovereign control for more than two centuries. *City of Sherrill v. Oneida Indian Nation of N. Y.*, 544 U.S. 197, 203, 221 (2005). And it did so even though restoring tribal sovereignty over the land would “‘seriously burde[n] the administration of state and local governments’ and would adversely affect landowners neighboring the tribal patches.” *Id.*, at 220 (quoting *Hagen v. Utah*, 510 U.S. 399, 421 (1994)); see also 841 F.3d, at 564.

Under our precedents, Congress has thus obtained the power to take any state land and strip the State of almost all sovereign power over it “for the purpose of providing land for Indians.” 25 U.S.C. § 5108. This means Congress could reduce a State to near nonexistence by taking all land within its borders and declaring it sovereign Indian territory. It is highly implausible that the Founders understood the Indian Commerce Clause, which was virtually unopposed at the founding, as giving Congress the

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power to destroy the States' territorial integrity. See *Adoptive Couple*, 570 U. S., at 664 (THOMAS, J., concurring). Indeed, they would have been shocked to find such a power lurking in a Clause they understood to give Congress the limited authority “to regulate trade with Indian tribes living beyond state borders.” *Ibid.*

When our precedents permit such an absurd result, something has gone seriously awry. It is time to fix our error. We should have granted certiorari to reexamine our Indian Commerce Clause precedents, instead of standing idly by as Congress, the Executive, and the lower courts stray further and further from the Constitution. I respectfully dissent from the denials of certiorari.

No. 17–127. KOLBE ET AL. *v.* HOGAN, GOVERNOR OF MARYLAND, ET AL. C. A. 4th Cir. Motion of Edwin Vieira, Jr., et al. for leave to file brief as *amici curiae* granted. Certiorari denied. Reported below: 849 F. 3d 114.

No. 17–257. CORDIS CORP. *v.* DUNSON ET AL. C. A. 9th Cir. Motion of Washington Legal Foundation for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 854 F. 3d 551.

No. 17–376. BROWN *v.* MCCOLLUM, WARDEN. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 696 Fed. Appx. 875.

No. 17–394. TEXAS *v.* HARTFIELD. Ct. App. Tex., 13th Dist. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 516 S. W. 3d 57.

No. 17–405. BYRD, WARDEN *v.* BUDDER. C. A. 10th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 851 F. 3d 1047.

No. 17–524. JOSEPH *v.* UNITED TECHNOLOGIES CORP. ET AL. C. A. 2d Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 693 Fed. Appx. 34.

No. 17–564. NOVA CHEMICALS CORP. (CANADA) ET AL. *v.* DOW CHEMICAL Co. C. A. Fed. Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 856 F. 3d 1012.

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No. 17–5039. *BIRMINGHAM v. PNC BANK, N. A.* C. A. 4th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 846 F. 3d 88.

No. 17–6107. *GARCIA CUEVAS v. HARTLEY, WARDEN.* C. A. 9th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 674 Fed. Appx. 724.

No. 17–6334. *WILLIAMS v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 17–6423. *JOHNSON v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

Rehearing Denied

No. 16–1312. *SOOBZOKOV v. LICHTBLAU ET AL., ante*, p. 818;

No. 16–1469. *WILBORN v. MERIT SYSTEMS PROTECTION BOARD, ante*, p. 825;

No. 16–1516. *NELSON v. LEVY CENTER LLC ET AL., ante*, p. 827;

No. 16–1542. *USHER v. PREMIER CARE NURSES OF AMERICA, INC., ante*, p. 829;

No. 16–8291. *HEDMAN ET AL. v. NATIONSTAR MORTGAGE, LLC, ET AL., ante*, p. 830;

No. 16–9012. *MILLER v. PLUMLEE, JUDGE, DISTRICT COURT OF TEXAS, DALLAS COUNTY, ET AL., ante*, p. 834;

No. 16–9153. *SIMMS v. UNITED HEALTH CARE COMMUNITY PLAN, ante*, p. 838;

No. 16–9350. *WALLACE v. LOUISIANA ET AL., ante*, p. 845;

No. 16–9368. *SROUR v. MIZRAHI-SROUR, ante*, p. 846;

No. 16–9452. *VIOLA v. UNITED STATES, ante*, p. 850;

No. 16–9467. *IN RE ALLAH, ante*, p. 813;

No. 16–9468. *ARNOLD v. ASHWORTH, ante*, p. 851;

No. 16–9505. *WHITE v. O'REILLY, ante*, p. 853;

No. 16–9626. *STUART v. STUART, ante*, p. 859;

No. 17–4. *MORRIS ET VIR v. THOMPSON, ante*, p. 867;

No. 17–20. *KAPLAN ET UX. v. MAYO CLINIC ET AL., ante*, p. 868;

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No. 17–33. BAILEY *v.* ZUCKER, GOLDBERG & ACKERMAN, LLC, ET AL., *ante*, p. 868;

No. 17–82. SHAO *v.* MCMANIS FAULKNER, LLP, *ante*, p. 871;

No. 17–5004. SKLAR *v.* STATE BAR OF CALIFORNIA, *ante*, p. 875;

No. 17–5084. MONTANEZ *v.* CHEESECAKE FACTORY RESTAURANTS, INC., *ante*, p. 879;

No. 17–5199. IN RE CAMPBELL, *ante*, p. 813;

No. 17–5337. CRUTCHFIELD *v.* WILLIAMSON COUNTY PUBLIC DEFENDER’S OFFICE, *ante*, p. 892;

No. 17–5345. KINEMORE *v.* MOORE, *ante*, p. 893; and

No. 17–5614. SALWAN *v.* MATAL, INTERIM DIRECTOR, UNITED STATES PATENT AND TRADEMARK OFFICE, *ante*, p. 901. Petitions for rehearing denied.

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Dismissal Under Rule 46

No. 17–491. ISLAND PACIFIC ACADEMY, INC. *v.* GABRIEL. Sup. Ct. Haw. Certiorari dismissed under this Court’s Rule 46.1. Reported below: 140 Haw. 325, 400 P. 3d 526.

DECEMBER 1, 2017

Certiorari Granted

No. 17–368. SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT *v.* SOLARCITY CORP. C. A. 9th Cir. Certiorari granted. Reported below: 859 F. 3d 720 and 692 Fed. Appx. 458.

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Certiorari Dismissed

No. 17–6634. EL *v.* DEPARTMENT OF COMMERCE 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: 678 Fed. Appx. 99.

Miscellaneous Orders

No. 17A550. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL. *v.* HAWAII ET AL. D. C. Haw. Application for stay, presented to JUSTICE KENNEDY, and by him referred to the Court, granted, and the District Court’s October 20, 2017, order granting

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preliminary injunction is stayed pending disposition of the Government's appeal in the United States Court of Appeals for the Ninth Circuit and disposition of the Government's petition for writ of certiorari, if such writ is sought. If a writ of certiorari is sought and the Court denies the petition, this order shall terminate automatically. If the Court grants the petition for writ of certiorari, this order shall terminate when the Court enters its judgment. In light of its decision to consider the case on an expedited basis, we expect that the Court of Appeals will render its decision with appropriate dispatch. JUSTICE GINSBURG and JUSTICE SOTOMAYOR would deny the application.

No. 17A560. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL. *v.* INTERNATIONAL REFUGEE ASSISTANCE PROJECT ET AL. D. C. Md. Application for stay, presented to THE CHIEF JUSTICE, and by him referred to the Court, granted, and the District Court's October 17, 2017, order granting preliminary injunction is stayed pending disposition of the Government's appeal in the United States Court of Appeals for the Fourth Circuit and disposition of the Government's petition for writ of certiorari, if such writ is sought. If a writ of certiorari is sought and the Court denies the petition, this order shall terminate automatically. If the Court grants the petition for writ of certiorari, this order shall terminate when the Court enters its judgment. In light of its decision to consider the case on an expedited basis, we expect that the Court of Appeals will render its decision with appropriate dispatch. JUSTICE GINSBURG and JUSTICE SOTOMAYOR would deny the application.

No. D-2970. IN RE DISBARMENT OF CONWAY. Disbarment entered. [For earlier order herein, see 581 U. S. 970.]

No. D-2977. IN RE DISBARMENT OF CLARK. Disbarment entered. [For earlier order herein, see 582 U. S. 901.]

No. D-2988. IN RE DISBARMENT OF BYRD. Disbarment entered. [For earlier order herein, see 582 U. S. 903.]

No. 17M61. MADISON *v.* CALIFORNIA;
No. 17M62. KENNY *v.* BARTMAN ET AL.;
No. 17M63. TABB *v.* JEFFERSON COUNTY BOARD OF EDUCATION ET AL.; and

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No. 17M64. *TURNER v. WETZEL, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL.* Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 16–9158. *CHAPPELL v. MORGAN ET AL.* C. A. 6th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 802] denied.

No. 16–9472. *FULLER v. GREELEY.* Sup. Ct. Mich. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 804] denied.

No. 17–290. *MERCK SHARP & DOHME CORP. v. ALBRECHT ET AL.* C. A. 3d Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 17–5026. *BLANK v. UNITED STATES.* C. A. 5th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 805] denied.

No. 17–5269. *ALBERT v. DIVERSIFIED CONSULTANTS, INC., ET AL.* Sup. Ct. Minn. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 806] denied.

No. 17–6254. *WOODS v. UNITED STATES.* C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until December 26, 2017, 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. 17–6669. *IN RE WOODS*; and

No. 17–6754. *IN RE SCOTT.* Petitions for writs of habeas corpus denied.

No. 17–483. *IN RE BRADLEY ET AL.*;

No. 17–485. *IN RE HUDNALL*; and

No. 17–507. *IN RE REARDON.* Petitions for writs of mandamus denied.

No. 17–6150. *IN RE SCHECKEL.* Petition for writ of mandamus and/or prohibition denied.

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No. 17–6136. *IN RE PANNELL*. 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.

Certiorari Denied

No. 16–1043. *CLARK v. VIRGINIA DEPARTMENT OF STATE POLICE*. Sup. Ct. Va. Certiorari denied. Reported below: 292 Va. 725, 793 S. E. 2d 1.

No. 16–1517. *HAMILTON v. PALLOZZI ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 848 F. 3d 614.

No. 16–1548. *CLEATON v. DEPARTMENT OF JUSTICE*. C. A. Fed. Cir. Certiorari denied. Reported below: 839 F. 3d 1126.

No. 16–9376. *MASSEY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 849 F. 3d 262.

No. 16–9385. *TRISLER v. INDIANA*. Ct. App. Ind. Certiorari denied. Reported below: 68 N. E. 3d 622.

No. 16–9693. *PATTERSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 682 Fed. Appx. 878.

No. 17–10. *CREDIT SUISSE FIRST BOSTON MORTGAGE SECURITIES CORP. ET AL. v. FEDERAL DEPOSIT INSURANCE CORPORATION, AS RECEIVER FOR CITIZENS NATIONAL BANK ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 674 Fed. Appx. 86.

No. 17–69. *ROGERS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 17–85. *MCCARTHAN v. COLLINS, CHIEF UNITED STATES PROBATION OFFICER FOR THE MIDDLE DISTRICT OF FLORIDA*. C. A. 11th Cir. Certiorari denied. Reported below: 851 F. 3d 1076.

No. 17–276. *U. S. HOME CORP. ET AL. v. SETTLERS CROSSING, L. L. C., ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 685 Fed. Appx. 173.

No. 17–278. *VIEN-PHUONG THI HO v. RECONTRUST Co., N. A., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 858 F. 3d 568 and 669 Fed. Appx. 857.

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No. 17-320. *PERFECT 10, INC. v. GIGANEWS, INC., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 847 F. 3d 657.

No. 17-367. *TROPIC LEISURE CORP. ET AL. v. HAILEY.* Ct. App. N. C. Certiorari denied. Reported below: 251 N. C. App. 915, 796 S. E. 2d 129.

No. 17-424. *TURNER, MAYOR OF THE CITY OF HOUSTON, TEXAS, ET AL. v. PIDGEON ET AL.* Sup. Ct. Tex. Certiorari denied. Reported below: 538 S. W. 3d 73.

No. 17-426. *TICHENOR v. ARIZONA.* Ct. App. Ariz. Certiorari denied.

No. 17-428. *TRAVERSO v. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS.* C. A. 9th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 826.

No. 17-436. *TURNER v. HUBBARD SYSTEMS, INC., FKA JIM HUBBARD & ASSOCIATES, INC.* C. A. 1st Cir. Certiorari denied. Reported below: 855 F. 3d 10.

No. 17-438. *CITY OF SPRINGFIELD, MASSACHUSETTS, ET AL. v. QUARTERMAN.* App. Ct. Mass. Certiorari denied. Reported below: 91 Mass. App. 254, 74 N. E. 3d 265.

No. 17-444. *TOWER CREDIT, INC. v. SCHOTT.* C. A. 5th Cir. Certiorari denied. Reported below: 850 F. 3d 816.

No. 17-450. *S. S., A MINOR, BY AND THROUGH HER MOTHER AND NEXT FRIEND, SCHMIDT v. BELLEVUE MEDICAL CENTER L. L. C. ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 860 F. 3d 1038.

No. 17-453. *MIRANDA v. SELIG ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 860 F. 3d 1237.

No. 17-454. *BURCH v. BELLAGIO HOTEL AND CASINO ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 1003.

No. 17-458. *DYER v. ATTORNEY GRIEVANCE COMMISSION OF MARYLAND.* Ct. App. Md. Certiorari denied. Reported below: 453 Md. 585, 162 A. 3d 970.

No. 17-466. *PHILLIPS, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF POWLEDGE, DECEASED, ET AL. v. GEN-*

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ERAL MOTORS LLC ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 689 Fed. Appx. 95.

No. 17-468. NEXT MILLENIUM REALTY, LLC, ET AL. *v.* AD-CHEM CORP. ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 690 Fed. Appx. 710.

No. 17-470. HICKS-FIELDS, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF HICKS, DECEASED, ET AL. *v.* HARRIS COUNTY, TEXAS. C. A. 5th Cir. Certiorari denied. Reported below: 860 F. 3d 803.

No. 17-490. GONZALEZ-BETANCOURT *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 229 So. 3d 1230.

No. 17-509. LAUVE *v.* SNYDER, GOVERNOR OF MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 17-510. KINNEY *v.* UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT. C. A. 9th Cir. Certiorari denied.

No. 17-513. BUCKOVETZ *v.* DEPARTMENT OF THE NAVY. C. A. 9th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 651.

No. 17-520. KLINE *v.* BILES, JUSTICE, SUPREME COURT OF KANSAS, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 861 F. 3d 1177.

No. 17-527. REOFORCE, INC., ET AL. *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied.

No. 17-529. S. H., A MINOR, BY HER GUARDIAN AD LITEM, HOLT, ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 853 F. 3d 1056.

No. 17-534. I. T., BY AND THROUGH HIS PARENTS RENEE T. ET AL. *v.* HAWAII DEPARTMENT OF EDUCATION. C. A. 9th Cir. Certiorari denied. Reported below: 700 Fed. Appx. 596.

No. 17-563. SNYDER *v.* DEPARTMENT OF THE NAVY. C. A. Fed. Cir. Certiorari denied. Reported below: 854 F. 3d 1366.

No. 17-573. SMITH ET UX. *v.* CENTRAL PLATTE NATURAL RESOURCES DISTRICT. Ct. App. Neb. Certiorari denied. Reported below: 24 Neb. App. xii.

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No. 17-581. *PINCKNEY v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 697 Fed. Appx. 768.

No. 17-583. *AOSSEY ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 854 F. 3d 453.

No. 17-584. *BRACEWELL ET AL. v. FLORIDA DEPARTMENT OF CORRECTIONS*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 220 So. 3d 1228.

No. 17-589. *KING v. RIVERWATCH CONDOMINIUM OWNERS' ASSN.* Sup. Ct. Pa. Certiorari denied.

No. 17-594. *THAW ET AL. v. SESSIONS, ATTORNEY GENERAL, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 712 Fed. Appx. 604.

No. 17-596. *DOUGLAS v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 17-615. *PONCE RODRIGUEZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 703 Fed. Appx. 784.

No. 17-619. *TANAKA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 707 Fed. Appx. 448.

No. 17-623. *PARKHURST v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 865 F. 3d 509.

No. 17-5054. *CASTILLO-RIVERA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 853 F. 3d 218.

No. 17-5055. *CLEMONS v. PFISTER, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 845 F. 3d 816.

No. 17-5095. *LOCKHART v. TEXAS*. Ct. App. Tex., 13th Dist. Certiorari denied.

No. 17-5114. *ZAMZOW v. WISCONSIN*. Sup. Ct. Wis. Certiorari denied. Reported below: 2017 WI 29, 374 Wis. 2d 220, 892 N. W. 2d 637.

No. 17-5186. *STEPHENS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 251.

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No. 17–5267. *RAMIREZ CASTILLO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 282.

No. 17–5351. *OLAWALE-AYINDE, AKA WILLIAMS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 17–5385. *GARLICK v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 144 App. Div. 3d 605, 42 N. Y. S. 3d 28.

No. 17–5412. *COLLINS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 854 F. 3d 1324.

No. 17–5417. *ADKINS v. PUBLIC STORAGE*. C. A. 4th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 843.

No. 17–5450. *HARRIS v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 127 A. 3d 400.

No. 17–5592. *MIDDLEBROOKS v. MAYS, ACTING WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 843 F. 3d 1127.

No. 17–5653. *MEHMETI v. JOFAZ TRANSPORTATION, INC.* C. A. 2d Cir. Certiorari denied.

No. 17–5713. *ESLAMI v. FEDERAL NATIONAL MORTGAGE ASSOCIATION, AKA FANNIE MAE, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 379.

No. 17–5739. *WILLIAMS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 810.

No. 17–5753. *ANDERSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 17–6050. *SAPIEN v. BOWERSOX, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 17–6062. *WILLIAMS v. KING, EXECUTIVE DIRECTOR, COALINGA STATE HOSPITAL*. C. A. 9th Cir. Certiorari denied. Reported below: 696 Fed. Appx. 283.

No. 17–6076. *NYANJOM v. HAWKER BEECHCRAFT, INC.* C. A. 2d Cir. Certiorari denied.

No. 17–6082. *BUTLER v. TENNESSEE*. Ct. App. Tenn. Certiorari denied.

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No. 17–6083. *BUCHANAN v. TALLAHATCHIE COUNTY CORRECTIONAL FACILITY*. C. A. 5th Cir. Certiorari denied. Reported below: 704 Fed. Appx. 307.

No. 17–6087. *EDWARDS v. MILLS ET AL.* C. A. 9th Cir. Certiorari denied.

No. 17–6098. *LUCIANO TAPIA v. HOLLAND, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 17–6100. *WHEDBEE v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 306.

No. 17–6103. *VETA v. HANDLER, CLERK, COURT OF APPEALS OF ARIZONA, DIVISION TWO, ET AL.* Sup. Ct. Ariz. Certiorari denied.

No. 17–6114. *JOHNSON v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 639 Pa. 196, 160 A. 3d 127.

No. 17–6120. *SAINTFLEUR v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 226 So. 3d 838.

No. 17–6122. *BLAKELY v. TOMPKINS*. C. A. 9th Cir. Certiorari denied.

No. 17–6124. *BARTLETT v. MORTON, COMMISSIONER, SUPERIOR COURT OF ARIZONA, MARICOPA COUNTY, ET AL.* Ct. App. Ariz. Certiorari denied.

No. 17–6126. *EVERETT v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 17–6129. *BETHEL v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 242 So. 3d 268.

No. 17–6132. *WILLIAMS v. HALL, COMMISSIONER, MISSISSIPPI DEPARTMENT OF CORRECTIONS*. C. A. 5th Cir. Certiorari denied.

No. 17–6143. *KING v. MCPHERSON ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 123.

No. 17–6147. *SAPPINGTON v. OLDHAM, SHERIFF, SHELBY COUNTY, TENNESSEE*. C. A. 6th Cir. Certiorari denied.

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No. 17–6148. *ROPER v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied. Reported below: 686 Fed. Appx. 759.

No. 17–6149. *RANGEL v. NEVEN, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 701 Fed. Appx. 572.

No. 17–6154. *SANTIAGO v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 133725–U.

No. 17–6156. *AGUILAR v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 17–6157. *MUMIN v. FRAKES, DIRECTOR, NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES*. C. A. 8th Cir. Certiorari denied.

No. 17–6160. *MARTINEZ v. DUCART, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 17–6162. *DORSEY v. GRIFFITH, WARDEN*. Sup. Ct. Mo. Certiorari denied.

No. 17–6164. *MCGEE v. DEPARTMENT OF CHILD SUPPORT SERVICES STATE HEARING OFFICE ET AL.* C. A. 9th Cir. Certiorari denied.

No. 17–6165. *KEELEY v. GRAY, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–6171. *WARREN v. ZATECKY, SUPERINTENDENT, PENDLETON CORRECTIONAL FACILITY*. C. A. 7th Cir. Certiorari denied.

No. 17–6172. *VIAU v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 226 So. 3d 854.

No. 17–6173. *LOUD v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 17–6177. *PIRELA v. UNKNOWN BAR OF HOMOSEXUALS AND FALSE WITNESSES ET AL.* C. A. 11th Cir. Certiorari denied.

No. 17–6178. *CAVALLARO v. PASH, WARDEN, ET AL.* C. A. 8th Cir. Certiorari denied.

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No. 17–6179. *RAINEY v. DISTRICT ATTORNEY OFFICE OF PHILADELPHIA*. C. A. 3d Cir. Certiorari denied.

No. 17–6180. *HITCHCOCK v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 226 So. 3d 216.

No. 17–6184. *PRINDLE v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 29 N. Y. 3d 463, 80 N. E. 3d 1026.

No. 17–6186. *DAVISON v. MCCOLLUM, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 696 Fed. Appx. 859.

No. 17–6189. *HALPER v. COLORADO*. Ct. App. Colo. Certiorari denied.

No. 17–6199. *EVANS v. LEE, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–6200. *SEDLAK v. SMITH, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HOUTZDALE, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 17–6206. *WIJE v. STUART ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 234.

No. 17–6210. *CHURCH v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 17–6214. *COLLINS ET UX. v. ASSET MANAGEMENT SPECIALISTS, INC., ET AL.* Ct. App. Cal., 2d App. Dist., Div. 5. Certiorari denied.

No. 17–6217. *THOMASSON v. ROSENBLUM, ATTORNEY GENERAL OF OREGON*. C. A. 9th Cir. Certiorari denied.

No. 17–6221. *BALADEZ v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 17–6228. *BRUMMEL v. TOWN OF NORTH HEMPSTEAD TOWN BOARD ET AL.* App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 145 App. Div. 3d 880, 43 N. Y. S. 3d 495.

No. 17–6237. *BROOKS v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 3 Cal. 5th 1, 396 P. 3d 480.

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No. 17–6243. *HAWKINS v. CALIFORNIA*. Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 17–6245. *GAITHER v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist., Div. 5. Certiorari denied.

No. 17–6266. *RECARTE v. MONTGOMERY, ACTING WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 17–6277. *BROWN v. BRIDGES ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 215.

No. 17–6281. *MORITZ v. WOODS, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 249.

No. 17–6293. *TURNER v. HIGH DESERT STATE PRISON ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 695 Fed. Appx. 336.

No. 17–6306. *WATKINS v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied. Reported below: 232 Md. App. 752.

No. 17–6320. *PRESLEY v. KELLY, SUPERINTENDENT, OREGON STATE PENITENTIARY*. C. A. 9th Cir. Certiorari denied. Reported below: 701 Fed. Appx. 619.

No. 17–6328. *BELL v. HOFFNER, WARDEN, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 701 Fed. Appx. 408.

No. 17–6346. *BLANC v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17–6354. *BAILEY v. WINN, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–6363. *KELLEY v. ALDINE INDEPENDENT SCHOOL DISTRICT*. Ct. App. Tex., 14th Dist. Certiorari denied.

No. 17–6381. *SCHREANE v. EBBERT, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 864 F. 3d 446.

No. 17–6392. *MIDDLETON v. PAYNE, WARDEN*. Sup. Ct. Ga. Certiorari denied.

No. 17–6394. *MOORE v. COUNTY OF ORANGE, CALIFORNIA, ET AL.* Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 17–6408. *WILLIAMS v. BERRYHILL, ACTING COMMISSIONER OF SOCIAL SECURITY*. C. A. 11th Cir. Certiorari denied. Reported below: 679 Fed. Appx. 971.

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No. 17-6421. LIN OUYANG *v.* ACHEM INDUSTRY AMERICA, INC. Sup. Ct. Cal. Certiorari denied.

No. 17-6433. KIIR *v.* SOUTH DAKOTA. Sup. Ct. S. D. Certiorari denied. Reported below: 2017 S.D. 47, 900 N. W. 2d 290.

No. 17-6452. LEVY *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 17-6466. PROUSALIS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 692 Fed. Appx. 675.

No. 17-6467. VANDERHORST *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 688 Fed. Appx. 185.

No. 17-6470. WEARING *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 865 F. 3d 553.

No. 17-6476. BAKER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 17-6484. ACEVEDO *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 17-6490. MARTINEZ-LOPEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 864 F. 3d 1034.

No. 17-6494. MACIAS-FARIAS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 17-6495. CHAMBERS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 17-6497. LOPEZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 17-6498. HAWKINS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 17-6499. HASSETT *v.* DELAWARE. Sup. Ct. Del. Certiorari denied. Reported below: 169 A. 3d 860.

No. 17-6502. MOMAH *v.* UTTECHT, SUPERINTENDENT, COYOTE RIDGE CORRECTIONS CENTER. C. A. 9th Cir. Certiorari denied. Reported below: 699 Fed. Appx. 604.

No. 17-6503. NICHOLS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 355.

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No. 17–6507. *ESTRADA APLESA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 630.

No. 17–6508. *BIGIO v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 672.

No. 17–6519. *GUZMAN-RENDON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 864 F. 3d 409.

No. 17–6526. *SPHABMISAI v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 703 Fed. Appx. 275.

No. 17–6528. *FREDERICK v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17–6529. *GUZMAN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 664 Fed. Appx. 120.

No. 17–6538. *PICKETT v. PETERS ET AL.* C. A. 9th Cir. Certiorari denied.

No. 17–6543. *VALDES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 681 Fed. Appx. 874.

No. 17–6548. *CURRIE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 702 Fed. Appx. 144.

No. 17–6549. *BABAR v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 17–6551. *GRESHAM v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 17–6554. *BUFFIS v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 867 F. 3d 230.

No. 17–6555. *BYRD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 700 Fed. Appx. 183.

No. 17–6557. *BATTLE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 695 Fed. Appx. 677.

No. 17–6558. *ABBOTT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 190.

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No. 17–6568. *CROXTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 693 Fed. Appx. 327.

No. 17–6571. *NKUKU v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 17–6572. *PUZEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 693 Fed. Appx. 246.

No. 17–6576. *GIBONEY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 863 F. 3d 1022.

No. 17–6584. *HUDSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 688 Fed. Appx. 413.

No. 17–6587. *GRAHAM v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 17–6588. *FOREMAN v. TERRIS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–6589. *FRIDIE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 683 Fed. Appx. 264.

No. 17–6592. *REASCOS-RENIA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17–6594. *LOPEZ-DOMINGUEZ v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 144.

No. 17–6597. *DAWSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 17–6603. *JERI v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 869 F. 3d 1247.

No. 17–6609. *HARRIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 326.

No. 17–6610. *FEATHERSTONE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 703 Fed. Appx. 300.

No. 17–6616. *ALMEIDA-OLIVAS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 865 F. 3d 1060.

No. 17–6618. *COCA v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 704 Fed. Appx. 744.

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No. 17–6622. *WILLIAMS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17–6626. *JOHNSTON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 695 Fed. Appx. 905.

No. 17–6629. *AGUIAR v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 17–6632. *JENKINS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 854 F. 3d 181 and 687 Fed. Appx. 71.

No. 17–6636. *DAVILA v. CHANDLER, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 384.

No. 17–6637. *BAMS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 858 F. 3d 937.

No. 17–6638. *RAMOS-PABLO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 319.

No. 17–6639. *RENE RODRIGUEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 304.

No. 16–9304. *FLOYD v. ALABAMA*. Sup. Ct. Ala. Certiorari denied. Reported below: 227 So. 3d 1.

Statement of JUSTICE SOTOMAYOR, with whom JUSTICE BREYER joins, respecting the denial of certiorari.

Petitioner Christopher Floyd was sentenced to death by an Alabama jury that was selected in a manner that raises serious concerns under our precedent in *Batson v. Kentucky*, 476 U. S. 79 (1986), *J. E. B. v. Alabama ex rel. T. B.*, 511 U. S. 127 (1994), and *Foster v. Chatman*, 578 U. S. 488 (2016). Although the unique context of Floyd’s case counsels against review by this Court, I find the underlying facts sufficiently troubling to note that in the ordinary course, facts like these likely would warrant a court’s intervention.

During *voir dire*, the Houston County District Attorney’s Office exercised peremptory challenges against 10 out of 11 qualified African-American venire members, and used 12 of its 18 strikes against women. The prosecutor also marked the letter “B,” as in black,” next to the name of each potential African-American juror. 2 Supp. Record, Reporter’s Tr. 58 (Nov. 13, 2007).

If these facts sound familiar, it is because they are remarkably similar to those in *Foster*, where we concluded that peremptory strikes of jurors “were ‘motivated in substantial part by discriminatory intent.’” 578 U. S., at 512–513 (quoting *Snyder v. Louisiana*, 552 U. S. 472, 485 (2008)). There, the prosecution struck all four qualified African-American venire members and had marked each of their names with a “B.” 578 U. S., at 493. The prosecutors’ attempts to provide race-neutral explanations with respect to two of those venire members failed to withstand scrutiny. See *id.*, at 512–514. Here, too, the record fails to support the prosecutors’ proffered race- and gender-neutral reasons for some of the strikes. For example, the reasons for striking at least two venire members applied equally to seated jurors, and the prosecutors justified the strikes of five women on the basis of age despite the fact that their ages ranged from 28 to 77.

That we have not granted certiorari should not be construed as complacency or an affirmation of all of the reasoning of the courts below. The unusual posture in which Floyd raised his *Batson* and *J. E. B.* claims warrants caution in the exercise of the Court’s review here. Yet, courts reviewing claims in circumstances like these must be steadfast in identifying, investigating, and correcting for improper bias in the jury selection process. Such discrimination “‘casts doubt on the integrity of the judicial process,’ and places the fairness of a criminal proceeding in doubt.” *Powers v. Ohio*, 499 U. S. 400, 411 (1991) (citation omitted).

No. 17–332. *CORDIS CORP. v. BARBER ET AL.*; *CORDIS CORP. v. ELLIOT ET AL.*; *CORDIS CORP. v. GARRY ET AL.*; *CORDIS CORP. v. GRANT ET AL.*; *CORDIS CORP. v. HALL ET AL.*; *CORDIS CORP. v. HERBERT ET AL.*; *CORDIS CORP. v. HOLDEN ET AL.*; *CORDIS CORP. v. LESCH ET AL.*; *CORDIS CORP. v. LEWIS ET AL.*; *CORDIS CORP. v. OEHRING ET AL.*; *CORDIS CORP. v. QUINN ET AL.*; *CORDIS CORP. v. RESOVSKY ET AL.*; and *CORDIS CORP. v. SUTTON ET AL.* C. A. 9th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 17–372. *DOW AGROSCIENCES, LLC, ET AL. v. BAYER CROPSCIENCE AG ET AL.* C. A. Fed. Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 680 Fed. Appx. 985.

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No. 17–464. *CONNECTICUT v. BACCALA*. Sup. Ct. Conn. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 326 Conn. 232, 163 A. 3d 1.

No. 17–609. *EVOLUTIONARY INTELLIGENCE LLC v. SPRINT NEXTEL CORP. ET AL.* C. A. Fed. Cir. Motions of U. S. Inventors Group and Eagle Forum Education & Legal Defense Fund for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 677 Fed. Appx. 679.

No. 17–662. *YANG v. WORTMAN ET AL.* C. A. 9th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 701 Fed. Appx. 554.

No. 17–6175. *ALLEN v. UNITED STATES ET AL.* C. A. 3d Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 17–6207. *TRIMBLE v. VANNOY, WARDEN*. C. A. 5th Cir. Motion of petitioner to defer consideration of petition for writ of certiorari denied. Certiorari denied.

No. 17–6524. *JOHNSON v. UNITED STATES*. C. A. Fed. Cir. Certiorari before judgment denied.

No. 17–6633. *MATHERLY v. ANDREWS*. C. A. 4th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 692 Fed. Appx. 733.

Rehearing Denied

No. 16–1339. *HANES ET AL. v. ARMED FORCES INSURANCE EXCHANGE*, *ante*, p. 819;

No. 16–1381. *MILLS v. FLORIDA*, *ante*, p. 820;

No. 16–1389. *DAVIS v. FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT ET AL.*, *ante*, p. 821;

No. 16–1390. *COHEN v. SESSIONS, ATTORNEY GENERAL*, *ante*, p. 821;

No. 16–1419. *HUAFENG XU v. TEREX CORP.*, *ante*, p. 822;

No. 16–1452. *ROSS ET AL. v. BOARD OF TRUSTEES OF CALIFORNIA STATE UNIVERSITY*, *ante*, p. 824;

No. 16–8811. *CASSINELLI v. CASSINELLI*, *ante*, p. 802;

No. 16–8947. *REED v. MICHIGAN*, *ante*, p. 833;

No. 16–8973. *MOORE v. UNITED STATES*, *ante*, p. 915;

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- No. 16–9100. STEWART *v.* GREEN, WARDEN, ET AL., *ante*, p. 837;
- No. 16–9109. MCCOY *v.* CONROY, WARDEN, *ante*, p. 837;
- No. 16–9199. BIGBEE *v.* LINDAMOOD, WARDEN, *ante*, p. 839;
- No. 16–9216. RIVERA-HERNANDEZ *v.* SESSIONS, ATTORNEY GENERAL, *ante*, p. 839;
- No. 16–9383. RECTOR *v.* UNITED STATES, *ante*, p. 846;
- No. 16–9423. WOODSON *v.* UNITED STATES, *ante*, p. 848;
- No. 16–9437. LANGAN *v.* DOWNIE ET AL., *ante*, p. 849;
- No. 16–9489. MARTIN *v.* BEAR, WARDEN, *ante*, p. 852;
- No. 16–9496. SCHERMERHORN *v.* TEXAS, *ante*, p. 852;
- No. 16–9497. BOWSHER *v.* LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, *ante*, p. 852;
- No. 16–9520. BUCK *v.* UNITED STATES, *ante*, p. 854;
- No. 16–9525. REILLY *v.* FLORIDA, *ante*, p. 854;
- No. 16–9554. AKEL *v.* FLORIDA, *ante*, p. 855;
- No. 16–9578. REYNOLDS *v.* STEWART, WARDEN, *ante*, p. 857;
- No. 16–9614. WOODSON *v.* CREWS, *ante*, p. 859;
- No. 16–9661. ARMSTRONG *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION, *ante*, p. 861;
- No. 17–16. FISHER *v.* MEDICAL CENTER OF PLANO ET AL., *ante*, p. 867;
- No. 17–29. HORNBERGER *v.* MERRILL LYNCH, PIERCE, FENNER & SMITH INC. ET AL., *ante*, p. 868;
- No. 17–32. BEJAR *v.* DEPARTMENT OF VETERANS AFFAIRS, *ante*, p. 868;
- No. 17–46. ZHI GUO, AKA HAN GAO *v.* INDEPENDENT CHINESE PEN CENTER, INC., ET AL., *ante*, p. 869;
- No. 17–157. HSU *v.* UBS FINANCIAL SERVICES, INC., *ante*, p. 873;
- No. 17–315. WAITS *v.* J&J MANAGEMENT SERVICE, INC., *ante*, p. 933;
- No. 17–5047. ROBERTS *v.* TEXAS, *ante*, p. 877;
- No. 17–5174. DAVIS *v.* STEPHENSON, ACTING WARDEN, *ante*, p. 884;
- No. 17–5179. ROEDEL *v.* KIRKEGARD, WARDEN, ET AL., *ante*, p. 884;
- No. 17–5211. JACKSON *v.* PEARSON, JUDGE, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO, *ante*, p. 886;

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No. 17–5247. *ARPINO v. WASHOE COUNTY BOARD OF COMMISSIONERS ET AL.*, *ante*, p. 888;

No. 17–5253. *BOOKER v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, ET AL.*, *ante*, p. 888;

No. 17–5279. *ESPINOZA-HORIUCHI v. WAL-MART STORES, INC.*, *ante*, p. 889;

No. 17–5294. *SINGLETON v. COOLEY, WARDEN*, *ante*, p. 890;

No. 17–5316. *VICTORIA v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.*, *ante*, p. 891;

No. 17–5328. *JOHNSON v. MURPHY, JUDGE, DISTRICT COURT OF GRAYSON COUNTY, TEXAS*, *ante*, p. 892;

No. 17–5348. *NETZER v. OFFICE OF LAWYER REGULATION ET AL.*, *ante*, p. 893;

No. 17–5368. *DARBY v. MCKEE ET AL.*, *ante*, p. 894;

No. 17–5380. *IN RE GLASSGOW*, *ante*, p. 813;

No. 17–5382. *GIPSON v. MNUCHIN, SECRETARY OF THE TREASURY*, *ante*, p. 894;

No. 17–5383. *CASTONGUAY v. NEBRASKA*, *ante*, p. 894;

No. 17–5416. *DAVIS v. DAVEY, WARDEN, ET AL.*, *ante*, p. 920;

No. 17–5418. *FORD v. UNITED STATES*, *ante*, p. 896;

No. 17–5422. *IANNUCCI v. MICHIGAN ET AL.*, *ante*, p. 896;

No. 17–5446. *NGUYEN VU v. WETZEL, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL.*, *ante*, p. 897;

No. 17–5568. *CAMPBELL v. SOUTH CAROLINA*, *ante*, p. 923;

No. 17–5577. *ADKINS v. KODURI*, *ante*, p. 934;

No. 17–5609. *AGOSTO v. MASTRANTONIO ET AL.*, *ante*, p. 924; and

No. 17–5623. *SHARP v. DOLAN ET AL.*, *ante*, p. 947. Petitions for rehearing denied.

No. 16–9539. *COMBS v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF KENTUCKY*, *ante*, p. 908. Petition for rehearing denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 17–182. *TIAN v. WATERGATE SOUTH, INC.*, *ante*, p. 929. Petition for rehearing denied. JUSTICE GINSBURG took no part in the consideration or decision of this petition.

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Miscellaneous Order

No. 17A570 (17–801). IN RE UNITED STATES ET AL. D. C. N. D. Cal. Application for stay, presented to JUSTICE KENNEDY, and by him referred to the Court, granted, and the District Court’s September 22, 2017, October 17, 2017, and November 20, 2017, orders, to the extent they require discovery and addition to the administrative record filed by the Government, are stayed pending disposition of the Government’s petition for a writ of mandamus or in the alternative a writ of certiorari. Responses to the Government’s petition for writ of mandamus or in the alternative writ of certiorari must be filed by Wednesday, December 13, 2017, at 4 p.m.

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

On September 5, 2017, the Government announced its decision to terminate the Deferred Action for Childhood Arrivals (DACA) program, effective March 5, 2018. The Department of Homeland Security (DHS) had adopted DACA in 2012. Since that time, DACA has provided that immigrants brought to the United States illegally as children who meet certain other requirements could obtain work authorization, a social security number, and permission to travel overseas and lawfully return to the United States. Nearly 800,000 people have benefited from the program.

After the Government announced its decision to terminate DACA, respondents filed suit in the U. S. District Court for the Northern District of California to challenge the Government’s termination of the program under the Administrative Procedure Act (APA) and on other grounds. The merits of that challenge have not yet been addressed by the District Court, and they are not before us. But the Government has filed a petition for a writ of mandamus in this Court to challenge the District Court’s order that it provide additional documents to complete the administrative record concerning the Government’s decision to terminate DACA. The U. S. Court of Appeals for the Ninth Circuit previously denied the Government most of the relief the Government seeks here. See *In re United States*, 875 F. 3d 1200 (2017). I would do the same.

A writ of mandamus is “a ‘drastic and extraordinary’ remedy ‘reserved for really extraordinary causes.’” *Cheney v. United States Dist. Court for D. C.*, 542 U. S. 367, 380 (2004) (quoting *Ex parte Fahey*, 332 U. S. 258, 259–260 (1947)). In my view, the Government’s arguments do not come close to carrying the heavy burden that the Government bears in seeking such extraordinary relief. With respect, I therefore dissent from the Court’s decision to grant a stay pending further consideration of the Government’s petition for a writ of mandamus.

I

The Government’s primary argument is that “the district court plainly erred by . . . ordering the government to ‘complete’ the administrative record with materials beyond those presented by the agency to the court,” because a reviewing court’s sole task under the APA is to “determine whether the agency’s action may be upheld on the basis of the reasons the agency provides and ‘the record the agency presents to the reviewing court.’” Pet. for Mandamus 19, 24 (quoting 875 F. 3d, at 1211 (Watford, J., dissenting)). The Government thus contends that review of its decision terminating DACA must be based exclusively on the documents that the Government itself unilaterally selected for submission to the District Court. I am not aware of any precedent supporting the Government’s position.

The APA is clear that a court reviewing agency action must review “the whole record” to determine whether that action is lawful. 5 U. S. C. § 706. The basic question here is what constitutes “the whole record” that the court must review. We held in *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U. S. 402, 420 (1971), that the “whole record” means “the full administrative record that was before the Secretary at the time he made his decision.” *Ibid.* Neither this Court nor the lower courts has ever read *Overton Park* to limit the “full administrative record” to those materials that the agency unilaterally decides should be considered by the reviewing court.

Indeed, judicial review cannot function if the agency is permitted to decide unilaterally what documents it submits to the reviewing court as the administrative record. Effective review depends upon the administrative record containing all relevant materials presented to the agency, including not only materials supportive of the government’s decision but also materials con-

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trary to the government's decision. See *Motor Vehicle Mfrs. Assn. of United States, Inc. v. State Farm Mut. Automobile Ins. Co.*, 463 U.S. 29, 43–44 (1983). Otherwise, the reviewing court cannot engage in the “thorough, probing, in-depth review” that the APA requires. *Overton Park*, 401 U.S., at 415–416. A court deprived of a full administrative record could not consider, for example, whether the decision was based on the consideration of irrelevant factors, *id.*, at 411–412; whether it considered the relevant factors, *id.*, at 416; whether the decision was “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law,” § 706(2)(A); or whether the decision was unlawful for some other reason.

Perhaps for this reason, the lower courts seem to have unanimously rejected the Government's position that the agency may unilaterally determine the contents of the administrative record that a court may review. In *Thompson v. Department of Labor*, 885 F.2d 551 (CA9 1989), for example, the Ninth Circuit explained:

“The whole administrative record . . . is not necessarily those documents that the *agency* has compiled and submitted as ‘the’ administrative record. The ‘whole’ administrative record, therefore, consists of all documents and materials directly or *indirectly* considered by agency decision-makers and includes evidence contrary to the agency's position.” *Id.*, at 555 (citation and some internal quotation marks omitted).

See also, *e.g.*, *Bar MK Ranches v. Yuetter*, 994 F.2d 735, 739 (CA10 1993) (“An agency may not unilaterally determine what constitutes the Administrative Record”).

To be sure, we also said in *Overton Park* (referring to the famous case of *United States v. Morgan*, 313 U.S. 409, 422 (1941)), that “inquiry into the mental processes of administrative decision-makers is usually to be avoided” absent a showing of bad faith or improper conduct. 401 U.S., at 420. But we said that in the context of explaining the circumstances under which officials “who participated in the decision” could be required “to give testimony explaining their action.” *Ibid.* (emphasis added); see also *Morgan, supra*, at 422 (discussing the testimony of the Secretary of Agriculture).

Probing a decisionmaker's subjective mental reasoning—what was at issue in *Morgan* and *Overton Park*—is distinct from the

ordinary judicial task of evaluating whether the decision itself was objectively valid, considering all of the materials before the decisionmaker at the time he made the decision. *Overton Park*, *supra*, at 420. And the testimony of the decisionmaker, at issue in *Morgan* and *Overton Park*, cannot be deemed properly part of the administrative record in any event, because it did not exist until after the agency decision had been made. See *Florida Power & Light Co. v. Lorion*, 470 U. S. 729, 743 (1985) (“[T]he focal point for judicial review should be the administrative record already in existence, not some new record made initially in the reviewing court” (quoting *Camp v. Pitts*, 411 U. S. 138, 142 (1973) (*per curiam*))).

The documents that the District Court ordered the Government to provide are documents that were considered by the decisionmaker or those advising her and that were “already in existence” at the time of the relevant agency decision. At least facially, these documents do not seem to involve “inquiry into the mental processes” of the decisionmaker at all. They thus do not implicate the bad faith or improper conduct standard from *Overton Park*.

In taking the position that the agency unilaterally decides which documents make up the administrative record, the Government relies heavily on the D. C. Circuit’s decision in *San Luis Obispo Mothers for Peace v. Nuclear Regulatory Comm’n*, 789 F. 2d 26, 44–45 (1986) (en banc). *San Luis Obispo* expanded *Morgan* and *Overton Park*’s bad faith or improper conduct standard to apply to one narrow category of pre-existing, documentary materials: records of the closed deliberations of the members of a multimember agency. See *San Luis Obispo*, 789 F. 2d, at 44–45. Such records, the D. C. Circuit has explained, are functionally equivalent to deposing an agency head to explain her decision—they represent the “collective mental processes of the agency.” *Id.*, at 44. This Court has never passed on this extension of *Morgan* and *Overton Park*. But in any event, it does not help the Government here because DHS, which made the decision to terminate DACA, is not a multimember agency, and so the records the District Court ordered produced are not protected by *San Luis Obispo* either.

The Government also relies on our decision in *Cheney*, 542 U. S. 367. But *Cheney* concerned only requests for documents from the White House itself. Such documents seem to form at most

only a small portion of the documents that the District Court ordered the Government to add to the administrative record, so *Cheney* cannot justify the broad relief from any obligation to complete the administrative record that the Government seeks. And, moreover, the Government has failed to argue with any specificity about the burden that the requirement to include White House documents in particular in the administrative record will impose, so it is impossible for this Court to perform the sort of balancing analysis that we said was necessary in *Cheney*. *Id.*, at 385.

Finally, the Government relies on dictum from *Florida Power & Light*, 470 U.S., at 742–744, that judicial review is to be conducted “based on the record the agency presents to the reviewing court.” But the Government takes that language out of context. The quoted language comes as part of the Court’s explanation for why there is often no need for independent district court factfinding as part of APA review: namely, because that review will be based on “the administrative record already in existence, not some new record made initially in the reviewing court.” *Id.*, at 743 (quoting *Camp*, *supra*, at 142). Thus, what we meant by the phrase the Government quotes was that review is to be “based on the record the agency *proceedings* present to the reviewing court,” see 470 U.S., at 744—just what we said in *Overton Park*. No more was at issue in *Florida Power & Light*. That case did not hold that the Government gets to define unilaterally the scope of the documents it submits to the reviewing court as the administrative record.

In sum, the cases, both in this Court and in lower courts, hold or are consistent with the proposition that a reviewing court has the power to order the Government to supplement documents already provided with other documents where necessary to give the court “the full administrative record.” *Overton Park*, 401 U.S., at 420.

II

The Government also raises various other concerns, but they similarly fail to show the Government’s entitlement to extraordinary mandamus relief.

The Government asserts that some of the documents the District Court ordered be included in the administrative record are protected by various privileges. But the Government has not

developed a specific claim of privilege as to any particular document to us here or to any court below. See Application for Stay 24; see also 875 F. 3d, at 1209, n. 8 (noting that the Government “provided little in the way of argument regarding the specific documents ordered disclosed by the district court”). The closest the Government comes is with repeated references to a single document out of the 35 that the District Court found not privileged and ordered it to produce. The Government describes it as a memorandum from the White House Counsel’s office to the President. But even as to this one document, the Government offers no legal or factual support for its claim of privilege aside from its bare description. The District Court reviewed that document, and the other 34, and concluded that they were not privileged. We have not seen these documents, and we consequently have no basis to question the District Court’s conclusion.

As for any additional documents that the Government may believe are privileged, the District Court’s order leaves the Government free to withhold privileged documents from the administrative record. The Government simply has to explain the basis for its privilege claim and provide the documents *in camera* for the District Court to review. Given that the District Court concluded that of the first 84 privileged documents the Government attempted to withhold from the administrative record, 35 were not in fact privileged, the District Court’s requirement that the Government justify its future privilege claims and file the documents for review *in camera* seems to be a reasonable exercise of the District Court’s considerable discretion in this area.

The Government also complains about the burden imposed by the District Court’s order, but that argument is also beside the point. The Government complains that it must review 21,000 documents as potentially part of the administrative record. But the underlying agency action here is important, and that is by no means an unusually large number of documents; administrative records often contain hundreds of thousands of documents. See, e. g., *Georgia ex. rel. Olens v. McCarthy*, 833 F. 3d 1317, 1320 (CA11 2016) (noting that the administrative record “is more than a million pages long”). Moreover, the Government’s argument about burden is based almost entirely on how quickly it must comply with the District Court’s order. See Application for Stay 28–31. But the current December 22 deadline was set by the District Court on November 20, 2017—three days *after* the Court

of Appeals' decision. The Government is free to request an additional extension of time from the District Court or to seek mandamus relief from the deadline in the Court of Appeals. The Government has done neither. And so the Government's challenge to that deadline, and thus to what it says is the unreasonable burden to review thousands of documents in such a short period of time, seems to be barred by this Court's Rule 23.3, because it fails to explain "with particularity why the relief sought is not available in any other court."

The same is true of the Government's objections to the District Court's order that discovery of documents and information outside the administrative record will begin on December 22. The Government has not challenged any particular discovery order as overbroad in the District Court, much less in the Court of Appeals. The Government's objections are thus premature. Concerning depositions, for example, the most the Government can say is that "the district court *will likely allow*" depositions of "numerous witnesses." Reply in Support of Application for Stay 13–14 (emphasis added). Perhaps the District Court will allow those depositions and perhaps it will not. But I do not see how we can restrain by mandamus an order that the Government merely fears that the District Court might enter in the future.

III

The Government also argues that a stay of the District Court's orders is appropriate because judicial review of the agency decision at issue is precluded by the APA as "committed to agency discretion by law," 5 U. S. C. § 701(a)(2), and by the Immigration and Nationality Act, 8 U. S. C. § 1252(g). But that argument goes to the merits of respondents' underlying lawsuit, which have not yet been addressed by the District Court and are not now before this Court, rather than to the proper contents of the administrative record assuming that the agency decision is subject to review. The District Court on September 21 offered the Government the opportunity to file an early motion to dismiss and thus obtain a decision on its threshold objections before the preparation of the administrative record. The Government rejected that offer, preferring instead to defer the issue to summary judgment motions. I see no reason to grant a writ of mandamus to relieve the Government of the consequences of that decision.

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IV

Except in the most extraordinary circumstances, this Court's long-settled practice has been to leave these sorts of burden and discovery-related procedural disputes to the district courts, with occasional court of appeals intervention. We follow this practice for good reason. To understand whether a particular discovery order is overly burdensome typically requires a deep understanding of the overall factual context and procedural history of an individual case. This Court is thus poorly positioned to second-guess district courts' determinations in this area.

The Court today abandons its practice of nonintervention in this kind of discovery-related dispute. In addition to disrupting the progress of this litigation, I fear that the Court's decision to intervene here means we will be asked to address run-of-the-mill discovery disputes in many other matters, certainly when the Government is involved and potentially when it is not involved. In my view, the Court should maintain its usual policy of abstaining from disputes like this one.

For these reasons, with respect, I dissent from the Court's grant of the Government's application for a stay pending further consideration of its petition for a writ of mandamus.

Probable Jurisdiction Postponed

No. 17-333. *BENISEK ET AL. v. LAMONE, ADMINISTRATOR, MARYLAND STATE BOARD OF ELECTIONS, ET AL.* Appeal from D. C. Md. Further consideration of question of jurisdiction postponed to hearing of case on the merits. Reported below: 266 F. Supp. 3d 799.

Certiorari Granted

No. 16-1432. *SVEEN ET AL. v. MELIN.* C. A. 8th Cir. Certiorari granted. Reported below: 853 F. 3d 410.

No. 17-155. *HUGHES v. UNITED STATES.* C. A. 11th Cir. Certiorari granted. Reported below: 849 F. 3d 1008.

No. 17-387. *UPPER SKAGIT INDIAN TRIBE v. LUNDGREN ET VIR.* Sup. Ct. Wash. Certiorari granted. Reported below: 187 Wash. 2d 857, 389 P. 3d 569.

No. 17-312. *UNITED STATES v. SANCHEZ-GOMEZ ET AL.* C. A. 9th Cir. Motions of respondents for leave to proceed *in forma*

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pauperis granted. Certiorari granted limited to Question 1 presented by the petition. Reported below: 859 F. 3d 649.

No. 17-432. CHINA AGRITECH, INC. *v.* RESH ET AL. C. A. 9th Cir. Motion of Chamber of Commerce of the United States of America et al. for leave to file brief as *amici curiae* granted. Certiorari granted. Reported below: 857 F. 3d 994.

No. 17-5716. KOONS ET AL. *v.* UNITED STATES. C. A. 8th Cir. Motion of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 850 F. 3d 973.

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Certiorari Dismissed

No. 17-6282. BOYCE *v.* ARIZONA. 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*).

Miscellaneous Orders

No. 17A97 (17-297). ROTHBARD *v.* UNITED STATES. C. A. 7th Cir. Application for stay, addressed to JUSTICE SOTOMAYOR and referred to the Court, denied.

No. 17M65. ZAINULABEDDIN *v.* UNIVERSITY OF SOUTH FLORIDA BOARD OF TRUSTEES;

No. 17M68. STEINES *v.* ILLINOIS DEPARTMENT OF HUMAN SERVICES' BUREAU OF HEARINGS ET AL.; and

No. 17M70. TRUFANT *v.* CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA, ET AL. Motions to direct the Clerk to file petitions for writs of certiorari out time denied.

No. 17M66. CAFARO ET AL. *v.* WYLLINS. Motion to direct the Clerk to file petition for writ of certiorari out of time under this Court's Rule 14.5 denied.

No. 17M67. BAILEY *v.* UNITED STATES. Motion for leave to file petition for writ of certiorari with supplemental appendix under seal granted.

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No. 17M69. SEALED APPELLANT *v.* SEALED APPELLEE. Motion for leave to file petition for writ of certiorari under seal granted.

No. 141, Orig. TEXAS *v.* NEW MEXICO ET AL. Motion of the Solicitor General for divided argument granted. [For earlier order herein, see, *e. g.*, *ante*, p. 913.]

No. 16–6855. WILSON *v.* SELLERS, WARDEN. C. A. 11th Cir. [Certiorari granted, 580 U. S. 1159.] Motion of petitioner for appointment of counsel granted, and Mark E. Olive, Esq., of Tallahassee, Fla., is appointed to serve as counsel for petitioner in this case.

No. 17–6583. CREAN ET AL. *v.* 125 WEST 76TH STREET REALTY CORP. ET AL. C. A. 2d Cir. Motion of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until January 2, 2018, 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. 17–6759. IN RE DIGGS. Petition for writ of habeas corpus denied.

Certiorari Denied

No. 16–1445. SEEPERSAD *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 674 Fed. Appx. 69.

No. 17–25. MCDANIEL *v.* FOSTER, WARDEN. C. A. 7th Cir. Certiorari denied. Reported below: 847 F. 3d 887.

No. 17–132. LINDSEY *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied. Reported below: 293 Va. 1, 795 S. E. 2d 311.

No. 17–170. DTE ENERGY CO. ET AL. *v.* UNITED STATES ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 845 F. 3d 735.

No. 17–171. PAPIERFABRIK AUGUST KOEHLER SE *v.* UNITED STATES ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 843 F. 3d 1373.

No. 17–184. GREAT PLAINS LENDING, LLC, ET AL. *v.* CONSUMER FINANCIAL PROTECTION BUREAU. C. A. 9th Cir. Certiorari denied. Reported below: 846 F. 3d 1049.

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No. 17–212. *NAGELVOORT v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 856 F. 3d 1117.

No. 17–250. *STEIN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 846 F. 3d 1135.

No. 17–254. *PRUDENTIAL OVERALL SUPPLY v. BETANCOURT*. Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied. Reported below: 9 Cal. App. 5th 439, 215 Cal. Rptr. 3d 344.

No. 17–262. *BEACH GROUP INVESTMENTS, LLC v. FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 201 So. 3d 679.

No. 17–325. *ANTELOPE VALLEY UNION HIGH SCHOOL DISTRICT v. M. C., BY AND THROUGH HIS GUARDIAN AD LITEM, M. N., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 858 F. 3d 1189.

No. 17–416. *AETNA LIFE INSURANCE CO. v. ARNONE*. C. A. 2d Cir. Certiorari denied. Reported below: 860 F. 3d 97.

No. 17–422. *ETC MARKETING, LTD. v. HARRIS COUNTY APPRAISAL DISTRICT*. Sup. Ct. Tex. Certiorari denied. Reported below: 528 S. W. 3d 70.

No. 17–431. *RECYCLE FOR CHANGE v. CITY OF OAKLAND, CALIFORNIA*. C. A. 9th Cir. Certiorari denied. Reported below: 856 F. 3d 666.

No. 17–463. *KANSAS ET AL. v. NATIONAL INDIAN GAMING COMMISSION ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 861 F. 3d 1024.

No. 17–481. *AMCI HOLDINGS, INC., ET AL. v. CBF INDUSTRIA DE GUSA S/A ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 850 F. 3d 58.

No. 17–486. *BORG ET AL. v. TOWN OF WESTPORT, CONNECTICUT, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 685 Fed. Appx. 10.

No. 17–505. *MEADOWS v. ROCKFORD HOUSING AUTHORITY ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 861 F. 3d 672.

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No. 17-514. *MIDWEST CRE ACQUISITIONS INC. v. ASPEN HURON, LLC*. C. A. 7th Cir. Certiorari denied.

No. 17-516. *COKER ET AL. v. WHITTINGTON ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 858 F. 3d 304.

No. 17-518. *O'NEAL v. MORALES ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 679 Fed. Appx. 16.

No. 17-523. *SIDERIS v. RILEY & DEVER, P. C.* App. Ct. Mass. Certiorari denied. Reported below: 91 Mass. App. 1118, 83 N. E. 3d 200.

No. 17-538. *MENDOZA ET AL. v. DUKE, ACTING SECRETARY OF HOMELAND SECURITY, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 851 F. 3d 1348.

No. 17-555. *SCIACCA v. CUTCHEN, JUDGE, GILBERT MUNICIPAL COURT, ET AL.* Sup. Ct. Ariz. Certiorari denied.

No. 17-561. *NYABWARI v. SESSIONS, ATTORNEY GENERAL*. C. A. 5th Cir. Certiorari denied. Reported below: 693 Fed. Appx. 349.

No. 17-585. *BOYD v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist., Div. 4. Certiorari denied.

No. 17-649. *DICKERSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 17-674. *CHIKVASHVILI v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 859 F. 3d 285.

No. 17-5195. *ODEN v. WILSON, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 688 Fed. Appx. 227.

No. 17-5255. *SURRATT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 855 F. 3d 218.

No. 17-5280. *GUEVARA v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 679 Fed. Appx. 332.

No. 17-5437. *RAMIREZ-CANTU v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 828.

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No. 17–5466. *AZURE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 17–5483. *LANSING v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 17–5485. *LENOIR v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 17–5869. *LANE v. KENTUCKY*. Ct. App. Ky. Certiorari denied.

No. 17–6198. *CLARK v. GEORGIA SUPREME COURT JUDGES*. C. A. 11th Cir. Certiorari denied.

No. 17–6201. *MENDOZA SOLARIO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 435.

No. 17–6219. *WALKER v. BOWERSOX, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 17–6226. *MIDELL v. HAMILTON COUNTY, OHIO, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 17–6241. *JOHNSON v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 17–6242. *FOSTER-ADAMS v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 177 So. 3d 623.

No. 17–6244. *HARRIS v. GIPSON, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 17–6250. *WILLIAMSON v. PARKER, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 705 Fed. Appx. 677.

No. 17–6252. *CHEEVER v. KANSAS*. Sup. Ct. Kan. Certiorari denied. Reported below: 306 Kan. 760, 402 P. 3d 1126.

No. 17–6255. *MIDDLETON v. MCDANIEL, WARDEN, ET AL.* Sup. Ct. Nev. Certiorari denied. Reported below: 132 Nev. 1007, 386 P. 3d 995.

No. 17–6257. *COLEMAN v. TEXAS*. Ct. App. Tex., 6th Dist. Certiorari denied.

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No. 17–6265. *RUHL v. HARDY ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 295.

No. 17–6273. *JACKSON v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 17–6275. *C. M. v. FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES.* Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 229 So. 3d 1222.

No. 17–6278. *WORTHY ET AL. v. DEUTSCHE BANK NATIONAL TRUST CO.* App. Ct. Conn. Certiorari denied. Reported below: 168 Conn. App. 904, 149 A. 3d 503.

No. 17–6280. *TERRY v. JACKSON, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 17–6284. *BROWN v. OHIO.* Ct. App. Ohio, 8th App. Dist., Cuyahoga County. Certiorari denied. Reported below: 2016-Ohio-7221.

No. 17–6286. *BEARD v. NORMAN, WARDEN.* C. A. 8th Cir. Certiorari denied.

No. 17–6287. *BRITTON v. VIRGINIA.* Sup. Ct. Va. Certiorari denied.

No. 17–6303. *BLACK v. NEAL, SUPERINTENDENT, INDIANA STATE PRISON.* C. A. 7th Cir. Certiorari denied.

No. 17–6307. *TERRELL v. HOFFNER, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 17–6322. *DIETRICH v. PATTI.* C. A. 6th Cir. Certiorari denied.

No. 17–6339. *CLARK v. WETZEL, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 687 Fed. Appx. 152.

No. 17–6383. *CAYLOR v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* Sup. Ct. Fla. Certiorari denied. Reported below: 218 So. 3d 416.

No. 17–6384. *NATION v. SUPERIOR COURT OF CALIFORNIA, HUMBOLDT COUNTY, ET AL.* Ct. App. Cal., 1st App. Dist., Div. 3. Certiorari denied.

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No. 17–6395. *NYABWA v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied. Reported below: 696 Fed. Appx. 493.

No. 17–6402. *ZAPATA OROZCO v. JONES, SECRETARY, FLORIDA, DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 17–6417. *CASPER v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 164.

No. 17–6463. *REED v. VANNOY, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 703 Fed. Appx. 264.

No. 17–6515. *THOMAS v. NEW JERSEY ET AL.* C. A. 3d Cir. Certiorari denied.

No. 17–6565. *BINGHAM v. BLAKELY, WARDEN*. C. A. 11th Cir. Certiorari denied.

No. 17–6573. *MORRIS v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 17–6607. *HORTON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 17–6619. *DOUGLAS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 858 F. 3d 1069.

No. 17–6643. *DAVIS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 763.

No. 17–6644. *COTA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 695 Fed. Appx. 203.

No. 17–6647. *CHANCE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 154.

No. 17–6656. *SHEPHARD v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 17–6661. *CARABALLO-MARTINEZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 866 F. 3d 1233.

No. 17–6667. *WILLIAMS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 865 F. 3d 1302.

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No. 17–6676. PRICE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 294.

No. 17–6678. MUNIZ-SAAVEDRA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 216.

No. 17–6683. BENFIELD *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 17–6684. SOLIZ *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 857 F. 3d 781.

No. 17–6696. KIRBY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 334.

No. 17–6708. TOYER *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 172 A. 3d 459.

No. 17–6716. RIVERA-GALLEGOS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 428.

No. 17–6724. POLLARD *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 850 F. 3d 1038.

No. 17–6732. WARES *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 689 Fed. Appx. 719.

No. 17–6755. BRENNAN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 17–6756. DELANEY *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 17–370. EVANS *v.* GEORGIA REGIONAL HOSPITAL ET AL. C. A. 11th Cir. Motions of 76 Businesses and Organizations, Anti-Discrimination Scholars, GLBTQ Legal Advocates & Defenders et al., and David Boyle for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 850 F. 3d 1248.

No. 17–492. CITY OF GREENSBORO, NORTH CAROLINA, ET AL. *v.* BNT AD AGENCY, LLC. C. A. 4th Cir. Motion of International Municipal Lawyers Association for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 855 F. 3d 639.

No. 17–695. RPOST COMMUNICATIONS LTD. ET AL. *v.* GODADDY.COM, LLC. C. A. Fed. Cir. Motion of DiMora Mobile, LLC,

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for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 685 Fed. Appx. 992.

No. 17-5980. *M. L. v. FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES ET AL.* Dist. Ct. App. Fla., 4th Dist. Motion of Florida's Children First et al. for leave to file brief as *amici curiae* granted. Certiorari denied. Reported below: 227 So. 3d 142.

No. 17-6641. *EPPS v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 690 Fed. Appx. 109.

No. 17-6682. *BLANCARTE v. UNITED STATES.* C. A. 5th Cir. Motion of petitioner to defer consideration of petition for writ of certiorari denied. Certiorari denied.

Rehearing Denied

No. 16-1462. *BROWN v. BURT, WARDEN, ET AL., ante*, p. 824;

No. 16-1521. *SAYLOR v. NEBRASKA, ante*, p. 827;

No. 16-8944. *SPORISH v. CLARK, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ALBION, ET AL., ante*, p. 833;

No. 16-9175. *LEJI v. DEPARTMENT OF HOMELAND SECURITY ET AL., ante*, p. 838;

No. 16-9220. *SCOTT v. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL., ante*, p. 840;

No. 16-9456. *FELIX v. WISCONSIN UNEMPLOYMENT INSURANCE DIVISION, ante*, p. 850;

No. 16-9469. *ROBERSON v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, ante*, p. 851;

No. 16-9473. *FLEMING v. IOWA BOARD OF MEDICINE ET AL., ante*, p. 851;

No. 16-9508. *BELSER v. EVANS ET AL., ante*, p. 853;

No. 16-9534. *LOWE v. NORTH DAKOTA WORKFORCE SAFETY & INSURANCE, ante*, p. 854;

No. 16-9729. *SEARLES v. LIBERTY INSURANCE CORP. ET AL., ante*, p. 865;

No. 16-9752. *ARRINGTON v. SELLERS, WARDEN, ante*, p. 915;

No. 17-7. *TABB v. COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA, ante*, p. 867;

No. 17-48. *CHEE-WAH v. MAURER ET AL., ante*, p. 869;

No. 17-234. *TMC FUEL INJECTION SYSTEM, LLC v. FORD MOTOR Co., ante*, p. 874;

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- No. 17–268. PROSTYAKOV *v.* MASCO CORP., *ante*, p. 944;
- No. 17–5068. LOPEZ *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, *ante*, p. 878;
- No. 17–5150. LEJI *v.* METROPOLITAN POLICE DEPARTMENT ET AL., *ante*, p. 882;
- No. 17–5212. JACKSON *v.* LIOI, JUDGE, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO, *ante*, p. 886;
- No. 17–5231. FLOYD *v.* GLENN GARDENS ASSOCIATES ET AL., *ante*, p. 887;
- No. 17–5293. RODRIGUEZ *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, *ante*, p. 890;
- No. 17–5465. SZYDLEK *v.* BRAMAN, WARDEN, *ante*, p. 921;
- No. 17–5506. AUSTIN *v.* FLORIDA, *ante*, p. 922;
- No. 17–5512. IN RE RANDALL, *ante*, p. 813;
- No. 17–5513. RICE *v.* STATE CORRECTIONAL INSTITUTION AT WAYMART ET AL., *ante*, p. 922;
- No. 17–5611. MOORE *v.* GRUNDMANN, CHAIRMAN, MERIT SYSTEMS PROTECTION BOARD, ET AL., *ante*, p. 935;
- No. 17–5628. BENITEZ *v.* NEVADA, *ante*, p. 935;
- No. 17–5651. STURGIS *v.* MICHIGAN, *ante*, p. 947;
- No. 17–5687. EALY *v.* UNITED STATES, *ante*, p. 924; and
- No. 17–5691. COLLINS ET AL. *v.* JPMORGAN CHASE BANK, N. A., ET AL., *ante*, p. 948. Petitions for rehearing denied.

DECEMBER 15, 2017

Dismissal Under Rule 46

- No. 17–553. ZELTWANGER *v.* U. S. BANK N. A. Ct. App. Ariz. Certiorari dismissed under this Court's Rule 46.1.

DECEMBER 20, 2017

Dismissal Under Rule 46

- No. 17–282. BRADLEY *v.* UNITED STATES. C. A. 11th Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 676 Fed. Appx. 895.

Certiorari Granted—Vacated and Remanded. (See No. 17–801, *ante*, p. 29.)

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Dismissals Under Rule 46

No. 17–566. *SIBERT v. WELLS FARGO BANK, N. A.* C. A. 4th Cir. Certiorari dismissed under this Court’s Rule 46.1. Reported below: 863 F. 3d 331.

No. 17–704. *BOARD OF COUNTY COMMISSIONERS OF JOHNSON COUNTY, KANSAS, ET AL. v. HARTE ET AL.* C. A. 10th Cir. Certiorari dismissed under this Court’s Rule 46.1. Reported below: 864 F. 3d 1154.

Miscellaneous Order

No. 16–961. *DALMAZZI v. UNITED STATES*;

No. 16–1017. *COX v. UNITED STATES*; *CRAIG v. UNITED STATES*; *LEWIS v. UNITED STATES*; *MILLER v. UNITED STATES*; *MORCHINEK v. UNITED STATES*; *O’SHAUGHNESSY v. UNITED STATES*; and

No. 16–1423. *ORTIZ v. UNITED STATES*. C. A. Armed Forces. [Certiorari granted, 582 U.S. 966–967.] Motion of Professor Aditya Bamzai for enlargement of time for oral argument, for leave to participate in oral argument as *amicus curiae*, and for divided argument granted, and the time is divided as follows: 30 minutes for petitioners, 10 minutes for Professor Aditya Bamzai, and 30 minutes for respondent.

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Certiorari Granted—Vacated and Remanded. (See also No. 17–6075, *ante*, p. 33.)

No. 17–263. *SANDERS v. JONES*. C. A. 6th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Manuel v. Joliet*, 580 U.S. 357 (2017). Reported below: 845 F. 3d 721.

No. 17–270. *WHITE v. UNITED STATES*. C. A. 6th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of the confession of error by the Solicitor General in his brief for the United States filed on November 30, 2017. Reported below: 679 Fed. Appx. 426.

Certiorari Dismissed

No. 17–6488. *REYNOLDS v. SOUTH CAROLINA ET AL.*; and

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No. 17–6489. REYNOLDS *v.* SOUTH CAROLINA ET AL. 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. 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: 698 Fed. Appx. 103.

No. 17–6516. AMIR-SHARIF *v.* TEXAS DEPARTMENT OF CRIMINAL JUSTICE 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*).

No. 17–6546. YORK *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 5. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 17–6581. WANZER *v.* PERALTA 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.

No. 17–6582. WANZER *v.* GLOOR 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. Reported below: 691 Fed. Appx. 191.

No. 17–6685. HAMILTON *v.* COLORADO (two judgments). Ct. App. Colo. 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

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with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

No. 17–6958. *CARY v. PEARSON, 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: 650 Fed. Appx. 841.

Miscellaneous Orders

No. D–3005. *IN RE DISBARMENT OF MICHNIAK*. Disbarment entered. [For earlier order herein, see *ante*, p. 994.]

No. D–3006. *IN RE DISBARMENT OF WILLIAMS*. Disbarment entered. [For earlier order herein, see *ante*, p. 994.]

No. D–3010. *IN RE DISBARMENT OF CLUTTS*. Disbarment entered. [For earlier order herein, see *ante*, p. 994.]

No. 17M71. *RICHTER v. MARQUIS, AS ADMINISTRATOR OF THE ESTATE OF MARQUIS*;

No. 17M72. *STEWART v. UNITED STATES*; and

No. 17M74. *OTCHKOV v. EVERETT ET AL.* Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 17M73. *DOE v. UNITED STATES*. C. A. 3d Cir. Motion for leave to file petition for writ of certiorari with supplemental appendix under seal denied.

No. 15–1439. *CYAN, INC., ET AL. v. BEAVER COUNTY EMPLOYEES RETIREMENT FUND ET AL.* Ct. App. Cal., 1st App. Dist., Div. 4. [Certiorari granted, 582 U. S. 951.] Motion of petitioners to strike supplemental brief for respondents granted.

No. 16–1495. *CITY OF HAYS, KANSAS v. VOGT*. C. A. 10th Cir. [Certiorari granted, 582 U. S. 967.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted. JUSTICE GORSUCH took no part in the consideration or decision of this motion.

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No. 17–419. DAWSON ET UX. *v.* STEAGER, WEST VIRGINIA STATE TAX COMMISSIONER. Sup. Ct. App. W. Va.;

No. 17–532. HERRERA *v.* WYOMING. Dist. Ct. Wyo., Sheridan County; and

No. 17–571. FOURTH ESTATE PUBLIC BENEFIT CORP. *v.* WALL-STREET.COM, LLC, ET AL. C. A. 11th Cir. The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

No. 17–5256. DAKER *v.* TOOLE, WARDEN. C. A. 11th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 805] denied.

No. 17–5974. SHEKHEM EL BEY *v.* UNITED STATES ET AL. C. A. D. C. Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 971] denied.

No. 17–6059. WELLS *v.* BERRYHILL, ACTING COMMISSIONER OF SOCIAL SECURITY. C. A. 5th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 961] denied.

No. 17–6521. A. I. *v.* M. A. Super. Ct. N. J., App. Div.; and

No. 17–6649. NICHOLSON *v.* CITY OF PEORIA, ILLINOIS, ET AL. C. A. 7th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until January 29, 2018, 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. 17–6903. IN RE ROUSE;

No. 17–6920. IN RE JONES;

No. 17–6939. IN RE YONAMINE;

No. 17–6951. IN RE OSWALD;

No. 17–7049. IN RE SANDERS;

No. 17–7077. IN RE BRACKEN; and

No. 17–7119. IN RE BRICE. Petitions for writs of habeas corpus denied.

No. 17–588. IN RE KAJLA;

No. 17–631. IN RE TURZAI, SPEAKER OF THE PENNSYLVANIA HOUSE OF REPRESENTATIVES, ET AL.;

No. 17–6336. IN RE KEELING; and

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No. 17–6613. IN RE CHRISTIAN. Petitions for writs of mandamus denied.

No. 17–6510. IN RE WATSON; and

No. 17–6648. IN RE NORINGTON. Petitions for writs of mandamus and/or prohibition denied.

No. 17–6544. IN RE ULLRICH. 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 non-criminal 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*).

Certiorari Denied

No. 16–970. RINEHART *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 1 Cal. 5th 652, 377 P. 3d 818.

No. 16–1369. ARIZONA *v.* BAHR ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 836 F. 3d 1218.

No. 16–1449. DIRECTV, LLC, ET AL. *v.* HALL ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 846 F. 3d 757.

No. 16–8929. HOGAN *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. C. A. 8th Cir. Certiorari denied. Reported below: 826 F. 3d 1025.

No. 16–9705. HAWKINS *v.* MICHIGAN. Sup. Ct. Mich. Certiorari denied. Reported below: 498 Mich. 947, 872 N. W. 2d 434.

No. 16–9727. MUA ET AL. *v.* CALIFORNIA CASUALTY INDEMNITY EXCHANGE. C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 114.

No. 17–94. STAGG P. C. *v.* DEPARTMENT OF STATE ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 673 Fed. Appx. 93.

No. 17–160. POUNCY *v.* PALMER, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 846 F. 3d 144.

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No. 17–162. *LEYSE v. LIFETIME ENTERTAINMENT SERVICES, LLC*. C. A. 2d Cir. Certiorari denied. Reported below: 679 Fed. Appx. 44.

No. 17–175. *BARTEE v. UNITED STATES*. C. A. Armed Forces. Certiorari denied. Reported below: 76 M. J. 141.

No. 17–190. *DEFENSE DISTRIBUTED ET AL. v. DEPARTMENT OF STATE ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 838 F. 3d 451.

No. 17–195. *NEELY, JUDGE, TOWN OF PINEDALE MUNICIPAL COURT, WYOMING v. WYOMING COMMISSION ON JUDICIAL CONDUCT AND ETHICS*. Sup. Ct. Wyo. Certiorari denied. Reported below: 2017 WY 25, 390 P. 3d 728.

No. 17–215. *MASSACHUSETTS v. WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH) ET AL.*; and

No. 17–216. *TOWN OF AQUINNAH, MASSACHUSETTS, ET AL. v. WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH) ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 853 F. 3d 618.

No. 17–260. *HARWOOD v. KING*. C. A. 6th Cir. Certiorari denied. Reported below: 852 F. 3d 568.

No. 17–294. *THOMPSON v. PARK*. C. A. 9th Cir. Certiorari denied. Reported below: 851 F. 3d 910.

No. 17–297. *ROTHBARD v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 851 F. 3d 699.

No. 17–299. *TEXAS v. KLEINERT*. C. A. 5th Cir. Certiorari denied. Reported below: 855 F. 3d 305.

No. 17–311. *PUI-KWONG CHAN ET AL. v. BAIZHEN YANG ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 673 Fed. Appx. 1009.

No. 17–313. *LEDEZMA-COSINO, AKA SOLOMAN LEDESMA v. SESSIONS, ATTORNEY GENERAL*. C. A. 9th Cir. Certiorari denied. Reported below: 857 F. 3d 1042.

No. 17–326. *JOHNSON v. VIRGINIA*. Sup. Ct. Va. Certiorari denied. Reported below: 292 Va. 772, 793 S. E. 2d 326.

No. 17–343. *CONVERGEX GROUP, L. L. C., ET AL. v. FLETCHER*. C. A. 2d Cir. Certiorari denied. Reported below: 679 Fed. Appx. 19.

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No. 17–355. HESSEMAN, AS EXECUTRIX OF THE ESTATE OF VOLPE *v.* RESTIVO ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 846 F. 3d 547.

No. 17–358. AMALFITANO *v.* GOOGLE LLC. C. A. 9th Cir. Certiorari denied. Reported below: 679 Fed. Appx. 632.

No. 17–363. VELERON HOLDING, B. V. *v.* MORGAN STANLEY ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 694 Fed. Appx. 858.

No. 17–365. KINDRED HOSPITALS EAST, LLC, DBA KINDRED HOSPITAL OCALA *v.* ESTATE OF KLEMISH ET AL. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 216 So. 3d 14.

No. 17–375. KOKOCINSKI, DERIVATIVELY ON BEHALF OF MEDTRONIC, INC. *v.* COLLINS ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 850 F. 3d 354.

No. 17–379. ECHOSTAR SATELLITE L. L. C., NKA DISH NETWORK L. L. C. *v.* FLORIDA DEPARTMENT OF REVENUE ET AL. Sup. Ct. Fla. Certiorari denied. Reported below: 215 So. 3d 46.

No. 17–383. DOWNEY *v.* DEPARTMENT OF THE ARMY ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 685 Fed. Appx. 184.

No. 17–384. SELLS, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF SELLS, DECEASED *v.* CSX TRANSPORTATION, INC. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 170 So. 3d 27.

No. 17–389. HAMILTON *v.* CABRAL ET AL. Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 17–396. LAY *v.* SINGING RIVER HEALTH SYSTEM. C. A. 5th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 248.

No. 17–415. R. J. REYNOLDS TOBACCO CO. ET AL. *v.* GRAHAM, AS PERSONAL REPRESENTATIVE OF GRAHAM, DECEASED. C. A. 11th Cir. Certiorari denied. Reported below: 857 F. 3d 1169.

No. 17–417. HOPE *v.* CARTLEDGE, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 857 F. 3d 518.

No. 17–441. FERRELLGAS PARTNERS, L. P., ET AL. *v.* MORGAN-LARSON, LLC, ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 860 F. 3d 1059.

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No. 17–448. *JACKSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 688 Fed. Appx. 685.

No. 17–449. *AMERICAN TRIUMPH LLC ET AL. v. TABINGO*. Sup. Ct. Wash. Certiorari denied. Reported below: 188 Wash. 2d 41, 391 P. 3d 434.

No. 17–455. *FIRST SOUTHERN NATIONAL BANK v. SUNNYSLOPE HOUSING L. P.* C. A. 9th Cir. Certiorari denied. Reported below: 859 F. 3d 637.

No. 17–478. *MURRAY ENERGY CORP. ET AL. v. PRUITT, ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY*. C. A. 4th Cir. Certiorari denied. Reported below: 861 F. 3d 529.

No. 17–479. *TSO v. UNITED STATES*. C. A. Armed Forces. Certiorari denied. Reported below: 76 M. J. 350.

No. 17–519. *ALL-TAG SECURITY, S. A., ET AL. v. CHECKPOINT SYSTEMS, INC.* C. A. Fed. Cir. Certiorari denied. Reported below: 858 F. 3d 1371.

No. 17–522. *HANKINS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 858 F. 3d 1273.

No. 17–547. *BARBER ET AL. v. BRYANT, GOVERNOR OF MISSISSIPPI, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 860 F. 3d 345.

No. 17–548. *RED BEAR, AKA SHIELDS, AS ADMINISTRATOR OF THE ESTATE OF RED BEAR, DECEASED v. SESDAC, INC.* Sup. Ct. S. D. Certiorari denied. Reported below: 2017 S.D. 27, 896 N. W. 2d 270.

No. 17–554. *SCOTT v. MARYLAND*. Ct. App. Md. Certiorari denied. Reported below: 454 Md. 146, 164 A. 3d 177.

No. 17–556. *RIDGEWAY ET AL. v. STRYKER CORP. ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 858 F. 3d 383.

No. 17–568. *RIDDELL v. FLORIDA ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 702 Fed. Appx. 869.

No. 17–572. *C. R. v. D. R. ET AL.* Sup. Ct. App. W. Va. Certiorari denied.

No. 17–574. *KINNEY v. CLARK*. Ct. App. Cal., 2d App. Dist., Div. 2. Certiorari denied.

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No. 17–577. *DU v. NEW JERSEY COMMITTEE ON CHARACTER*.
Sup. Ct. N. J. Certiorari denied.

No. 17–590. *LEWIS v. SUPERIOR COURT OF CALIFORNIA, LOS ANGELES COUNTY, ET AL.* Sup. Ct. Cal. Certiorari denied. Reported below: 3 Cal. 5th 561, 397 P. 3d 1011.

No. 17–595. *COLBERT ET AL. v. CITY OF CHICAGO, ILLINOIS, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 851 F. 3d 649.

No. 17–597. *CLEMONS v. DELTA AIRLINES, INC.* Ct. App. Ga. Certiorari denied. Reported below: 338 Ga. App. 844, 790 S. E. 2d 814.

No. 17–598. *SMITH v. BNSF RAILWAY CO.* C. A. 7th Cir. Certiorari denied.

No. 17–599. *SAIA v. FLYING J. INC., DBA FJ MANAGEMENT, INC., ET AL.* C. A. 6th Cir. Certiorari denied.

No. 17–600. *ALEM v. ARNOLD, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 17–601. *MEDRANO-ARZATE ET AL. v. MAY, INDIVIDUALLY AND AS SHERIFF OF OKEECHOBEE COUNTY, FLORIDA, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 603.

No. 17–603. *HAZEN ET AL. v. CITY OF HOLMES BEACH, FLORIDA.* Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 225 So. 3d 853.

No. 17–604. *LOGAN v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 17–607. *JARRETT v. CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES ET AL.* C. A. 9th Cir. Certiorari denied.

No. 17–611. *LOCK ET AL. v. TORRES ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 960.

No. 17–612. *QIAN v. CAROL WILSON FINE ARTS, INC.* C. A. 9th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 701.

No. 17–616. *S. A. B. v. SESSIONS, ATTORNEY GENERAL.* C. A. 7th Cir. Certiorari denied. Reported below: 847 F. 3d 542.

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No. 17–620. *E. L., BY AND THROUGH HIS MOTHER AND NEXT FRIEND, WHITE v. VOLUNTARY INTERDISTRICT CHOICE CORP.* C. A. 8th Cir. Certiorari denied. Reported below: 864 F. 3d 932.

No. 17–621. *WHITE v. CORCORAN, CHAPTER 7 TRUSTEE.* C. A. 6th Cir. Certiorari denied.

No. 17–622. *CORRIGAN v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 694 Fed. Appx. 798.

No. 17–628. *SPRINT COMMUNICATIONS Co., L. P. v. LOZIER ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 860 F. 3d 1052.

No. 17–629. *SCOTT v. LOHMAN.* C. A. 9th Cir. Certiorari denied.

No. 17–636. *CAMPEAU v. SANDERCOCK, PROTHONOTARY, COURT OF COMMON PLEAS OF WAYNE COUNTY, PENNSYLVANIA, ET AL.* Sup. Ct. Pa. Certiorari denied. Reported below: 639 Pa. 563, 161 A. 3d 253.

No. 17–639. *RINE v. MOORE BROTHERS, INC., ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 861 F. 3d 655.

No. 17–640. *SMITH v. TEXAS.* Ct. App. Tex., 2d Dist. Certiorari denied.

No. 17–642. *CAMPAIGN FOR SOUTHERN EQUALITY ET AL. v. BRYANT, GOVERNOR OF MISSISSIPPI, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 860 F. 3d 345.

No. 17–644. *BANGERA v. OHIO.* Ct. App. Ohio, 11th App. Dist., Geauga County. Certiorari denied. Reported below: 2016-Ohio-4596, 70 N. E. 3d 75.

No. 17–645. *RECOGNICORP, LLC v. NINTENDO Co., LTD., ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 855 F. 3d 1322.

No. 17–648. *RAIMONDO v. ARIAS.* C. A. 9th Cir. Certiorari denied. Reported below: 860 F. 3d 1185.

No. 17–653. *GONZALEZ-CANTU v. SESSIONS, ATTORNEY GENERAL.* C. A. 5th Cir. Certiorari denied. Reported below: 866 F. 3d 302.

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No. 17–655. *ALI v. CARNEGIE INSTITUTION OF WASHINGTON ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 684 Fed. Appx. 985.

No. 17–657. *BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT, DBA METRO v. UNITED STATES EX REL. FIELDS.* C. A. 8th Cir. Certiorari denied. Reported below: 872 F. 3d 872.

No. 17–660. *HEALEY v. HEALEY ET AL.* Ct. App. Tex., 12th Dist. Certiorari denied.

No. 17–661. *GOMEZ HEREDIA v. SESSIONS, ATTORNEY GENERAL.* C. A. 2d Cir. Certiorari denied. Reported below: 865 F. 3d 60.

No. 17–665. *JAYASUNDERA v. GARCIA ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 684 Fed. Appx. 254.

No. 17–668. *PAULS v. HOFFNER, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 17–673. *ENGLISH v. BAC HOME LOANS SERVICING LP.* C. A. 1st Cir. Certiorari denied.

No. 17–676. *GRESHAM ET AL. v. SWANSON, ATTORNEY GENERAL OF MINNESOTA.* C. A. 8th Cir. Certiorari denied. Reported below: 866 F. 3d 853.

No. 17–677. *GRESHAM ET AL. v. PICKER ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 705 Fed. Appx. 554.

No. 17–679. *WHITCHURCH v. VIZANT TECHNOLOGIES LLC ET AL.* C. A. 3d Cir. Certiorari denied.

No. 17–686. *QUINN v. DAMIAN GUERRERO ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 863 F. 3d 353.

No. 17–687. *INTERNATIONAL FIDELITY INSURANCE Co. v. HAWAII.* Sup. Ct. Haw. Certiorari denied. Reported below: 140 Haw. 123, 398 P. 3d 712.

No. 17–693. *EDIONWE v. BAILEY ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 860 F. 3d 287.

No. 17–697. *SMARTFLASH LLC ET AL. v. APPLE INC.* C. A. Fed. Cir. Certiorari denied. Reported below: 680 Fed. Appx. 977.

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No. 17-703. *TILLET v. BUREAU OF LAND MANAGEMENT ET AL.* (two judgments). C. A. 9th Cir. Certiorari denied. Reported below: 696 Fed. Appx. 264 (first judgment) and 274 (second judgment).

No. 17-705. *BETTS-GASTON v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 860 F. 3d 525.

No. 17-709. *ZADA v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 706 Fed. Appx. 500.

No. 17-710. *RAKOWSKY v. OFFICE OF PERSONNEL MANAGEMENT.* C. A. Fed. Cir. Certiorari denied. Reported below: 705 Fed. Appx. 986.

No. 17-711. *APPELBAUM v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 714.

No. 17-716. *PRISM TECHNOLOGIES LLC v. T-MOBILE USA, INC.* C. A. Fed. Cir. Certiorari denied. Reported below: 696 Fed. Appx. 1014.

No. 17-718. *BRAVO-ESCOBAR v. SESSIONS, ATTORNEY GENERAL.* C. A. 6th Cir. Certiorari denied.

No. 17-720. *HARDESTY ET AL. v. CALIFORNIA STATE MINING AND GEOLOGY BOARD.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 17-726. *FEAS v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 701 Fed. Appx. 768.

No. 17-727. *HYATT CORP., DBA HYATT REGENCY CHICAGO v. UNITE HERE LOCAL 1.* C. A. 7th Cir. Certiorari denied. Reported below: 862 F. 3d 588.

No. 17-728. *GAZELLE v. SHULKIN, SECRETARY OF VETERANS AFFAIRS.* C. A. Fed. Cir. Certiorari denied. Reported below: 868 F. 3d 1006.

No. 17-734. *KNIGHT v. SECURITIES AND EXCHANGE COMMISSION.* C. A. 2d Cir. Certiorari denied. Reported below: 694 Fed. Appx. 853.

No. 17-745. *GARDNER ET AL. v. INTERNAL REVENUE SERVICE.* C. A. 9th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 776.

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No. 17-746. *GARDNER ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 9th Cir. Certiorari denied. Reported below: 845 F. 3d 971.

No. 17-754. *WEISSKOPF v. MARCUS ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 695 Fed. Appx. 977.

No. 17-761. *FENG LI v. MATAL, INTERIM DIRECTOR, UNITED STATES PATENT AND TRADEMARK OFFICE, ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 706 Fed. Appx. 657.

No. 17-763. *O'GRADY ET AL. v. NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, P. A.* Ct. App. Tex., 13th Dist. Certiorari denied. Reported below: 506 S. W. 3d 121.

No. 17-764. *MILLER v. MERIT SYSTEMS PROTECTION BOARD*. C. A. 4th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 131.

No. 17-777. *LOPEZ v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 732.

No. 17-794. *SHETTY v. WELLS FARGO BANK, N. A., AS TRUSTEE, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 696 Fed. Appx. 828.

No. 17-796. *STEVENSON v. MARYLAND*. Ct. App. Md. Certiorari denied. Reported below: 455 Md. 709, 168 A. 3d 967.

No. 17-797. *COOKE v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 17-799. *HARVEY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 17-812. *CORTES-MENDOZA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 295.

No. 17-817. *CITY OF AUSTIN, TEXAS, ET AL. v. REAGAN NATIONAL ADVERTISING OF AUSTIN, INC., DBA REAGAN NATIONAL ADVERTISING*. Ct. App. Tex., 3d Dist. Certiorari denied. Reported below: 498 S. W. 3d 236.

No. 17-821. *DAILEY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 868 F. 3d 322.

No. 17-825. *NELLUM v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

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No. 17–832. *STERN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 693 Fed. Appx. 196.

No. 17–835. *GUTMAN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 711 Fed. Appx. 20.

No. 17–836. *MYERS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 697 Fed. Appx. 204.

No. 17–849. *WILKERSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 702 Fed. Appx. 843.

No. 17–5126. *MOHAMUD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 843 F. 3d 420 and 666 Fed. Appx. 591.

No. 17–5229. *GALATI v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 844 F. 3d 152.

No. 17–5244. *ENGEL v. STATE BAR OF CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 17–5343. *DEAN v. OREGON*. Ct. App. Ore. Certiorari denied. Reported below: 280 Ore. App. 848, 388 P. 3d 734.

No. 17–5347. *LINDSEY v. INDIANA*. Ct. App. Ind. Certiorari denied. Reported below: 71 N. E. 3d 428.

No. 17–5381. *GRAY v. VASQUEZ, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 17–5420. *BELSER v. JAMES ET AL.* C. A. 6th Cir. Certiorari denied.

No. 17–5442. *HARDY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 17–5452. *SURIANO v. WISCONSIN*. Sup. Ct. Wis. Certiorari denied. Reported below: 2017 WI 42, 374 Wis. 2d 683, 893 N. W. 2d 543.

No. 17–5456. *MYERS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 854 F. 3d 341.

No. 17–5471. *CASTILLO v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 17–5472. *CASTILLO v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

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No. 17–5477. *SCHNEIDER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 17–5489. *BROWN v. PEREZ ET AL.* C. A. 6th Cir. Certiorari denied.

No. 17–5527. *BUENDIA REYES v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 17–5532. *PENA-TRUJILLO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 965.

No. 17–5578. *ALI v. MINNESOTA*. Sup. Ct. Minn. Certiorari denied. Reported below: 895 N. W. 2d 237.

No. 17–5660. *WHEELER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 857 F. 3d 742.

No. 17–5674. *RAINER v. COLORADO*. Sup. Ct. Colo. Certiorari denied. Reported below: 394 P. 3d 1141.

No. 17–5677. *LUCERO v. COLORADO*. Sup. Ct. Colo. Certiorari denied. Reported below: 394 P. 3d 1128.

No. 17–5693. *DEGRAFFENRIED v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 17–5700. *ARMSTRONG v. COLORADO*. Sup. Ct. Colo. Certiorari denied. Reported below: 395 P. 3d 748.

No. 17–5704. *GARCIA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 857 F. 3d 708.

No. 17–5724. *SMITH v. UNITED STATES*;

No. 17–5732. *HAMPTON v. UNITED STATES*; and

No. 17–5741. *JACKSON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 681 Fed. Appx. 89.

No. 17–5725. *SANTOS v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 2017 IL App (2d) 120839–UB.

No. 17–5746. *MEJIA-GUERRA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 175.

No. 17–5804. *PETERSON v. WEST VIRGINIA*. Sup. Ct. App. W. Va. Certiorari denied. Reported below: 239 W. Va. 21, 799 S. E. 2d 98.

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No. 17–5939. *PANDELI v. ARIZONA*. Sup. Ct. Ariz. Certiorari denied. Reported below: 242 Ariz. 175, 394 P. 3d 2.

No. 17–5948. *MADRID-MARTINEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 695 Fed. Appx. 743.

No. 17–6025. *THOMAS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 703 Fed. Appx. 72.

No. 17–6036. *DIAL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 368.

No. 17–6068. *ABDUR’RAHMAN ET AL. v. PARKER, COMMISSIONER, TENNESSEE DEPARTMENT OF CORRECTION, ET AL.* Sup. Ct. Tenn. Certiorari denied. Reported below: 519 S. W. 3d 550.

No. 17–6071. *MERCER v. FAIRFAX COUNTY BOARD OF SUPERVISORS ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 358.

No. 17–6072. *MERCER v. POWERS*. Sup. Ct. Va. Certiorari denied.

No. 17–6074. *ALLEN v. WESTBROOKS, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 700 Fed. Appx. 406.

No. 17–6099. *VENTA v. JARVIS, WARDEN*. C. A. 11th Cir. Certiorari denied.

No. 17–6127. *PRYSTASH v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 854 F. 3d 830.

No. 17–6133. *WARKENTIN v. FEDERATED LIFE INSURANCE CO.* C. A. 9th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 559.

No. 17–6190. *IMPERATO v. SECURITIES AND EXCHANGE COMMISSION*. C. A. 11th Cir. Certiorari denied.

No. 17–6239. *MOORE v. MITCHELL, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 848 F. 3d 774.

No. 17–6246. *JOHNSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 701 Fed. Appx. 917.

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No. 17–6269. *RICHARDSON v. DAVIS*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 17–6288. *RILEY v. DAVIS*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 17–6308. *WARREN v. SAWYER ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 691 Fed. Appx. 52.

No. 17–6309. *WALKER v. HOKE COUNTY BOARD OF ELECTIONS ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 143.

No. 17–6310. *STANCU v. STARWOOD HOTELS & RESORTS WORLDWIDE, INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 362.

No. 17–6317. *KAEDING v. SCHWEITZER*, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 17–6327. *SOTELO CANTU v. C. R. FISCHER & SONS, INC., ET AL.* Sup. Ct. Minn. Certiorari denied.

No. 17–6331. *WILLIAMS v. JIN.* C. A. 3d Cir. Certiorari denied. Reported below: 701 Fed. Appx. 78.

No. 17–6333. *WILLIAMS v. TEXAS.* Ct. App. Tex., 9th Dist. Certiorari denied.

No. 17–6337. *JACOBS v. CLAYTON COUNTY SOLICITOR GENERAL OFFICE ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 685 Fed. Appx. 824.

No. 17–6352. *ALEXANDER v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied.

No. 17–6360. *KILLE v. OLSON.* Ct. App. Nev. Certiorari denied. Reported below: 132 Nev. 995.

No. 17–6362. *KENNEDY v. KERNAN*, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION. C. A. 9th Cir. Certiorari denied.

No. 17–6366. *TIMMS v. DAVIS*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

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No. 17–6367. THOMPSON *v.* PLAYERS PLACE LAKESIDE INC. ET AL. Sup. Ct. Fla. Certiorari denied.

No. 17–6370. WILLIAMS *v.* LASHBROOK, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 17–6375. DONCHEV *v.* DESIMONE. Sup. Ct. N. J. Certiorari denied.

No. 17–6376. SIMMONS *v.* HAAS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 17–6378. RIEDLINGER *v.* CITY OF EVERETT, WASHINGTON. Ct. App. Wash. Certiorari denied.

No. 17–6379. REID *v.* CLEVELAND POLICE DEPARTMENT ET AL. Sup. Ct. Ohio. Certiorari denied. Reported below: 151 Ohio St. 3d 243, 2017-Ohio-7527, 87 N. E. 3d 1231.

No. 17–6385. SANDOVAL *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 17–6386. LOAIZA RODRIGUEZ *v.* KLEE, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 17–6387. JONES *v.* NEBRASKA. Sup. Ct. Neb. Certiorari denied. Reported below: 297 Neb. 557, 900 N. W. 2d 757.

No. 17–6388. JACKSON *v.* VANNOY, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 17–6393. LAVELLE *v.* U. S. BANK N. A., AS TRUSTEE. Ct. App. Ohio, 8th App. Dist., Cuyahoga County. Certiorari denied. Reported below: 2016-Ohio-7783.

No. 17–6396. KELLY *v.* HAAS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 17–6405. YOUNG *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 860 F. 3d 318.

No. 17–6411. SHEPHERD *v.* CLAY, SUPERINTENDENT, LUMBERTON CORRECTIONAL INSTITUTION. C. A. 4th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 164.

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No. 17–6412. *QUADIR v. NEW YORK STATE DEPARTMENT OF LABOR*. C. A. 2d Cir. Certiorari denied. Reported below: 691 Fed. Appx. 674.

No. 17–6413. *JARA v. STANDARD PARKING ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 701 Fed. Appx. 733.

No. 17–6414. *COLLINS ET AL. v. JPMORGAN CHASE BANK, N. A., ET AL.* Ct. App. Cal., 2d App. Dist., Div. 5. Certiorari denied.

No. 17–6419. *MOLDER v. KIRKEGARD, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 17–6420. *SMITH v. AKPORE ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 458.

No. 17–6425. *JAMES v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 156 A. 3d 343.

No. 17–6427. *MOTT v. VANNOY, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 17–6428. *PEREZ v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist., Div. 4. Certiorari denied.

No. 17–6430. *SPAH v. SPAH*. Ct. App. Minn. Certiorari denied.

No. 17–6435. *HUBBARD v. CALIFORNIA*. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 17–6437. *HAWES v. PALMER, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 17–6442. *FRANCISCO VEGA v. FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 215 So. 3d 193.

No. 17–6446. *WESSINGER v. VANNOY, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 704 Fed. Appx. 309.

No. 17–6448. *VINCENT v. SHULKIN, SECRETARY OF VETERANS AFFAIRS*. C. A. Fed. Cir. Certiorari denied. Reported below: 696 Fed. Appx. 512.

No. 17–6449. *TIBBETTS v. JENKINS, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 869 F. 3d 403.

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No. 17–6450. *LAI v. CITY OF NEW YORK, NEW YORK*. C. A. 2d Cir. Certiorari denied.

No. 17–6451. *JACK v. HOOPER, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 17–6453. *ITURBE-GONZALEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 705 Fed. Appx. 486.

No. 17–6457. *JONES v. WILBERT BURIAL VAULT, INC., ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 770.

No. 17–6458. *JONES v. BONDI, ATTORNEY GENERAL OF FLORIDA, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 17–6460. *SHINE v. MORRIS ET AL.* App. Ct. Mass. Certiorari denied. Reported below: 89 Mass. App. 1113, 47 N. E. 3d 53.

No. 17–6461. *SMITH v. ENCINO GARDENS APARTMENTS, INC.* C. A. 10th Cir. Certiorari denied.

No. 17–6462. *SHAPIRO v. ACCU ET AL.; SHAPIRO v. U-HAUL ET AL.; and SHAPIRO v. UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT ET AL.* C. A. 1st Cir. Certiorari denied.

No. 17–6465. *BRAUNSTEIN v. BAKER, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 17–6468. *WILLIAMS v. WETZEL, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 17–6469. *TOLBERT v. WOODS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–6471. *WILLIAMS v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied. Reported below: 231 Md. App. 725.

No. 17–6473. *VITASEK v. ARIZONA*. Ct. App. Ariz. Certiorari denied.

No. 17–6474. *BURNS v. JOHNSON, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 17–6475. *BIGBEE v. LEBO, WARDEN*. Ct. Crim. App. Tenn. Certiorari denied.

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No. 17–6478. *NEWTON v. MARYLAND*. Ct. App. Md. Certiorari denied. Reported below: 455 Md. 341, 168 A. 3d 1.

No. 17–6479. *MITSKOG v. MERIT SYSTEMS PROTECTION BOARD*. C. A. Fed. Cir. Certiorari denied. Reported below: 680 Fed. Appx. 1005.

No. 17–6480. *K. Y. J. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES*. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 17–6481. *LUCKETT v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist., Div. 3. Certiorari denied.

No. 17–6482. *LANE v. TEXAS*. Ct. App. Tex., 10th Dist. Certiorari denied.

No. 17–6483. *MCGRATH v. MASSACHUSETTS* (Reported below: 477 Mass. 1009, 74 N. E. 3d 1259); and *ROBINSON v. MASSACHUSETTS* (477 Mass. 1008, 75 N. E. 3d 1112). Sup. Jud. Ct. Mass. Certiorari denied.

No. 17–6485. *SHARP v. HAMMERS*. C. A. 7th Cir. Certiorari denied.

No. 17–6486. *SPELLMAN v. LANE, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 141.

No. 17–6487. *SIMS v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 17–6491. *KENNEDY v. COURT OF CRIMINAL APPEALS OF TEXAS ET AL.* Ct. Crim. App. Tex. Certiorari denied.

No. 17–6492. *DAVIS v. VANNOY, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 17–6493. *SANDERS v. WAL-MART STORES EAST, L. P.* C. A. 4th Cir. Certiorari denied. Reported below: 686 Fed. Appx. 240.

No. 17–6496. *JOHNSON v. HAWKINS, CORRECTIONAL ADMINISTRATOR, NASH CORRECTIONAL INSTITUTION*. C. A. 4th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 688.

No. 17–6500. *HOWELL v. BROWN, SUPERINTENDENT, WABASH VALLEY CORRECTIONAL FACILITY*. C. A. 7th Cir. Certiorari denied.

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No. 17–6501. *HETTINGA v. LOUMENA ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 421.

No. 17–6504. *MONTGOMERY v. GREEN, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 17–6505. *FAVORS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 281.

No. 17–6506. *CODY v. OHIO.* Ct. App. Ohio, 8th App. Dist., Cuyahoga County. Certiorari denied. Reported below: 2017-Ohio-1543.

No. 17–6511. *WRIGHT v. WRIGHT.* Sup. Ct. Ga. Certiorari denied.

No. 17–6512. *SAENZ VASQUEZ v. TEXAS.* Ct. App. Tex., 11th Dist. Certiorari denied.

No. 17–6517. *HAMILTON v. GRIFFIN, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY.* C. A. 2d Cir. Certiorari denied. Reported below: 707 Fed. Appx. 12.

No. 17–6518. *FLETCHER v. SOTO, WARDEN; and FLETCHER v. DOBSON-DAVIS, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 693 Fed. Appx. 724.

No. 17–6522. *LUCAS v. WARD ET AL.* Ct. Sp. App. Md. Certiorari denied.

No. 17–6525. *RIDEOUT v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS.* C. A. 4th Cir. Certiorari denied. Reported below: 697 Fed. Appx. 180.

No. 17–6527. *RHODES v. ROWE, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 17–6531. *HUMPHREY v. DOUMA, WARDEN.* Ct. App. Wis. Certiorari denied.

No. 17–6532. *FERGUSON v. VANNOY, WARDEN.* C. A. 5th Cir. Certiorari denied.

No. 17–6533. *JARED H. v. ILLINOIS.* App. Ct. Ill., 5th Dist. Certiorari denied. Reported below: 2017 IL App (5th) 160415–U.

No. 17–6534. *FARLOW v. KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION.* C. A. 9th Cir. Certiorari denied.

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No. 17–6535. *GIBBS v. SMITH, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–6536. *BLACK v. CALIFORNIA APPELLATE PROJECT*. Ct. App. Cal., 2d App. Dist., Div. 4. Certiorari denied.

No. 17–6537. *BENAVIDES v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 17–6539. *McKNIGHT v. MOORE, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 17–6541. *VARGAS v. CALIFORNIA*. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 17–6545. *WORRELL v. TEXAS*. Ct. App. Tex., 14th Dist. Certiorari denied.

No. 17–6547. *H. K. V. v. FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES ET AL.* Sup. Ct. Fla. Certiorari denied.

No. 17–6550. *DREW v. WETZEL, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 17–6553. *GLICK v. TOWNSEND ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 677 Fed. Appx. 323.

No. 17–6559. *HORNER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 853 F. 3d 1201.

No. 17–6561. *SMALL v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied. Reported below: 232 Md. App. 751.

No. 17–6566. *AGUILAR v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 17–6569. *TIPTON v. PFISTER, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 17–6570. *MOSS v. OLSON, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 699 Fed. Appx. 477.

No. 17–6574. *MORANT v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 227 So. 3d 572.

No. 17–6575. *HARASZEWSKI v. LIZARRAGA, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

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No. 17–6578. *MONTES v. KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION*. C. A. 9th Cir. Certiorari denied. Reported below: 695 Fed. Appx. 305.

No. 17–6579. *MOTHERSHED v. APACHE CORP. ET AL.* Ct. Civ. App. Okla. Certiorari denied.

No. 17–6585. *GRIFFIN v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 17–6586. *HUBERT v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 17–6590. *SMITH v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 17–6591. *RUSHINSKY v. ARIZONA*. Ct. App. Ariz. Certiorari denied.

No. 17–6593. *SERNAS v. ARIZONA*. Ct. App. Ariz. Certiorari denied.

No. 17–6595. *LINDSEY v. COLORADO*. Sup. Ct. Colo. Certiorari denied.

No. 17–6598. *MILLER v. WEST VIRGINIA DEPARTMENT OF CORRECTIONS ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 696 Fed. Appx. 115.

No. 17–6600. *JONES v. WILLIAMS, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 117.

No. 17–6601. *JONES v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 17–6604. *LINDSAY v. GLICK ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 696 Fed. Appx. 635.

No. 17–6605. *MARTIN v. HAAS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–6608. *GIBBS v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. Sup. Ct. Fla. Certiorari denied.

No. 17–6612. *BIRD v. PACHECO, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 697 Fed. Appx. 613.

No. 17–6614. *CLINE v. NORTH CAROLINA*. Gen. Ct. Justice, Super. Ct. Div., Iredell County, N. C. Certiorari denied.

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No. 17–6615. *BATTLES v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 17–6617. *TURNER v. NEVADA*. Sup. Ct. Nev. Certiorari denied. Reported below: 133 Nev. 1084, 393 P. 3d 200.

No. 17–6620. *YOUNG v. WHITE ET AL.* Sup. Ct. Fla. Certiorari denied.

No. 17–6621. *WATSON v. MYLAN PHARMACEUTICALS, INC.* C. A. 10th Cir. Certiorari denied. Reported below: 701 Fed. Appx. 729.

No. 17–6623. *YOUNG v. TAMPKINS, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 17–6624. *LUCIANO TAPIA v. SULLIVAN, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 17–6625. *WRIGHT v. HUGHES SOCOL PIERS RESNICK & DYM, LTD.*; and *WRIGHT v. WALT DISNEY Co.* C. A. 9th Cir. Certiorari denied.

No. 17–6627. *MANN v. BAUMAN, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–6630. *CAMPBELL v. BEAR, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 658.

No. 17–6631. *MCCAIN v. NEBRASKA*. Sup. Ct. Neb. Certiorari denied. Reported below: 297 Neb. c.

No. 17–6635. *COVIL v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 17–6640. *SMITH v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 17–6642. *CAMPBELL v. TANNER, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 17–6645. *MILLER v. SHERMAN, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 17–6646. *BEASLEY v. BEASLEY ET AL.* Ct. Sp. App. Md. Certiorari denied.

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No. 17–6652. *MITCHELL v. CITY OF CHICAGO, ILLINOIS, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 862 F. 3d 583.

No. 17–6653. *CURRY v. LASHBROOK, WARDEN.* C. A. 7th Cir. Certiorari denied.

No. 17–6654. *PHILLIPOS v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 849 F. 3d 464.

No. 17–6655. *SCHULER v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS.* C. A. 4th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 186.

No. 17–6658. *CRUZ-RIVERA v. PASH, WARDEN.* Sup. Ct. Mo. Certiorari denied.

No. 17–6659. *MOON v. SCOTT, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 17–6660. *BREWER v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 133204–U.

No. 17–6662. *ADAMS v. SMITH, WARDEN, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 17–6663. *BANNERMAN v. MILLER, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 697 Fed. Appx. 155.

No. 17–6665. *MOODY v. DUNN, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied. Reported below: 682 Fed. Appx. 802.

No. 17–6670. *ZEIGLER v. YATES, ADMINISTRATOR, ADULT DIAGNOSTIC AND TREATMENT CENTER, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 17–6671. *WHITE v. DETROIT EAST COMMUNITY MENTAL HEALTH ET AL.* Ct. App. Mich. Certiorari denied.

No. 17–6672. *VICKERS v. LINK, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 858 F. 3d 841.

No. 17–6673. *WARENBACk v. NEVADA.* Sup. Ct. Nev. Certiorari denied. Reported below: 133 Nev. 1089.

No. 17–6675. *RACHEL v. UNITED STATES;* and

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No. 17-6703. *BREWER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 334.

No. 17-6677. *NEAL v. PIERCE, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 17-6679. *ALLEN v. KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 17-6686. *EMMEL v. AMTRUST-NP SFR, VENTURE, LLC*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 140 App. Div. 3d 993, 34 N. Y. S. 3d 163.

No. 17-6687. *BOMBER v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 162.

No. 17-6689. *CHALMERS v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 17-6691. *COLON v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 160 A. 3d 248.

No. 17-6692. *CLARK v. PALMER, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17-6693. *KUN v. STATE BAR OF CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 17-6694. *LAHR v. INDIANA*. Ct. App. Ind. Certiorari denied. Reported below: 86 N. E. 3d 460.

No. 17-6695. *JOHNSON v. EBBERT, WARDEN*. C. A. 3d Cir. Certiorari denied. Reported below: 694 Fed. Appx. 59.

No. 17-6697. *FERRIS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 704 Fed. Appx. 225.

No. 17-6698. *CUTULLE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 334.

No. 17-6699. *ASAELI v. BOE, SUPERINTENDENT, CLALLAM BAY CORRECTIONS CENTER*. C. A. 9th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 788.

No. 17-6700. *DIAZ-RODRIGUEZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 853 F. 3d 540.

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No. 17–6701. *COLE v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 17–6702. *BAGGOTT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 306.

No. 17–6706. *RICHARDSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 176.

No. 17–6707. *WURIE v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 867 F. 3d 28.

No. 17–6709. *GONSALVES v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 859 F. 3d 95.

No. 17–6710. *GEBRETSADIKE v. TRAVELERS HOME & MARINE INSURANCE CO.* C. A. D. C. Cir. Certiorari denied. Reported below: 694 Fed. Appx. 2.

No. 17–6711. *GALVAN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17–6713. *AGE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 17–6717. *VEREEN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 703 Fed. Appx. 171.

No. 17–6723. *BOND v. SOCIAL SECURITY ADMINISTRATION*. C. A. 4th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 131.

No. 17–6725. *PLATO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 17–6733. *GOFFER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 17–6734. *WASHINGTON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 707 Fed. Appx. 687.

No. 17–6736. *VAZQUEZ-AMPARAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 695 Fed. Appx. 76.

No. 17–6737. *MANUEL TAPIA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 499.

No. 17–6746. *COSTELLA v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied. Reported below: 11 Cal. App. 5th 1, 217 Cal. Rptr. 3d 343.

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No. 17–6747. *DAMM v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 354.

No. 17–6748. *MENDOZA v. CALIFORNIA*. Ct. App. Cal., 6th App. Dist. Certiorari denied. Reported below: 10 Cal. App. 5th 327, 216 Cal. Rptr. 3d 361.

No. 17–6752. *HERNANDEZ-VASQUEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 699 Fed. Appx. 404.

No. 17–6757. *BROWDER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 866 F. 3d 504.

No. 17–6760. *GIBSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 823.

No. 17–6761. *GARCIA-ACOSTA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 17–6762. *FRIAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 17–6763. *FORD v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 701 Fed. Appx. 817.

No. 17–6764. *GUTIERREZ-YANEZ v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 702.

No. 17–6765. *GARCIA-ORTIZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 792 F. 3d 184.

No. 17–6766. *FLEMING v. BRENNAN, POSTMASTER GENERAL*. C. A. 6th Cir. Certiorari denied.

No. 17–6768. *SHIPTON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 17–6771. *ROBINSON v. PFEIFFER, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 693 Fed. Appx. 574.

No. 17–6772. *RIOS-DIAZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 695 Fed. Appx. 74.

No. 17–6773. *SANDERS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 424.

No. 17–6774. *BROWN v. KANSAS*. Ct. App. Kan. Certiorari denied. Reported below: 52 Kan. App. 2d xxiv, 366 P. 3d 1104.

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No. 17–6775. *BARNETT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 697 Fed. Appx. 153.

No. 17–6776. *FAIRCLOTH v. RAEMISCH, EXECUTIVE DIRECTOR, COLORADO DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 513.

No. 17–6777. *FLOOD v. WILLIAMS, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 711.

No. 17–6778. *AKARD v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 17–6782. *DIXON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 17–6783. *CROCKETT v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 176 A. 3d 172.

No. 17–6785. *MILAN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 17–6786. *MURPHY v. MAINE*. Sup. Jud. Ct. Me. Certiorari denied. Reported below: 2017 ME 165, 168 A. 3d 775.

No. 17–6787. *PEARSEY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 701 Fed. Appx. 773.

No. 17–6788. *MUSTAFARAJ v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 867 F. 3d 418.

No. 17–6791. *BLACKWELL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 695 Fed. Appx. 64.

No. 17–6793. *SERRANO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 695 Fed. Appx. 20.

No. 17–6794. *SMITH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 703 Fed. Appx. 174.

No. 17–6795. *SHEPHEARD v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 706 Fed. Appx. 526.

No. 17–6799. *NUGENT v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 685 Fed. Appx. 17.

No. 17–6804. *BLACK v. MASSACHUSETTS*. App. Ct. Mass. Certiorari denied. Reported below: 91 Mass. App. 1122, 86 N. E. 3d 247.

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No. 17–6807. *WATKINS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 688 Fed. Appx. 824.

No. 17–6809. *DIPPOLITO v. FLORIDA*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 225 So. 3d 233.

No. 17–6811. *RILEY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 706 Fed. Appx. 956.

No. 17–6812. *STRAW v. SUPREME COURT OF INDIANA ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 291.

No. 17–6821. *BARNETT v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 17–6822. *MADISON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 863 F. 3d 1001.

No. 17–6824. *GEASLAND v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 422.

No. 17–6826. *GJELI v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 867 F. 3d 418.

No. 17–6827. *IBARRA CARDONA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 706 Fed. Appx. 166.

No. 17–6828. *HENRY ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 695 Fed. Appx. 213.

No. 17–6832. *PENN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 870 F. 3d 164.

No. 17–6833. *OATMAN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 702 Fed. Appx. 478.

No. 17–6834. *LATKA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 696 Fed. Appx. 287.

No. 17–6835. *JENNINGS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 860 F. 3d 450.

No. 17–6837. *PETERSEN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 708 Fed. Appx. 983.

No. 17–6841. *WRIGHT v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

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No. 17–6845. *WHITE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 17–6851. *MARIA v. MUNIZ, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 704 Fed. Appx. 641.

No. 17–6854. *PERALTA SANCHEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 705 Fed. Appx. 542.

No. 17–6857. *LEWIS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 723.

No. 17–6858. *MALDONADO v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 864 F. 3d 893.

No. 17–6860. *BELIN v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 868 F. 3d 43.

No. 17–6864. *PHILIPPEAUX v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 694 Fed. Appx. 838.

No. 17–6865. *PATEL v. MCKESSON CORP.* C. A. 6th Cir. Certiorari denied.

No. 17–6866. *MEANS v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 168 A. 3d 319.

No. 17–6870. *JACKSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 696 Fed. Appx. 154.

No. 17–6871. *JOHNSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 875 F. 3d 422 and 691 Fed. Appx. 305.

No. 17–6873. *KING v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 865 F. 3d 848.

No. 17–6876. *ALEJANDRO RIVERA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 696 Fed. Appx. 156.

No. 17–6878. *ROMERO-PAYAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 696 Fed. Appx. 245.

No. 17–6880. *ROCKWELL v. COLORADO*. Ct. App. Colo. Certiorari denied.

No. 17–6884. *UBALDO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 859 F. 3d 690.

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No. 17–6888. THOMPSON *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 864 F. 3d 837.

No. 17–6889. TELEMAQUE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 702 Fed. Appx. 824.

No. 17–6893. WOODARD *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 697 Fed. Appx. 915.

No. 17–6894. WATERS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 697 Fed. Appx. 760.

No. 17–6895. VELIZ *v.* GRIFFIN, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 17–6896. BUNCH *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 17–6900. BUTLER *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. C. A. 8th Cir. Certiorari denied.

No. 17–6906. LEWIS *v.* LINK, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL. C. A. 3d Cir. Certiorari denied.

No. 17–6907. LEI KE *v.* DREXEL UNIVERSITY ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 692 Fed. Appx. 686.

No. 17–6911. GALLARZO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 696 Fed. Appx. 285.

No. 17–6913. CONE *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 868 F. 3d 1150.

No. 17–6915. BROWN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 843 F. 3d 74.

No. 17–6916. JONES *v.* DELAWARE. C. A. 3d Cir. Certiorari denied.

No. 17–6919. MARTIN *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 17–6925. SUTTON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 695 Fed. Appx. 330.

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No. 17–6930. *CAMICK v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 17–6933. *PEAK v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17–6941. *MOORE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 696 Fed. Appx. 124.

No. 17–6947. *MOSELEY v. KEMPER, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 860 F. 3d 1020.

No. 17–6948. *JONES v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 870 F. 3d 750.

No. 17–6949. *MCCLAIN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 707 Fed. Appx. 129.

No. 17–6955. *DIGGS v. DUKE, ACTING SECRETARY OF HOMELAND SECURITY*. C. A. 4th Cir. Certiorari denied. Reported below: 696 Fed. Appx. 644.

No. 17–6956. *BAMDAD v. BAIRD, WARDEN, ET AL.* C. A. 7th Cir. Certiorari denied.

No. 17–6957. *HAGOS v. RAEMISCH, EXECUTIVE DIRECTOR, COLORADO DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 707 Fed. Appx. 520.

No. 17–6959. *PENSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 684 Fed. Appx. 297.

No. 17–6960. *NWAFOR v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 17–6961. *DIPPOLITO v. UNITED STATES ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 704 Fed. Appx. 199.

No. 17–6962. *MORRIS v. UNITED STATES SENTENCING COMMISSION ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 696 Fed. Appx. 515.

No. 17–6964. *LUNA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 17–6966. *MADISON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 688 Fed. Appx. 802.

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No. 17–6970. *REID v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 825.

No. 17–6974. *KELLEY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 17–6976. *JACOBS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 150.

No. 17–6977. *CHAVEZ LEGORETTA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 693 Fed. Appx. 682.

No. 17–6979. *GARCIA-PUGA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 697 Fed. Appx. 401.

No. 17–6982. *MORAL v. KANSAS*. Ct. App. Kan. Certiorari denied. Reported below: 52 Kan. App. 2d xxxvi, 366 P. 3d 664.

No. 17–6983. *MORALES v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 17–6984. *WHEELER v. KANSAS*. Ct. App. Kan. Certiorari denied. Reported below: 53 Kan. App. 2d xxvii, 380 P. 3d 724.

No. 17–6985. *WEATHERMAN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 702 Fed. Appx. 452.

No. 17–6986. *WASHINGTON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 869 F. 3d 193.

No. 17–6988. *WILLIAMS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 696 Fed. Appx. 128.

No. 17–6990. *TERRY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 17–6993. *BROWN, AKA JOHNSON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 706 Fed. Appx. 474.

No. 17–6996. *FACEN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 693 Fed. Appx. 68.

No. 17–6998. *LOVERA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 751.

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No. 17–7001. *RUVALCABA-MORALES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 470.

No. 17–7004. *POSLEY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 706 Fed. Appx. 313.

No. 17–7006. *CANNET v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 708 Fed. Appx. 555.

No. 17–7007. *DINGLE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 862 F. 3d 607.

No. 17–7012. *TAYLOR v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 114.

No. 17–7014. *NWOKEDI v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 710 Fed. Appx. 91.

No. 17–7020. *SANCHEZ v. MATEVOUSIAN, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 677 Fed. Appx. 451.

No. 17–7021. *KOONTZ v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 697 Fed. Appx. 145.

No. 17–7023. *HERNANDEZ-QUINTANIA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 874 F. 3d 1123.

No. 17–7025. *OCHOA-CALEDO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 697 Fed. Appx. 344.

No. 17–7029. *PILOTO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 705 Fed. Appx. 921.

No. 17–7030. *BROCK v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 643 Fed. Appx. 301.

No. 17–7032. *SPENGLER v. CHANDLER, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 17–7034. *BAILEY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 17–7048. *STURDIVANT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 697 Fed. Appx. 158.

No. 17–7050. *STEWART v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

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No. 17–7051. *RECENDIS-HERRERA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 697 Fed. Appx. 337.

No. 17–7052. *STEWART v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 704 Fed. Appx. 855.

No. 17–7069. *BELTON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 576.

No. 17–7070. *BURNS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 17–7073. *SANDOVAL-ENRIQUE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 870 F. 3d 1207.

No. 17–249. *YOUNG ET AL., AS CO-PERSONAL REPRESENTATIVES OF THE ESTATE OF SCOTT, DECEASED, ET AL. v. BORDERS, SHERIFF, LAKE COUNTY, FLORIDA, ET AL.* C. A. 11th Cir. Motions of The Rutherford Institute and Second Amendment Foundation, Inc., for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 620 Fed. Appx. 889.

No. 17–346. *TOUCHET v. ESTIS WELL SERVICE, L. L. C., ET AL.* C. A. 5th Cir. Motions of Seafarers' Rights International and Global Maritime Ministries, Inc., New Orleans for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 853 F. 3d 777.

No. 17–445. *WESTBROOKS, WARDEN v. ALLEN*. C. A. 6th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 700 Fed. Appx. 406.

No. 17–447. *WINDOW ROCK UNIFIED SCHOOL DISTRICT v. REEVES ET AL.* C. A. 9th Cir. Motion of National School Boards Association et al. for leave to file brief as *amici curiae* granted. Certiorari denied. Reported below: 861 F. 3d 894.

No. 17–465. *PEOPLE FOR THE ETHICAL TREATMENT OF PROPERTY OWNERS v. UNITED STATES FISH AND WILDLIFE SERVICE ET AL.* C. A. 10th Cir. Motion of Property and Environment Research Center for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 852 F. 3d 990.

No. 17–517. *UPPAL v. HEALTH LAW FIRM*. Sup. Ct. Fla. Motion of respondent for attorney's fees and sanctions denied. Certiorari denied.

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No. 17–551. *TAFT v. NABISCO ET AL.* C. A. 9th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 675 Fed. Appx. 796.

No. 17–569. *BAMBERGER ROSENHEIM, LTD. v. OA DEVELOPMENT, INC.* C. A. 11th Cir. Motion of Center for Arbitration and Dispute Resolution in Israel for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 862 F. 3d 1284.

No. 17–606. *COOPER v. COUNTRYWIDE HOME LOANS, INC., ET AL.* C. A. 11th Cir. Certiorari before judgment denied.

No. 17–613. *SHAO v. TSAN-KUEN WANG.* Ct. App. Cal., 6th App. Dist. Motion of Mothers of Lost Children for leave to file brief as *amicus curiae* granted. Certiorari denied.

No. 17–627. *SPRINT COMMUNICATIONS Co., L. P. v. CENTURY-TEL OF CHATHAM, L. L. C., ET AL.* C. A. 5th Cir. Motion of Verizon for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 861 F. 3d 566.

No. 17–652. *HENRY, AS GUARDIAN, PARENT, NEXT OF KIN, AND FOR AND ON BEHALF OF HENRY-ROBINSON, A MINOR v. CITY OF MT. DORA, FLORIDA, ET AL.* C. A. 11th Cir. Motions of National Bar Association, National Association for Public Defense, and National Juvenile Defender Center for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 688 Fed. Appx. 842.

No. 17–6318. *JONES v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA.* C. A. 4th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 692 Fed. Appx. 167.

No. 17–6530. *GARDNER v. CAPOZZA, WARDEN, ET AL.* Commw. Ct. Pa. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 136 A. 3d 1111.

No. 17–6599. *LOGAN v. DISTRICT ATTORNEY OF ALLEGHENY COUNTY, PENNSYLVANIA.* C. A. 3d Cir. Certiorari before judgment denied.

No. 17–6741. *SCARPA v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 861 F. 3d 59.

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No. 17–6840. *WARREN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. JUSTICE KAGAN and JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 707 Fed. Appx. 509.

No. 17–6850. *HAMMONS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 862 F. 3d 1052.

No. 17–6932. *KUTZ v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 702 Fed. Appx. 661.

No. 17–6963. *PORTER v. FOX, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 701 Fed. Appx. 335.

No. 17–7008. *HENTHORN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 864 F. 3d 1241.

Rehearing Denied

No. 16–1468. *KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION v. CUERO*, *ante*, p. 1;

No. 16–6372. *WILSON v. CARLOS ET AL.*, 580 U. S. 1059;

No. 16–8062. *OKON v. DOOLEY, WARDEN*, *ante*, p. 829;

No. 16–8580. *BENTZ v. NEVADA*, *ante*, p. 831;

No. 16–8925. *REDRICK v. UNITED STATES*, 581 U. S. 1013;

No. 16–8959. *HASTYE v. TOLSON*, *ante*, p. 833;

No. 16–9028. *ANDOE v. OTTER ET AL.*, *ante*, p. 835;

No. 16–9031. *CHAO HO LIN ET AL. v. TD WATERSTONE*, *ante*, p. 835;

No. 16–9037. *IN RE BONILLA*, *ante*, p. 813;

No. 16–9059. *IN RE MCCORMICK*, *ante*, p. 814;

No. 16–9078. *RUDGE v. CITY OF STUART, FLORIDA*, *ante*, p. 836;

No. 16–9120. *MC SMITH v. BANK OF AMERICA, N. A.*, *ante*, p. 837;

No. 16–9272. *ROBINSON ET AL. v. DRUG ENFORCEMENT ADMINISTRATION ET AL.*, *ante*, p. 841;

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- No. 16–9293. SAIDIN *v.* NEGRON ET AL., *ante*, p. 842;
No. 16–9426. WILSON *v.* SHULTZ, *ante*, p. 849;
No. 16–9530. DAKER *v.* GEORGIA, *ante*, p. 854;
No. 16–9531. DAKER *v.* GEORGIA, *ante*, p. 854;
No. 16–9532. DAKER *v.* GEORGIA, *ante*, p. 854;
No. 16–9565. IN RE PARKER, *ante*, p. 813;
No. 16–9684. TIBBS *v.* MARYLAND, *ante*, p. 863;
No. 17–193. DUNN, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS *v.* MADISON, *ante*, p. 10;
No. 17–213. XIAO-YING YU *v.* MARYLAND STATE DEPARTMENT OF HEALTH AND MENTAL HYGIENE ET AL., *ante*, p. 932;
No. 17–256. SHAO *v.* MCMANIS FAULKNER, LLP, ET AL., *ante*, p. 959;
No. 17–280. PURPURA *v.* CHRISTIE, GOVERNOR OF NEW JERSEY, ET AL., *ante*, p. 945;
No. 17–337. BENT *v.* LASHWAY ET AL., *ante*, p. 963;
No. 17–347. ALBA VILLARREAL *v.* TEXAS, *ante*, p. 945;
No. 17–484. GOSSAGE *v.* MERIT SYSTEMS PROTECTION BOARD, *ante*, p. 964;
No. 17–488. HENDRIX *v.* WAL-MART STORES, INC., ET AL., *ante*, p. 998;
No. 17–495. DONNELL *v.* UNITED STATES, *ante*, p. 964;
No. 17–5009. BLACK *v.* SUTTON, WARDEN, *ante*, p. 875;
No. 17–5027. STECHAUNER *v.* SMITH, WARDEN, *ante*, p. 876;
No. 17–5130. PELINO *v.* HENS-GRECO ET AL., *ante*, p. 881;
No. 17–5133. MURPHY *v.* DEPARTMENT OF EDUCATION, *ante*, p. 881;
No. 17–5160. MALDONADO AGUILAR *v.* UNITED STATES, *ante*, p. 883;
No. 17–5208. SCHUMAKER *v.* UNITED STATES, *ante*, p. 885;
No. 17–5241. SCHWERS *v.* CITY OF ALBUQUERQUE, NEW MEXICO, ET AL., *ante*, p. 887;
No. 17–5361. COOK *v.* MICHIGAN, *ante*, p. 893;
No. 17–5375. GOUCH-ONASSIS *v.* UNITED STATES, *ante*, p. 894;
No. 17–5376. GIRMA *v.* EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, *ante*, p. 894;
No. 17–5528. ALMENDAREZ *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, *ante*, p. 923;
No. 17–5533. IN RE POLLINS, *ante*, p. 914;

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- No. 17–5547. *WAHEED v. CITY OF NEW YORK, NEW YORK, ET AL.*, *ante*, p. 923;
- No. 17–5625. *CANNON v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, *ante*, p. 935;
- No. 17–5667. *AUSTIN v. FLORIDA*, *ante*, p. 948;
- No. 17–5705. *HAWKINS v. TENNESSEE*, *ante*, p. 949;
- No. 17–5797. *MARSHALL v. CITY OF DETROIT, MICHIGAN, ET AL.*, *ante*, p. 965;
- No. 17–5827. *IN RE PHILLIPS*, *ante*, p. 962;
- No. 17–5842. *WOODSON v. UNITED STATES*, *ante*, p. 952;
- No. 17–5843. *WOODSON v. UNITED STATES*, *ante*, p. 952;
- No. 17–5844. *WOODSON v. UNITED STATES*, *ante*, p. 952;
- No. 17–5845. *WOODSON v. UNITED STATES*, *ante*, p. 952;
- No. 17–5846. *WOODSON v. UNITED STATES*, *ante*, p. 952;
- No. 17–5849. *MILLER v. WEST VIRGINIA*, *ante*, p. 974;
- No. 17–5851. *MAJOR v. WYOMING*, *ante*, p. 952;
- No. 17–5858. *WOODSON v. UNITED STATES*, *ante*, p. 952;
- No. 17–5859. *WOODSON v. UNITED STATES*, *ante*, p. 952;
- No. 17–5864. *ZIRUS v. TEXAS* (three judgments), *ante*, p. 952;
- No. 17–5914. *IN RE KENNEDY*, *ante*, p. 972;
- No. 17–5924. *STANDRIDGE v. SHARTEL, WARDEN*, *ante*, p. 953;
- No. 17–5940. *SAMPLE v. TENNESSEE*, *ante*, p. 976;
- No. 17–5979. *NORWOOD v. UNITED STATES*, *ante*, p. 936;
- No. 17–6060. *IN RE YOUNG*, *ante*, p. 931;
- No. 17–6066. *KANDI v. UNITED STATES*, *ante*, p. 956;
- No. 17–6073. *SHARIATI v. UNITED STATES*, *ante*, p. 956;
- No. 17–6094. *SMORYNSKI v. UNITED STATES*, *ante*, p. 957;
- No. 17–6131. *MALEKPOUR v. CHAO, SECRETARY OF TRANSPORTATION*, *ante*, p. 958;
- No. 17–6191. *FLUKER v. BRENNAN, POSTMASTER GENERAL*, *ante*, p. 967;
- No. 17–6272. *MAGGIO v. UNITED STATES*, *ante*, p. 969; and
- No. 17–6319. *LOWE v. UNITED STATES*, *ante*, p. 978. Petitions for rehearing denied.
- No. 17–309. *SNYDER ET AL. v. ACORD CORP. ET AL.*, *ante*, p. 959; and
- No. 17–5831. *KOYLE v. SAND CANYON CORP. ET AL.*, *ante*, p. 929. Petitions for rehearing denied. JUSTICE GORSUCH took no part in the consideration or decision of these petitions.

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No. 17–5041. JOSEPH *v.* SAFEHAVEN CEC ET AL., *ante*, p. 877; and

No. 17–5311. THORN *v.* MCGARY ET AL., *ante*, p. 891. Motions of petitioners for leave to file petitions for rehearing denied.

JANUARY 10, 2018

Dismissal Under Rule 46

No. 17–443. R. J. REYNOLDS TOBACCO CO. *v.* BLOCK, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF KAPLAN, DECEASED. Dist. Ct. App. Fla., 4th Dist. Certiorari dismissed under this Court’s Rule 46.1. Reported below: 225 So. 3d 828.

JANUARY 12, 2018

Dismissals Under Rule 46

No. 17–400. PHILIP MORRIS USA INC. *v.* NAUGLE, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF NAUGLE, DECEASED. Dist. Ct. App. Fla., 4th Dist. Certiorari dismissed under this Court’s Rule 46.1. Reported below: 225 So. 3d 828.

No. 17–638. R. J. REYNOLDS TOBACCO CO. *v.* TURNER, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF WILKINSON. Dist. Ct. App. Fla., 4th Dist. Certiorari dismissed under this Court’s Rule 46.1. Reported below: 230 So. 3d 865.

Probable Jurisdiction Postponed

No. 17–586. ABBOTT, GOVERNOR OF TEXAS, ET AL. *v.* PEREZ ET AL.; and

No. 17–626. ABBOTT, GOVERNOR OF TEXAS, ET AL. *v.* PEREZ ET AL. Appeals from D. C. W. D. Tex. Further consideration of questions of jurisdiction postponed to hearing of cases on the merits. Cases consolidated, and a total of one hour is allotted for oral argument. Reported below: No. 17–586, 274 F. Supp. 3d 624; No. 17–626, 267 F. Supp. 3d 750.

Certiorari Granted

No. 16–1215. LAMAR, ARCHER & COFRIN, LLP *v.* APPLING. C. A. 11th Cir. Certiorari granted. Reported below: 848 F. 3d 953.

No. 16–1519. LAGOS *v.* UNITED STATES. C. A. 5th Cir. Certiorari granted. Reported below: 864 F. 3d 320.

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No. 17–130. LUCIA ET AL. *v.* SECURITIES AND EXCHANGE COMMISSION. C. A. D. C. Cir. Certiorari granted. Reported below: 868 F. 3d 1021.

No. 17–459. FONSECA PEREIRA *v.* SESSIONS, ATTORNEY GENERAL. C. A. 1st Cir. Certiorari granted. Reported below: 866 F. 3d 1.

No. 17–494. SOUTH DAKOTA *v.* WAYFAIR, INC., ET AL. Sup. Ct. S. D. Certiorari granted. Reported below: 2017 S.D. 56, 901 N. W. 2d 754.

No. 17–530. WISCONSIN CENTRAL LTD. ET AL. *v.* UNITED STATES. C. A. 7th Cir. Certiorari granted. Reported below: 856 F. 3d 490.

No. 16–1011. WESTERNGECO LLC *v.* ION GEOPHYSICAL CORP. C. A. Fed. Cir. Certiorari granted. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 837 F. 3d 1358.

No. 16–1220. ANIMAL SCIENCE PRODUCTS, INC., ET AL. *v.* HEBEI WELCOME PHARMACEUTICAL CO. LTD. ET AL. C. A. 2d Cir. Certiorari granted limited to Question 2 presented by the petition. Reported below: 837 F. 3d 175.

No. 17–269. WASHINGTON *v.* UNITED STATES ET AL. C. A. 9th Cir. Motion of Modoc Point Irrigation District et al. for leave to file brief as *amici curiae* granted. Certiorari granted. Reported below: 853 F. 3d 946.

No. 17–5639. CHAVEZ-MEZA *v.* UNITED STATES. C. A. 10th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. JUSTICE GORSUCH took no part in the consideration or decision of this motion and this petition. Reported below: 854 F. 3d 655.

JANUARY 16, 2018

Dismissal Under Rule 46

No. 17–791. R. J. REYNOLDS TOBACCO CO. *v.* GROSSMAN, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF GROSSMAN, DECEASED. Dist. Ct. App. Fla., 4th Dist. Certiorari dismissed under this Court's Rule 46. Reported below: 211 So. 3d 221.

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Appeal Dismissed

No. 17-680. TEXAS DEMOCRATIC PARTY ET AL. *v.* ABBOTT, GOVERNOR OF TEXAS, ET AL.; and

No. 17-780. MORRIS *v.* TEXAS ET AL. Appeals from D. C. W. D. Tex. dismissed for want of jurisdiction. Reported below: 274 F. Supp. 3d 624.

Miscellaneous Orders

No. 17A551. MUSGRAVES *v.* SMITH, WARDEN. Application for certificate of appealability, addressed to JUSTICE GINSBURG and referred to the Court, denied.

No. 17M75. J. M. *v.* WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 17-664. PETROLEO BRASILEIRO S. A.-PETROBRAS ET AL. *v.* UNIVERSITIES SUPERANNUATION SCHEME LTD. ET AL. C. A. 2d Cir. Joint motion to defer consideration of petition for writ of certiorari granted.

No. 17-5716. KOONS ET AL. *v.* UNITED STATES. C. A. 8th Cir. [Certiorari granted, *ante*, p. 1037.] Motion of petitioners for appointment of counsel granted, and Jeffrey L. Fisher, Esq., of Stanford, Cal., is appointed to serve as counsel for petitioners in this case.

No. 17-6719. IN RE BELL;

No. 17-6731. IN RE CLEVELAND; and

No. 17-7010. IN RE WILLIAMS. Petitions for writs of mandamus denied.

No. 17-6890. IN RE WILLIAMS. Petition for writ of mandamus and/or prohibition denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

Certiorari Denied

No. 17-241. REYES *v.* SESSIONS, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied. Reported below: 842 F. 3d 1125.

No. 17-255. PORTFOLIO RECOVERY ASSOCIATES, LLC *v.* PANTOJA. C. A. 7th Cir. Certiorari denied. Reported below: 852 F. 3d 679.

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No. 17-302. *PEREZ-GUZMAN v. SESSIONS, ATTORNEY GENERAL*. C. A. 9th Cir. Certiorari denied. Reported below: 835 F. 3d 1066.

No. 17-307. *SOUTH CAROLINA DEPARTMENT OF CORRECTIONS ET AL. v. BOOKER*; and

No. 17-6285. *BOOKER v. SOUTH CAROLINA DEPARTMENT OF CORRECTIONS ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 855 F. 3d 533.

No. 17-321. *CHRISTENSEN v. TENNESSEE*. Sup. Ct. Tenn. Certiorari denied. Reported below: 517 S. W. 3d 60.

No. 17-335. *DE LA ROSA v. WHITE*. C. A. 8th Cir. Certiorari denied. Reported below: 852 F. 3d 740.

No. 17-378. *SOUTH CAROLINA v. THOMPSON*. Sup. Ct. S. C. Certiorari denied. Reported below: 419 S. C. 250, 797 S. E. 2d 716.

No. 17-493. *SHEPARD v. FLORIDA JUDICIAL QUALIFICATIONS COMMISSION*. Sup. Ct. Fla. Certiorari denied. Reported below: 217 So. 3d 71.

No. 17-533. *EASON LAND CO., LLC, ET AL. v. ZINKE, SECRETARY OF THE INTERIOR, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 703 Fed. Appx. 498.

No. 17-539. *DUFFY v. MARTIN*. C. A. 4th Cir. Certiorari denied. Reported below: 858 F. 3d 239.

No. 17-543. *ARRINGTON-BEY, ADMINISTRATRIX OF THE ESTATE OF ARRINGTON-BEY v. CITY OF BEDFORD HEIGHTS, OHIO, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 858 F. 3d 988.

No. 17-544. *VOCKE v. MERIT SYSTEMS PROTECTION BOARD*. C. A. Fed. Cir. Certiorari denied. Reported below: 680 Fed. Appx. 944.

No. 17-557. *FEDORA v. MERIT SYSTEMS PROTECTION BOARD ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 848 F. 3d 1013.

No. 17-562. *SILVER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 864 F. 3d 102.

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No. 17–579. LABOR AND INDUSTRY REVIEW COMMISSION OF WISCONSIN *v.* COLEMAN. C. A. 7th Cir. Certiorari denied. Reported below: 860 F. 3d 461.

No. 17–625. MIROWSKI FAMILY VENTURES, LLC *v.* MEDTRONIC, INC., ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 682 Fed. Appx. 921.

No. 17–650. MCLIN *v.* ARD, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS SHERIFF OF LIVINGSTON PARISH, LOUISIANA, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 866 F. 3d 682.

No. 17–691. FAGER ET AL. *v.* OLYMPIC PENINSULA NARCOTICS ENFORCEMENT TEAM ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 700 Fed. Appx. 569.

No. 17–692. GEILING ET VIR *v.* WIRT FINANCIAL SERVICES, INC., ET AL. C. A. 6th Cir. Certiorari denied.

No. 17–698. BUXTON *v.* KURTINITIS ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 862 F. 3d 423.

No. 17–702. LEWIS TEIN, P. L., ET AL. *v.* MICCOSUKEE TRIBE OF INDIANS OF FLORIDA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 227 So. 3d 656.

No. 17–713. ALSTON *v.* PENNSYLVANIA STATE UNIVERSITY ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 685 Fed. Appx. 158.

No. 17–715. ODION *v.* VARON. Sup. Ct. Ga. Certiorari denied.

No. 17–723. CROSBY *v.* CAPILOUTO ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 863 F. 3d 545.

No. 17–725. BEAVERS *v.* KERN COUNTY DEPARTMENT OF CHILD SUPPORT SERVICES. Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 17–741. MADRIGALES-RODRIGUEZ *v.* SESSIONS, ATTORNEY GENERAL. C. A. 5th Cir. Certiorari denied. Reported below: 695 Fed. Appx. 91.

No. 17–744. BUCH ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 696 Fed. Appx. 296.

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No. 17-755. *SOUTHERN CALIFORNIA EDISON Co. v. NEVADA DEPARTMENT OF TAXATION*. Sup. Ct. Nev. Certiorari denied. Reported below: 133 Nev. 348, 398 P. 3d 896.

No. 17-758. *ARORA ET AL. v. JAMES ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 689 Fed. Appx. 190.

No. 17-767. *MCADORY v. VAIL TECHNOLOGIES*. C. A. 4th Cir. Certiorari denied. Reported below: 695 Fed. Appx. 730.

No. 17-785. *LOWER COLORADO RIVER AUTHORITY v. PAPALOTE CREEK II, L. L. C.* C. A. 5th Cir. Certiorari denied. Reported below: 858 F. 3d 916.

No. 17-811. *SIMMTECH CO., LTD. v. CITIBANK, N. A., ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 697 Fed. Appx. 35.

No. 17-826. *PRATT, ADMINISTRATOR OF THE ESTATE OF PRATT, DECEASED v. NATIONAL RAILROAD PASSENGER CORPORATION, DBA AMTRAK, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 709 Fed. Appx. 33.

No. 17-828. *HEGLUND ET VIR v. CITY OF GRAND RAPIDS, MICHIGAN, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 871 F. 3d 572.

No. 17-831. *YAN SUI v. UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT*. C. A. 9th Cir. Certiorari denied.

No. 17-838. *KENDALL v. SHULKIN, SECRETARY OF VETERANS AFFAIRS*. C. A. 11th Cir. Certiorari denied. Reported below: 682 Fed. Appx. 761.

No. 17-839. *COLLINS v. BAYLOR UNIVERSITY ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 693 Fed. Appx. 379.

No. 17-851. *YAN SUI ET UX. v. MARSHACK ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 374.

No. 17-852. *M. L., A MINOR, BY HIS PARENTS AND NEXT FRIENDS, LEIMAN ET AL., ET AL. v. SMITH, SUPERINTENDENT, MONTGOMERY COUNTY PUBLIC SCHOOLS, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 867 F. 3d 487.

No. 17-874. *ZPR INVESTMENT MANAGEMENT, INC., ET AL. v. SECURITIES AND EXCHANGE COMMISSION*. C. A. 11th Cir. Certiorari denied. Reported below: 861 F. 3d 1239.

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No. 17–5897. *BUNTION v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 17–6254. *WOODS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 700 Fed. Appx. 982.

No. 17–6329. *BOGLE v. FLORIDA ET AL.* Sup. Ct. Fla. Certiorari denied. Reported below: 213 So. 3d 833.

No. 17–6712. *HETTINGA v. LOUMENA*. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 17–6714. *COCKERHAM v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 17–6715. *AVILA v. ILLINOIS DEPARTMENT OF HUMAN SERVICES*. C. A. 7th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 433.

No. 17–6720. *CHRISTIAN v. BRAGGS, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 701 Fed. Appx. 717.

No. 17–6722. *CLARK v. FOSTER, WARDEN, ET AL.* C. A. 7th Cir. Certiorari denied.

No. 17–6726. *MORENO v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 17–6727. *MOSES v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 17–6728. *LUIS CORDERO v. SEMPLE, COMMISSIONER, CONNECTICUT DEPARTMENT OF CORRECTION, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 696 Fed. Appx. 44.

No. 17–6729. *DIXON v. ASUNCION, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 17–6730. *DURHAM v. OHIO*. Ct. App. Ohio, 8th App. Dist., Cuyahoga County. Certiorari denied. Reported below: 2017-Ohio-954.

No. 17–6738. *THOMPSON v. NEWSOME ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 688 Fed. Appx. 876.

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No. 17–6739. *VEENSTRA ET AL. v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO*. C. A. 9th Cir. Certiorari denied.

No. 17–6740. *THOMAS v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 17–6743. *SMITH v. WASHINGTON*. Ct. App. Wash. Certiorari denied. Reported below: 197 Wash. App. 1027.

No. 17–6744. *SHAVER v. KLEE, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–6745. *SANTANA v. LEE, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied. Reported below: 682 Fed. Appx. 38.

No. 17–6750. *BEHRENS v. BEHRENS, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF BEHRENS*. Ct. App. Colo. Certiorari denied.

No. 17–6753. *BRITO v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 2017 IL App (2d) 150342–U.

No. 17–6758. *BUSTER v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 17–6767. *HAAR ET AL. v. ALLEN ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 687 Fed. Appx. 93.

No. 17–6770. *STEVENSON v. VANNOY, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 17–6784. *BASS v. NEW JERSEY ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 689 Fed. Appx. 715.

No. 17–6792. *SHEPPARD v. TEXAS*. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 17–6800. *MCINTYRE v. DELBALSO, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT MAHANAY, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 17–6801. *MOLINA v. ARNOLD, ACTING WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 17–6806. *BROWN, AKA ANKH EL v. JOHNSON, SUPERINTENDENT, INDIANAPOLIS RE-ENTRY EDUCATIONAL FACILITY*. C. A. 7th Cir. Certiorari denied.

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No. 17–6823. *BIRD v. PACHECO, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 712 Fed. Appx. 742.

No. 17–6838. *MCDONALD v. FLORIDA.* Sup. Ct. Fla. Certiorari denied.

No. 17–6862. *BATISTE v. VANNOY, WARDEN.* C. A. 5th Cir. Certiorari denied.

No. 17–6874. *KING v. BERRY, WARDEN.* C. A. 11th Cir. Certiorari denied.

No. 17–6917. *SCOTT v. MISSISSIPPI.* Sup. Ct. Miss. Certiorari denied.

No. 17–6936. *WALLACE v. MELVIN, WARDEN.* C. A. 7th Cir. Certiorari denied.

No. 17–6965. *KING v. JOHNSON, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 17–6968. *LEPRE v. PENNSYLVANIA DEPARTMENT OF TRANSPORTATION, BUREAU OF DRIVER LICENSING.* Commw. Ct. Pa. Certiorari denied. Reported below: 167 A. 3d 302.

No. 17–6999. *YOUNG v. MAYS, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 702 Fed. Appx. 255.

No. 17–7005. *FAIRLEY v. FAIRLEY ET AL.* Ct. App. Tex., 4th Dist. Certiorari denied.

No. 17–7015. *MCNEIL v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 707 Fed. Appx. 764.

No. 17–7044. *BEASLEY v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 17–7056. *JONES v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 696 Fed. Appx. 207.

No. 17–7058. *EL-AMIN v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 699 Fed. Appx. 177.

No. 17–7075. *CARLSON v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 702 Fed. Appx. 569.

No. 17–7076. *DAVIES v. UNITED STATES.* C. A. 3d Cir. Certiorari denied.

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No. 17-7078. *GATER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 868 F. 3d 657.

No. 17-7080. *RICHARDSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 208.

No. 17-7091. *GUY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 708 Fed. Appx. 249.

No. 17-7092. *STANTON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 17-7096. *PRADA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 692 Fed. Appx. 572.

No. 17-7106. *DASTINOT v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 17-7107. *CRUZ v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 715 Fed. Appx. 454.

No. 17-7111. *FRANCIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 674 Fed. Appx. 372.

No. 17-7114. *FARMER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 693 Fed. Appx. 239.

No. 17-7116. *OKEAYAINNEH v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 17-7118. *MOORE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 868 F. 3d 960.

No. 17-7122. *WILLIAMS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 17-7126. *COX v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 871 F. 3d 479.

No. 17-7131. *MORGAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 709 Fed. Appx. 444.

No. 17-7184. *FAKE v. CITY OF PHILADELPHIA, PENNSYLVANIA, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 704 Fed. Appx. 214.

No. 17-570. *MUSSELMAN v. DEPARTMENT OF THE ARMY. C. A. Fed. Cir.* Motion of National Treasury Employees Union

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for leave to file brief as *amicus curiae* granted. Certiorari denied.

No. 17–610. RITCHIE ET AL. *v.* HUIZENGA MANAGERS FUND, LLC. App. Ct. Ill., 1st Dist. Motion of Jeffrey W. Bullock et al. for leave to file brief as *amici curiae* granted. Certiorari denied. Reported below: 2016 IL App (1st) 152733–U.

No. 17–681. GILMORE, SUPERINTENDENT, CORRECTIONAL INSTITUTION AT GREENE, ET AL. *v.* BEY. C. A. 3d Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 856 F. 3d 230.

No. 17–688. GROSHEK *v.* TIME WARNER CABLE INC. ET AL. C. A. 7th Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. Reported below: 865 F. 3d 884.

No. 17–740. MATHIAS *v.* UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF ILLINOIS ET AL. C. A. 7th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 867 F. 3d 727.

No. 17–786. L. D. DRILLING, INC., ET AL. *v.* NORTHERN NATURAL GAS CO. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 862 F. 3d 1221.

No. 17–7067. SCHWARTZ *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 702 Fed. Appx. 748.

No. 17–7094. MARTINEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 729 Fed. Appx. 512.

Rehearing Denied

No. 17–485. IN RE HUDNALL, *ante*, p. 1011;

No. 17–6091. CILWA *v.* FORT, *ante*, p. 966; and

No. 17–6185. SIMMONS *v.* UNITED STATES, *ante*, p. 958. Petitions for rehearing denied.

No. 17–6192. HAWKINS *v.* UNITED STATES, *ante*, p. 967. Motion for leave to file petition for rehearing denied.

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JANUARY 18, 2018

Dismissals Under Rule 46

No. 17–401. PHILIP MORRIS USA INC. ET AL. *v.* LOURIE, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF LOURIE, DECEASED. Dist. Ct. App. Fla., 2d Dist. Certiorari dismissed under this Court’s Rule 46.1. Reported below: 198 So. 3d 975.

No. 17–675. R. J. REYNOLDS TOBACCO CO. *v.* MONROE. Dist. Ct. App. Fla., 1st Dist. Certiorari dismissed under this Court’s Rule 46.1. Reported below: 212 So. 3d 545.

Miscellaneous Orders

No. 17A745. RUCHO ET AL. *v.* COMMON CAUSE ET AL. Application for stay, presented to THE CHIEF JUSTICE, and by him referred to the Court, granted, and it is ordered that the order of the United States District Court for the Middle District of North Carolina, case Nos. 1:16–CV–1026 and 1:16–CV–1164, entered January 9, 2018, is stayed pending the timely filing and disposition of an appeal in this Court. JUSTICE GINSBURG and JUSTICE SOTOMAYOR would deny the application for stay.

No. 17–130. LUCIA ET AL. *v.* SECURITIES AND EXCHANGE COMMISSION. C. A. D. C. Cir. [Certiorari granted, *ante*, p. 1089.] Anton Metlitsky, Esq., of New York, N. Y., is invited to brief and argue this case as *amicus curiae* in support of judgment below.

JANUARY 19, 2018

Dismissal Under Rule 46

No. 17–476. R. J. REYNOLDS TOBACCO CO. *v.* LEWIS, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF LEWIS. Dist. Ct. App. Fla., 5th Dist. Certiorari dismissed under this Court’s Rule 46.1. Reported below: 226 So. 3d 852.

Certiorari Granted

No. 17–965. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL. *v.* HAWAII ET AL. C. A. 9th Cir. Certiorari granted. In addition to the questions presented by the petition, the parties are directed to brief and argue Question 3 presented by the brief in opposition. Reported below: 878 F. 3d 662.

JANUARY 22, 2018

Certiorari Granted—Vacated and Remanded

No. 17–6297. LLOYD *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 the position asserted by the Solicitor General in his brief for the United States filed on December 20, 2017. Reported below: 692 Fed. Appx. 711.

Certiorari Dismissed

No. 17–6817. CHI *v.* DOE 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. Reported below: 690 Fed. Appx. 293.

No. 17–6849. SELDEN *v.* UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA. 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.

Miscellaneous Orders

No. 17M76. CREAR *v.* BAYLESS ET AL.; and

No. 17M78. JONES *v.* CHEN. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 17M77. MALDONADO-FRANCO *v.* UNITED STATES. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

No. 17M79. HESLOP *v.* UNITED STATES. Motion for leave to file petition for writ of certiorari with supplemental appendix under seal granted.

No. 16–1348. CURRIER *v.* VIRGINIA. Sup. Ct. Va. [Certiorari granted, *ante*, p. 931.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 16–1432. SVEEN ET AL. *v.* MELIN. C. A. 8th Cir. [Certiorari granted, *ante*, p. 1036.] Motion of petitioners to dispense with printing joint appendix granted.

No. 17–43. DAHDA *v.* UNITED STATES (two judgments). C. A. 10th Cir. [Certiorari granted, *ante*, p. 931.] Motion of petition-

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ers for leave to file volume II of the joint appendix under seal granted. JUSTICE GORSUCH took no part in the consideration or decision of this motion.

No. 17-155. HUGHES *v.* UNITED STATES. C. A. 11th Cir. [Certiorari granted, *ante*, p. 1036.] Motion of petitioner to dispense with printing joint appendix granted.

No. 17-423. STERBA ET UX. *v.* PNC BANK. C. A. 9th Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 17-528. STRANG *v.* FORD MOTOR COMPANY GENERAL RETIREMENT PLAN ET AL. C. A. 6th Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 17-6583. CREAN ET AL. *v.* 125 WEST 76TH STREET REALTY CORP. ET AL. C. A. 2d Cir. Motion of petitioners for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 1038] denied.

No. 17-6830. TANG *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist., Div. 2; and

No. 17-6852. PILAT ET AL. *v.* MRH SUB 1, LLC. Ct. App. Ariz. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until February 12, 2018, 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. 17-6182. IN RE LEGRANDE. Petition for writ of habeas corpus denied.

No. 17-738. IN RE JAYE. Petition for writ of mandamus and/or prohibition denied.

Certiorari Granted

No. 17-71. WEYERHAEUSER CO. *v.* UNITED STATES FISH AND WILDLIFE SERVICE ET AL. C. A. 5th Cir. Certiorari granted. Reported below: 827 F. 3d 452.

Certiorari Denied

No. 17-118. ALASKA ET AL. *v.* ROSS, SECRETARY OF COMMERCE, ET AL.; and

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No. 17-133. *ALASKA OIL AND GAS ASSN. ET AL. v. ROSS, SECRETARY OF COMMERCE, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 840 F. 3d 671.

No. 17-393. *GANSON, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF BEYER v. CITY OF MARATHON, FLORIDA, ET AL.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 222 So. 3d 17.

No. 17-512. *BUTTS v. SELLERS, WARDEN.* C. A. 11th Cir. Certiorari denied. Reported below: 850 F. 3d 1201.

No. 17-717. *APPLIED UNDERWRITERS CAPTIVE RISK ASSURANCE CO., INC. v. MINNIELAND PRIVATE DAY SCHOOL, INC.* C. A. 4th Cir. Certiorari denied. Reported below: 867 F. 3d 449.

No. 17-724. *CAMDEN HILLS FARM BY-THE-SEA, LLC v. HALL.* Sup. Jud. Ct. Me. Certiorari denied. Reported below: 2017 ME 150, 167 A. 3d 557.

No. 17-732. *DICKEY v. CITY OF BOSTON, MASSACHUSETTS, ET AL.* C. A. 1st Cir. Certiorari denied.

No. 17-737. *ALLCO FINANCE LTD. v. KLEE, COMMISSIONER, CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 861 F. 3d 82.

No. 17-739. *JAYE v. PORRINO, ATTORNEY GENERAL OF NEW JERSEY, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 706 Fed. Appx. 781.

No. 17-743. *AJAELO v. MADDEN, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 17-748. *FLIGHT OPTIONS, LLC, ET AL. v. INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL 1108, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 863 F. 3d 529.

No. 17-783. *ADAMS v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 696 Fed. Appx. 511.

No. 17-806. *SPOKEO, INC. v. ROBINS.* C. A. 9th Cir. Certiorari denied. Reported below: 867 F. 3d 1108.

No. 17-816. *EARLEY, AKA EARLY v. NEW JERSEY.* Super. Ct. N. J., App. Div. Certiorari denied.

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No. 17–827. WAYNE COUNTY SCHOOL DISTRICT *v.* FRIERSON, COMMISSIONER, MISSISSIPPI DEPARTMENT OF REVENUE. Sup. Ct. Miss. Certiorari denied. Reported below: 224 So. 3d 539.

No. 17–864. MCARDLE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 702 Fed. Appx. 497.

No. 17–884. HUGHES, ON BEHALF OF THE ESTATE OF HUGHES, ET AL. *v.* BANK OF AMERICA N. A. C. A. 4th Cir. Certiorari denied. Reported below: 697 Fed. Appx. 191.

No. 17–6161. DAVILA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 690 Fed. Appx. 234.

No. 17–6382. SHARIFI *v.* ALABAMA. Sup. Ct. Ala. Certiorari denied.

No. 17–6397. KELLEY *v.* ALABAMA. Ct. Crim. App. Ala. Certiorari denied. Reported below: 246 So. 3d 1032.

No. 17–6416. CARRIZALES-MENCHACA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 693 Fed. Appx. 368.

No. 17–6602. LOTTER *v.* FRAKES, DIRECTOR, NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES. C. A. 8th Cir. Certiorari denied.

No. 17–6781. JORDAN *v.* TENNESSEE. Ct. Crim. App. Tenn. Certiorari denied.

No. 17–6789. DARA C. *v.* TENNESSEE DEPARTMENT OF CHILDREN’S SERVICES. Sup. Ct. Tenn. Certiorari denied.

No. 17–6796. RODRIGUEZ *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 219 So. 3d 751.

No. 17–6797. WALL *v.* PATENT LODGE MINING CLAIMS HR–133 AND HR–134 ET AL. Sup. Ct. Mont. Certiorari denied. Reported below: 388 Mont. 554, 400 P. 3d 221.

No. 17–6803. PAPPAS *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 17–6810. ROBINSON ET AL. *v.* CHESAPEAKE BANK OF MARYLAND ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 691 Fed. Appx. 782.

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No. 17–6814. *SMITH v. FLORIDA*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 228 So. 3d 572.

No. 17–6815. *SMITH v. HADDOCK, JUDGE, CIRCUIT COURT OF ALABAMA, MORGAN COUNTY, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 17–6816. *SUTTON v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 161 A. 3d 369.

No. 17–6818. *LOCASCIO v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied. Reported below: 685 Fed. Appx. 837.

No. 17–6820. *CARBAJAL v. COLORADO*. Ct. App. Colo. Certiorari denied.

No. 17–6831. *OWEN v. ATKINS, SHERIFF, CLARK COUNTY, WASHINGTON, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 695 Fed. Appx. 338.

No. 17–6836. *MILLER v. DUNN*. C. A. 5th Cir. Certiorari denied. Reported below: 695 Fed. Appx. 799.

No. 17–6839. *WILSON v. GEORGIA STATE PRISON*. C. A. 11th Cir. Certiorari denied.

No. 17–6842. *VELTHUYSEN v. HENDERSON ET AL.* C. A. 6th Cir. Certiorari denied.

No. 17–6846. *BAAH v. AT&T CORP. ET AL.* C. A. 9th Cir. Certiorari denied.

No. 17–6847. *SMITH v. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 17–6869. *JACOBS v. FOGELMAN MANAGEMENT GROUP*. Ct. App. Ga. Certiorari denied. Reported below: 338 Ga. App. XXII.

No. 17–6875. *MARINELLO v. VANNOY, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 17–6885. *THIECKE v. BAUGHMAN, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 695 Fed. Appx. 209.

No. 17–6901. *CHAPPELL v. MORGAN, WARDEN*. C. A. 6th Cir. Certiorari denied.

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No. 17–6905. *REYNOLDS v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 17–6921. *SORRELL v. LEE, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–6922. *PASHA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 17–6935. *YOUNGBLOOD v. BURT, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–6946. *PANCOAST v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 17–6950. *MASSIE v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 231 So. 3d 455.

No. 17–6967. *KING v. STEWART, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 17–6969. *GIPSON v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 17–6975. *LEWIS v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 17–6997. *LINARDON v. GAILEY, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS JUSTICE OF THE DISTRICT COURT OF MIDDLESEX COUNTY*. C. A. 1st Cir. Certiorari denied.

No. 17–7033. *NIX v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 287.

No. 17–7055. *MAYERS v. MERIT SYSTEMS PROTECTION BOARD*. C. A. Fed. Cir. Certiorari denied. Reported below: 693 Fed. Appx. 902.

No. 17–7057. *LANGFORD v. AMSBERRY, SUPERINTENDENT, EASTERN OREGON CORRECTIONAL INSTITUTION*. C. A. 9th Cir. Certiorari denied.

No. 17–7061. *GRIFFIN v. ALLEN, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 17–7071. *REYES v. CALIFORNIA*. Ct. App. Cal., 6th App. Dist. Certiorari denied.

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No. 17-7095. *PRINCE v. BONDI, ATTORNEY GENERAL OF FLORIDA, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 17-7127. *SIMMONS v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 694 Fed. Appx. 925.

No. 17-7129. *SMITH v. KENNEDY, WARDEN.* Sup. Ct. Ga. Certiorari denied.

No. 17-7134. *ST. VALLIER v. UNITED STATES.* C. A. 3d Cir. Certiorari denied.

No. 17-7138. *THOMPSON v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 709 Fed. Appx. 758.

No. 17-7143. *WILLIAMS v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

No. 17-7147. *WHITE v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2017 IL App (1st) 122371-UB.

No. 17-7148. *MCGEE v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2017 IL App (1st) 141013-B, 82 N. E. 3d 611.

No. 17-7149. *WILLIAMS v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 697 Fed. Appx. 209.

No. 17-7154. *JONES v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 707 Fed. Appx. 317.

No. 17-7156. *BRON v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 709 Fed. Appx. 551.

No. 17-7162. *ANDERSON v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 697 Fed. Appx. 359.

No. 17-7163. *BROWN v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2017 IL App (1st) 122651-U.

No. 17-7164. *PARKER v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 872 F. 3d 1.

No. 17-7169. *LAMONT v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 17-7172. *JONES v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 872 F. 3d 483.

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No. 17-7175. HANSMEIER *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 867 F. 3d 807.

No. 17-7176. HOLMAN *v.* ILLINOIS. Sup. Ct. Ill. Certiorari denied. Reported below: 2017 IL 120655, 91 N. E. 3d 849.

No. 17-7180. SEMINOLE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 865 F. 3d 1150.

No. 17-7182. BLANC *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 708 Fed. Appx. 576.

No. 17-7186. BRASWELL *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 704 Fed. Appx. 528.

No. 17-7190. RODGER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 17-7192. BOYLAND *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 862 F. 3d 279.

No. 17-7194. CRUZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 697 Fed. Appx. 407.

No. 17-7195. EWING *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 697 Fed. Appx. 407.

No. 17-7198. BUSTAMANTE-MARTINEZ *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 697 Fed. Appx. 244.

No. 17-7200. LOZANO, AKA LOZANO HEREDIA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 711 Fed. Appx. 934.

No. 17-7202. HERNANDEZ ALMARAZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 864 F. 3d 1292.

No. 17-7203. CVJETICANIN *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 704 Fed. Appx. 89.

No. 17-575. PENNSYLVANIA *v.* MUNIZ. Sup. Ct. Pa. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 640 Pa. 699, 164 A. 3d 1189.

No. 17-759. LACY *v.* BP P. L. C. ET AL. C. A. 11th Cir. Certiorari before judgment denied.

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Rehearing Denied

- No. 17–462. VASATURO *v.* PETERKA ET AL., *ante*, p. 998;
No. 17–523. SIDERIS *v.* RILEY & DEVER, P. C., *ante*, p. 1040;
No. 17–594. THAW ET AL. *v.* SESSIONS, ATTORNEY GENERAL,
ET AL., *ante*, p. 1015;
No. 17–614. IN RE SNYDER, *ante*, p. 995;
No. 17–5712. DICKENS *v.* HUDSON SHERATON CORP. LLC
ET AL., *ante*, p. 924;
No. 17–6211. EDGERTON *v.* UNITED STATES, *ante*, p. 967;
and
No. 17–6214. COLLINS ET UX. *v.* ASSET MANAGEMENT SPE-
CIALISTS, INC., ET AL., *ante*, p. 1019. Petitions for rehearing
denied.

No. 16–9754. DANIEL, AKA CHESMAN, AKA CHIMA *v.* UNITED
STATES, *ante*, p. 866. Motion for leave to file petition for rehear-
ing denied.

JANUARY 23, 2018

Miscellaneous Order

No. 17–1003. DEPARTMENT OF HOMELAND SECURITY ET AL. *v.*
REGENTS OF THE UNIVERSITY OF CALIFORNIA ET AL. C. A. 9th
Cir. Motion of petitioners to expedite consideration of petition
for writ of certiorari before judgment granted in part. As re-
spondents have agreed, they will file their briefs in opposition by
February 2, 2018.

JANUARY 25, 2018

Miscellaneous Order

No. 17A770 (17–7505). MADISON *v.* ALABAMA. Cir. Ct. Mobile
County, Ala. Application for stay of execution of sentence of
death, presented to JUSTICE THOMAS, and by him referred to
the Court, granted pending disposition of the 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 issuance of the mandate of this Court. JUSTICE THOMAS,
JUSTICE ALITO, and JUSTICE GORSUCH would deny the
application.

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JANUARY 30, 2018

Miscellaneous Order

No. 17–7569 (17A801). *IN RE RAYFORD*. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

Certiorari Denied

No. 17–7580 (17A807). *RAYFORD v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. 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.

FEBRUARY 1, 2018

Certiorari Denied

No. 17–7165 (17A792). *BATTAGLIA 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. Reported below: 537 S. W. 3d 57.

No. 17–7646 (17A815). *BATTAGLIA v. DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. 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.

FEBRUARY 6, 2018

Miscellaneous Orders

No. 17A745. *RUCHO ET AL. v. COMMON CAUSE ET AL.* D. C. M. D. N. C. Motion of appellees to construe the application for stay as a jurisdictional statement and for an expedited briefing and oral argument schedule denied. JUSTICE GINSBURG and JUSTICE SOTOMAYOR would grant the motion.

No. 17A790. *NORTH CAROLINA ET AL. v. COVINGTON ET AL.* D. C. M. D. N. C. Application for stay, presented to THE CHIEF JUSTICE, and by him referred to the Court, granted in part and denied in part. The District Court's order of January 21, 2018,

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insofar as it directs revision of House districts in Wake County and Mecklenburg County, is stayed pending the timely filing and disposition of an appeal in this Court. JUSTICE THOMAS and JUSTICE ALITO would grant the application for stay in its entirety. JUSTICE GINSBURG and JUSTICE SOTOMAYOR would deny the application for stay in its entirety.

FEBRUARY 9, 2018

Dismissal Under Rule 46

No. 17–6843. *TALLEY v. SEVIER, WARDEN*. C. A. 7th Cir. Certiorari dismissed under this Court’s Rule 46.

FEBRUARY 16, 2018

Miscellaneous Orders

No. 16–1454. *OHIO ET AL. v. AMERICAN EXPRESS Co. ET AL.* C. A. 2d Cir. [Certiorari granted, *ante*, p. 931.] Motion of the Solicitor General for divided argument granted.

No. 16–1466. *JANUS v. AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, COUNCIL 31, ET AL.* C. A. 7th Cir. [Certiorari granted, 582 U. S. 966.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted. Motion of respondents for divided argument granted.

No. 17–21. *LOZMAN v. CITY OF RIVIERA BEACH, FLORIDA*. C. A. 11th Cir. [Certiorari granted, *ante*, p. 972.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.