
PRELIMINARY PRINT—ORDERS

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OF
THE SUPREME COURT

MARCH 28 THROUGH JUNE 9, 2022

Page Proof Pending Publication

REBECCA A. WOMELDORF

REPORTER OF DECISIONS



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REPORTER'S NOTE

The next page is purposely numbered 901. The numbers between 527 and 901 were intentionally omitted, in order to make it possible to publish the orders with *permanent* page numbers, thus making the official citations available upon publication of the preliminary prints of the United States Reports.

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ORDERS FOR MARCH 28 THROUGH
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Certiorari Dismissed

No. 21-6963. LEE, AKA KHALIFA AL-AMIN *v.* MISSOURI ET AL. C. A. 8th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

Miscellaneous Orders

No. 21M96. NICHOLS ET AL. *v.* ILLINOIS DEPARTMENT OF TRANSPORTATION ET AL.; and

No. 21M97. SIMCOX *v.* ARIZONA. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 21M98. JESSIE D. *v.* ARIZONA DEPARTMENT OF CHILD SAFETY ET AL.; and

No. 21M99. ROSE *v.* ARIZONA. Motions for leave to file petitions for writs of certiorari with the supplemental appendixes under seal granted.

No. 21-7064. SQUIRES *v.* MERIT SYSTEMS PROTECTION BOARD ET AL. C. A. 4th Cir.;

No. 21-7067. BAKER *v.* ARIZONA. Ct. App. Ariz.; and

No. 21-7205. HOLLAND *v.* UNITED STATES. C. A. Fed. Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until April 18, 2022, 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. 21-6978. IN RE HARRIS; and

No. 21-6981. IN RE GIBSON. Petition for writs of mandamus denied.

Certiorari Granted

No. 21-468. NATIONAL PORK PRODUCERS COUNCIL ET AL. *v.* ROSS, SECRETARY OF THE CALIFORNIA DEPARTMENT OF FOOD

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AND AGRICULTURE, ET AL. C. A. 9th Cir. Certiorari granted. Reported below: 6 F. 4th 1021.

No. 21–869. ANDY WARHOL FOUNDATION FOR THE VISUAL ARTS, INC. *v.* GOLDSMITH ET AL. C. A. 2d Cir. Certiorari granted. Reported below: 11 F. 4th 26.

No. 21–846. CRUZ *v.* ARIZONA. Sup. Ct. Ariz. Certiorari granted limited to the following question: “Whether the Arizona Supreme Court’s holding that Arizona Rule of Criminal Procedure 32.1(g) precluded postconviction relief is an adequate and independent state-law ground for the judgment.” Reported below: 251 Ariz. 203, 487 P. 3d 991.

Certiorari Denied

No. 21–475. BROOKHART, WARDEN *v.* SMITH. C. A. 7th Cir. Certiorari denied. Reported below: 996 F. 3d 402.

No. 21–622. DEVINE *v.* ABSOLUTE ACTIVIST VALUE MASTER FUND LTD. ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 998 F. 3d 1258.

No. 21–686. ESPARRAGUERA *v.* DEPARTMENT OF THE ARMY. C. A. Fed. Cir. Certiorari denied. Reported below: 981 F. 3d 1328.

No. 21–711. MARKHAM CONCEPTS, INC., ET AL. *v.* HASBRO, INC., ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 1 F. 4th 74.

No. 21–721. TRANSPACIFIC STEEL LLC ET AL. *v.* UNITED STATES ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 4 F. 4th 1306.

No. 21–771. HERRERA *v.* CLEVELAND ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 8 F. 4th 493.

No. 21–797. ALUKER *v.* YAN, AKA ALUKER. C. A. 4th Cir. Certiorari denied.

No. 21–860. DOE *v.* WHITE ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 859 Fed. Appx. 76.

No. 21–1022. GARZA *v.* CITY OF LOS ANGELES, CALIFORNIA. C. A. 9th Cir. Certiorari denied.

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No. 21–1033. *MANDEL v. WHITE NILE SOFTWARE, INC., ET AL.* C. A. 5th Cir. Certiorari denied.

No. 21–1034. *KAGEL v. RAFTERY ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 854 Fed. Appx. 180.

No. 21–1045. *I. M. v. MONTGOMERY COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES ET AL.* Ct. Sp. App. Md. Certiorari denied. Reported below: 251 Md. App. 716.

No. 21–1048. *CABALLERO ET AL. v. UNITED STATES ET AL.*; and *CABALLERO v. SHINGLE SPRINGS BAND OF MIWOK INDIANS.* C. A. 9th Cir. Certiorari denied.

No. 21–1055. *JOLON-VELASQUEZ v. GARLAND, ATTORNEY GENERAL.* C. A. 6th Cir. Certiorari denied.

No. 21–1083. *CHOI v. VIRGINIA.* Sup. Ct. Va. Certiorari denied.

No. 21–1084. *HELTZEL ET AL. v. YOUNGKIN, GOVERNOR OF VIRGINIA, ET AL.* Sup. Ct. Va. Certiorari denied. Reported below: 300 Va. 230, 862 S. E. 2d 458.

No. 21–1099. *STERES v. CURRAN, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–1108. *ENRON NIGERIA POWER HOLDING, LTD. v. UNITED STATES ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 13 F. 4th 448.

No. 21–1111. *GIHA v. GARLAND, ATTORNEY GENERAL.* C. A. 9th Cir. Certiorari denied. Reported below: 12 F. 4th 922.

No. 21–1113. *FREDIN v. MIDDLECAMP ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 855 Fed. Appx. 314.

No. 21–1125. *SCHANTZ v. DELOACH.* C. A. 11th Cir. Certiorari denied.

No. 21–1131. *MIGHTY, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF ALEXIS, DECEASED v. CARBALLOSA ET AL.* C. A. 11th Cir. Certiorari denied.

No. 21–1133. *ABRAHAMSEN v. DEPARTMENT OF VETERANS AFFAIRS.* C. A. 11th Cir. Certiorari denied.

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No. 21–1139. *DAIKIN INDUSTRIES, LTD., ET AL. v. CHEMOURS Co. FC, LLC*. C. A. Fed. Cir. Certiorari denied. Reported below: 4 F. 4th 1370.

No. 21–1141. *WADE v. LEWIS*. C. A. 11th Cir. Certiorari denied. Reported below: 13 F. 4th 1217.

No. 21–1150. *FINIZIE ET AL. v. DEPARTMENT OF VETERANS AFFAIRS*. C. A. Fed. Cir. Certiorari denied.

No. 21–1165. *COLE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 21 F. 4th 421.

No. 21–1198. *WEIR ET AL. v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–1201. *SMITH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 21–1209. *MILLER, FKA FOSGITT v. BANK OF NEW YORK MELLON, SUCCESSOR TO JPMORGAN CHASE BANK, N. A., ET AL.* C. A. 6th Cir. Certiorari denied.

No. 21–5717. *BLACKMON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 844 Fed. Appx. 729.

No. 21–6099. *CODY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 998 F. 3d 912.

No. 21–6150. *GHOLSTON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 1 F. 4th 492.

No. 21–6154. *FORD v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 861 Fed. Appx. 8.

No. 21–6200. *RUIZ v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 990 F. 3d 1025.

No. 21–6229. *HANDLEY v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 21–6383. *SINGH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 995 F. 3d 1069.

No. 21–6386. *SYDNOR v. CALIFORNIA*. Ct. App. Cal., 3d App. Dist. Certiorari denied.

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No. 21–6740. *CHIQUITO v. UNITED STATES ET AL.* C. A. 10th Cir. Certiorari denied.

No. 21–6909. *GERALDS v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied. Reported below: 855 Fed. Appx. 576.

No. 21–6914. *KENNEDY v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 21–6917. *CLARK v. BRITT ET AL.* C. A. 4th Cir. Certiorari denied.

No. 21–6925. *CHONG SU YI v. HOGAN, GOVERNOR OF MARYLAND, ET AL.* (four judgments). Ct. Sp. App. Md. Certiorari denied.

No. 21–6927. *WALLGREN v. WHITTEN, WARDEN.* C. A. 10th Cir. Certiorari denied.

No. 21–6931. *WHITE v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 21–6935. *BLAKE v. CITY OF NORTHGLENN, COLORADO.* Dist. Ct. Colo., Adams County. Certiorari denied.

No. 21–6945. *BYRD v. GRAY, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 21–6949. *FUENTES RIOS v. CLARK, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 854 Fed. Appx. 129.

No. 21–6950. *ROSA v. NEW YORK.* Ct. App. N. Y. Certiorari denied. Reported below: 37 N. Y. 3d 1061, 176 N. E. 3d 679.

No. 21–6957. *THACKER v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 21–6961. *PALACIO v. CARAWAY ET AL.* C. A. 5th Cir. Certiorari denied.

No. 21–6964. *SMITH v. FLORIDA DEPARTMENT OF CORRECTIONS.* Sup. Ct. Fla. Certiorari denied.

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No. 21–6967. *MADDOX v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 21–6968. *JONES v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied.

No. 21–6971. *CASE v. DOUGLAS COUNTY, OREGON, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–6973. *JACKS v. LYNCH, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 21–6975. *LOLA v. RAMSAY, SHERIFF, MONROE COUNTY, FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 21–7007. *RODRIGUEZ v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 21–7008. *ACOFF v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied.

No. 21–7009. *LOGA-NEGRU v. WISCONSIN*. Ct. App. Wis. Certiorari denied. Reported below: 2022 WI App 7, 970 N. W. 2d 565.

No. 21–7022. *GIL v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 21–7077. *KURKJIAN v. WORMUTH, SECRETARY OF THE ARMY*. C. A. Fed. Cir. Certiorari denied.

No. 21–7085. *LARSON v. AMERICAN HOME PRODUCTS, WYETH-AYERST LABORATORIES*. C. A. 4th Cir. Certiorari denied. Reported below: 856 Fed. Appx. 472.

No. 21–7106. *NYAMUSEVYA v. FRANKLIN COUNTY COURT OF COMMON PLEAS ET AL.* Sup. Ct. Ohio. Certiorari denied. Reported below: 164 Ohio St. 3d 1439, 2021-Ohio-3233, 173 N. E. 3d 1223.

No. 21–7112. *SOVANN v. WAKEFIELD, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SMITHFIELD, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 21–7171. *SHERWOOD v. NEOTTI, WARDEN*. C. A. 9th Cir. Certiorari denied.

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No. 21–7175. *SMEATON v. UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF LOUISIANA*. C. A. 5th Cir. Certiorari denied.

No. 21–7181. *SAMUELS v. ESPINOZA, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 21–7189. *ALLEN v. LAUGHLIN, WARDEN*. Sup. Ct. Ga. Certiorari denied.

No. 21–7204. *HINES v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 21–7219. *SUTTLES v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 21–7220. *SKYBERG v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7221. *MOODY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 21–7222. *VALENCIA MENDOZA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–7226. *MARTIN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 15 F. 4th 878.

No. 21–7227. *THODY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 21–7238. *WRICE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 21–7239. *ARRINGTON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 13 F. 4th 331.

No. 21–7245. *POFF v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7249. *HILL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 848 Fed. Appx. 565.

No. 21–7256. *ROSALES-SANCHEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7258. *CONTRERAS-ROJAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 16 F. 4th 479.

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No. 21–7266. *ZAMORA-REYES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7268. *FARCA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 21–7269. *CLARKE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–7274. *BASEY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 21–7276. *RODRIGUEZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–7279. *FOSTER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 15 F. 4th 874.

No. 21–7294. *LACEY v. GOOTKIN, DIRECTOR, MONTANA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 856 Fed. Appx. 645.

No. 21–7297. *GARCIA v. MONTGOMERY, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 21–379. *TEXAS ET AL. v. COMMISSIONER OF INTERNAL REVENUE ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 987 F. 3d 518.

Statement of JUSTICE ALITO, with whom JUSTICE THOMAS and JUSTICE GORSUCH join, respecting the denial of certiorari.

This case presents a fundamental question about the limits on the Federal Government’s authority to delegate its powers to private actors. See *Department of Transportation v. Association of American Railroads*, 575 U. S. 43 (2015); *Carter v. Carter Coal Co.*, 298 U. S. 238 (1936). Unfortunately, the case presents threshold questions that could complicate our review of that important question, but the statutory scheme at issue here points up the need to clarify the private non-delegation doctrine in an appropriate future case.

I

Medicaid is a program that is jointly funded by the States and the Federal Government, and while a State is not required to participate in the program, all have chosen or at least found it necessary to do so.

As a condition of participation, States must ensure that they fund their part of the program “on an actuarially sound basis.” 42 U. S. C. § 1396b(m)(2)(A)(iii). Congress did not explain what it meant by “actuarially sound,” but the Department of Health and Human Services (HHS) has defined that term to require certification of state payment schemes by actuaries who meet “the qualification[s]” of the American Academy of Actuaries and “follow the practice standards established” by the Actuarial Standards Board, which is a private entity. 42 CFR § 438.6(c) (2002).

The Patient Protection and Affordable Care Act imposed a tax called the Health Insurance Provider Fee (HIPF) as a lump sum on all covered health insurance providers, starting at \$8 billion total in 2014 and rising each year afterwards. 26 CFR § 57.4(a)(3) (2021). The HIPF was assessed annually on each provider based on its market share, which the Internal Revenue Service calculated by reference to each provider’s net premiums for the previous year. See §§ 57.1(a)–(c), 57.4(a)–(d). The HIPF applied to “any entity which provides health insurance,” excluding “any government entity.” § 9010(c)(1), 124 Stat. 866. Thus, if a State used a private health maintenance organization (HMO) to assist it in running its Medicaid program, as nearly all States do, that HMO was generally “an entity” required to pay its share of the HIPF.

In 2015, the Actuarial Standards Board published a binding definition of “actuarial soundness” as used in the Medicaid statute. Known as ASOP 49, this standard required that States include funds for any “government-mandated assessments, fees, and taxes” in their payments to private managed-care organizations that assist States in the management of Medicaid. In simple terms, this meant that States had to reimburse their HMOs for the cost of those HMOs’ share of the annual HIPF. If a State did not do so, its Medicaid payment scheme could not be certified as “actuarially sound.” *Texas v. United States*, 300 F. Supp. 3d 810, 845 (ND Tex. 2018). The Actuarial Standards Board thus effectively mandated that States absorb the costs of the HIPF taxes Congress assessed on non-government entities.

Texas and four other States sued HHS in Federal District Court in October 2015, seeking the return of the funds they paid to cover the HIPF. The States alleged that under HHS’s rule, an actuary can deprive a State of its ability to meet the conditions of participating in Medicaid by refusing to certify the State’s

payment structure. As a consequence, the States argued, HHS had impermissibly delegated its authority to a private entity. While the litigation was pending, Congress repealed the HIPF in 2020, but the regulation empowering the Actuarial Standards Board to define when a State's Medicaid payments can be certified remains on the books. 42 CFR § 438.7 (2021); § 438.2.

In 2018, the District Court held that HHS had violated the private non-delegation doctrine, but in July 2020, the Fifth Circuit reversed, holding that the doctrine had not been violated because HHS retained control over the private entities' process. The Court of Appeals denied rehearing en banc over a dissent. *Texas v. Rettig*, 993 F. 3d 408 (2021) (*per curiam*).

II

I agree with petitioners that this case presents an important separation-of-powers question. “Our Constitution, by careful design, prescribes a process for making law, and with that process there are many accountability checkpoints.” *American Railroads*, 575 U. S., at 61 (ALITO, J., concurring). To ensure the Government remains accountable to the public, it “‘cannot delegate regulatory authority to a private entity.’” *Ibid.*; see also *Carter Coal*, 298 U. S. 238. Here, however, that is precisely what happened. What was essentially a legislative determination—the actuarial standards that a State must meet in order to participate in Medicaid—was made not by Congress or even by the Executive Branch but by a private group. And this was no inconsequential matter. It has cost the States hundreds of millions of dollars.

The Government urges us not to grant review because Congress has repealed the HIPF and therefore the delegation will not cause the States any future injury. The Government also contends that any direct challenge to the 2002 HHS regulation giving the Actuarial Standards Board its power is barred by the applicable 6-year statute of limitations. 28 U. S. C. § 2401(a). The States respond that the dictates of the Actuarial Standards Board will continue to regulate the “‘complex ongoing relationship’” between the States and the Federal Government in the Medicaid Act. *Maine Community Health Options v. United States*, 590 U. S. 296, 327 (2020).

In light of the complications highlighted by the Government, I reluctantly concur in the denial of certiorari. However, if the determinations of the Actuarial Standards Board have any future effect, review should be granted in an appropriate case.

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No. 21–6916. *MARTILLO v. TWITTER, INC., ET AL.* C. A. 1st Cir. Certiorari before judgment denied.

No. 21–7230. *MORGAN v. UNITED STATES.* C. A. 6th Cir. Certiorari before judgment denied.

No. 21–7252. *STINSON v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

Rehearing Denied

No. 20–1665. *PALMER v. WILLIAMS*, 595 U. S. 917;

No. 21–5402. *WEST v. UNITED STATES*, 595 U. S. 981;

No. 21–5887. *NEIL v. FORSHEY, WARDEN*, 595 U. S. 1047;

No. 21–5914. *TABOR v. COLEMAN*, 595 U. S. 1121;

No. 21–5988. *JONES v. MARYLAND*, 595 U. S. 1141;

No. 21–6058. *LOLA v. FLORIDA*, 595 U. S. 1143;

No. 21–6168. *WHITE v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 595 U. S. 1145;

No. 21–6169. *YAAG v. BAKER, WARDEN, ET AL.*, 595 U. S. 1145;

No. 21–6267. *BROWN-MALLARD v. POTOMAC CONCRETE CO., INC., ET AL.*, 595 U. S. 1166;

No. 21–6477. *PARKER v. KIJAKAZI, ACTING COMMISSIONER OF SOCIAL SECURITY*, 595 U. S. 1188;

No. 21–6576. *PEACOCK v. UNITED STATES*, 595 U. S. 1156; and

No. 21–6597. *WHREN v. UNITED STATES*, 595 U. S. 1156. Petitions for rehearing denied.

APRIL 4, 2022

Certiorari Granted—Vacated and Remanded

No. 20–7617. *LEWIS v. UNITED STATES.* C. A. 11th Cir. Reported below: 833 Fed. Appx. 261;

No. 20–7798. *WILLIAMS v. UNITED STATES.* C. A. 8th Cir. Reported below: 976 F. 3d 781; and

No. 21–6448. *BROWN v. UNITED STATES.* C. A. 6th Cir. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Wooden v. United States*, 595 U. S. 360 (2022).

Miscellaneous Orders

No. 21M100. *IN RE DANAM.* Motion for leave to proceed as a veteran denied.

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No. 21M101. *MCCALL v. UNITED STATES*. Motion for leave to file petition for writ of certiorari with supplemental appendix under seal granted. JUSTICE KAGAN took no part in the consideration or decision of this motion.

No. 21-6664. *BREEST v. FORMELLA, ATTORNEY GENERAL OF NEW HAMPSHIRE*. C. A. 1st Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [595 U. S. 1214] denied.

No. 21-7068. *WRIGHT v. KIJAKAZI, ACTING COMMISSIONER OF SOCIAL SECURITY*. C. A. 2d Cir.; and

No. 21-7237. *DALEN v. SOUTH CAROLINA*. Ct. App. S. C. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until April 25, 2022, 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. 21-7337. *IN RE MCCLARTY*. Petition for writ of habeas corpus denied.

No. 21-1203. *IN RE ROWE*. Petition for writ of mandamus and/or prohibition denied.

Certiorari Denied

No. 21-357. *TAYLOR v. HEATH, PRESIDENT-ELECT, STATE BAR OF MICHIGAN BOARD OF COMMISSIONERS, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 4 F. 4th 406.

No. 21-641. *FERRELLGAS PARTNERS LP v. DIRECTOR, DIVISION OF TAXATION*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 21-762. *LASHER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 970 F. 3d 129.

No. 21-779. *SHELL v. DARBY, CHIEF JUSTICE, SUPREME COURT OF OKLAHOMA, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 11 F. 4th 1178.

No. 21-781. *NVS TECHNOLOGIES, INC. v. DEPARTMENT OF HOMELAND SECURITY*. C. A. Fed. Cir. Certiorari denied. Reported below: 844 Fed. Appx. 367.

No. 21-800. *MCDONALD ET AL. v. FIRTH ET AL.*; and

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No. 21-974. *FIRTH ET AL. v. McDONALD ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 4 F. 4th 229.

No. 21-895. *RODRIGUES v. COUNTY OF HAWAII ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21-945. *WISCONSIN v. GARCIA.* Sup. Ct. Wis. Certiorari denied. Reported below: 2021 WI 76, 399 Wis. 2d 324, 964 N. W. 2d 342.

No. 21-950. *RAMEY v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 7 F. 4th 271.

No. 21-953. *LEAKE ET AL. v. DRINKARD, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS ASSISTANT CITY ADMINISTRATOR OF THE CITY OF ALPHARETTA, GA, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 14 F. 4th 1242.

No. 21-1040. *CORONA CLAY CO. v. INLAND EMPIRE WATERKEEPER, A PROJECT OF ORANGE COUNTY COASTKEEPER, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 17 F. 4th 825.

No. 21-1049. *GUAN v. ELLINGSWORTH RESIDENTIAL COMMUNITY ASSN., INC.* C. A. 11th Cir. Certiorari denied.

No. 21-1050. *KOGER ET AL. v. RICHARDSON, JUDGE, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 858 Fed. Appx. 425.

No. 21-1053. *HEPP, WARDEN v. WILBER.* C. A. 7th Cir. Certiorari denied. Reported below: 16 F. 4th 1232.

No. 21-1060. *DOUGLAS v. DOUGLAS.* C. A. 6th Cir. Certiorari denied.

No. 21-1061. *KRISTEK v. TRAVELERS HOME & MARINE INSURANCE CO. ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21-1062. *CALDWELL v. DEPARTMENT OF TRANSPORTATION ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 847 Fed. Appx. 677.

No. 21-1069. *STEWART v. RRL HOLDING COMPANY OF OHIO, LLC, ET AL.* Ct. App. Ohio, 10th App. Dist., Franklin County. Certiorari denied.

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No. 21–1085. IKORONGO TEXAS LLC ET AL. *v.* SAMSUNG ELECTRONICS Co., LTD., ET AL. (Reported below: 2 F. 4th 1371); and IKORONGO TECHNOLOGY LLC ET AL. *v.* SAMSUNG ELECTRONICS Co., LTD., ET AL. (852 Fed. Appx. 542). C. A. Fed. Cir. Certiorari denied.

No. 21–1093. PERSONALWEB TECHNOLOGIES LLC *v.* GOOGLE LLC ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 8 F. 4th 1310.

No. 21–1101. NOWICKI *v.* TINICUM TOWNSHIP ET AL. Commw. Ct. Pa. Certiorari denied. Reported below: 242 A. 3d 996.

No. 21–1114. CHARLES *v.* ELLIS, TRUSTEE OF THE JAMES SHELTON ELLIS TRUST CUI 9/2/1998. Ct. App. Ark. Certiorari denied. Reported below: 2021 Ark. App. 277.

No. 21–1155. MARSHALL *v.* BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 14 F. 4th 322.

No. 21–1159. PATEL ET AL. *v.* SU ET AL. Ct. App. Cal., 2d App. Dist., Div. 1. Certiorari denied.

No. 21–1184. HUTTON ET AL. *v.* HYUNDAI MOTOR AMERICA ET AL. Sup. Ct. Miss. Certiorari denied. Reported below: 328 So. 3d 592.

No. 21–1189. LOTHINGER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 21–1208. ANDREWS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 12 F. 4th 255.

No. 21–6434. FRATTA *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 21–6748. WONG *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 21–6982. GORDON *v.* METROPOLITAN LIFE INSURANCE Co. C. A. 9th Cir. Certiorari denied. Reported below: 846 Fed. Appx. 541.

No. 21–6983. MAJID, AKA MOSELEY *v.* RICHARDS ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 850 Fed. Appx. 847.

No. 21–6989. OIEN *v.* PRINGLE, WARDEN. C. A. 8th Cir. Certiorari denied.

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No. 21–7001. *TENSER v. SILVERMAN ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–7010. *JOHNSON v. JOHNSON.* C. A. 10th Cir. Certiorari denied.

No. 21–7011. *JOHNSON v. MCGUIRE ET AL.* C. A. 10th Cir. Certiorari denied.

No. 21–7012. *EWING v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS.* C. A. 4th Cir. Certiorari denied. Reported below: 856 Fed. Appx. 462.

No. 21–7017. *FUNKHOUSER v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied.

No. 21–7018. *FUENTES v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 21–7023. *RAMBO v. TEXAS.* Ct. App. Tex., 12th Dist. Certiorari denied.

No. 21–7027. *MENDEZ v. ADA COUNTY, IDAHO, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 853 Fed. Appx. 123.

No. 21–7029. *PEDDER v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 859 Fed. Appx. 697.

No. 21–7030. *PICKENS v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied.

No. 21–7036. *DAVIS v. ORANGE COUNTY SHERIFF’S OFFICE ET AL.* C. A. 11th Cir. Certiorari denied.

No. 21–7040. *JADAV v. WOODSON, WARDEN.* Sup. Ct. Va. Certiorari denied.

No. 21–7043. *BENSON v. ALLSTATE INSURANCE Co.* C. A. 9th Cir. Certiorari denied.

No. 21–7044. *FISHMAN v. OFFICE OF COURT ADMINISTRATION NEW YORK STATE COURTS ET AL.* C. A. 2d Cir. Certiorari denied.

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No. 21–7045. *HOFFMAN v. ARIZONA DEPARTMENT OF CORRECTIONS*. Sup. Ct. Ariz. Certiorari denied.

No. 21–7048. *GERKEN v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 2021 IL App (2d) 170839–U.

No. 21–7049. *HOLLOWAY v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 21–7050. *COZZI v. NEW YORK STATE WORKERS' COMPENSATION BOARD ET AL.* C. A. 2d Cir. Certiorari denied.

No. 21–7051. *CHATMON v. TEXAS*. Ct. App. Tex., 9th Dist. Certiorari denied.

No. 21–7056. *WILSON v. MARICOPA COUNTY SHERIFF'S OFFICE LEGAL LIAISON*. C. A. 9th Cir. Certiorari denied.

No. 21–7058. *PELLETIER v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied.

No. 21–7059. *MULLER v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 21–7084. *JORDAN v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 325 So. 3d 864.

No. 21–7103. *REAM v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 326 So. 3d 693.

No. 21–7105. *SISNEY v. KAEMINGK, SECRETARY, SOUTH DAKOTA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 15 F. 4th 1181.

No. 21–7152. *BARNEY v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 241 A. 3d 428.

No. 21–7154. *WALTERS v. MARTIN, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 18 F. 4th 434.

No. 21–7177. *BYRD v. BYRD, WARDEN, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 21–7199. *BREWER v. OKLAHOMA BAR ASSN.* Sup. Ct. Okla. Certiorari denied.

No. 21–7215. *WALKER v. FREEMAN'S ELECTRIC SERVICE, INC., ET AL.* Sup. Ct. S. D. Certiorari denied.

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No. 21–7216. *WELCH v. WISCONSIN*. Ct. App. Wis. Certiorari denied.

No. 21–7271. *MOORE v. MACKIE, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 21–7272. *UWASOMBA v. MERRILL LYNCH, PIERCE, FENNER & SMITH INC.* C. A. 4th Cir. Certiorari denied.

No. 21–7284. *RUIZ v. WILLIAMS, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 21–7287. *CRUZ-RIVERA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 14 F. 4th 32.

No. 21–7289. *BROWN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–7291. *TRUJILLO-GUTIERREZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7293. *RODRIGUEZ-VASQUEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7295. *LERMA-REYES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7299. *MUHAMMAD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 14 F. 4th 352.

No. 21–7301. *NICOLESCU v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 17 F. 4th 706.

No. 21–7305. *BRYANT v. EMMONS, WARDEN*. Sup. Ct. Ga. Certiorari denied. Reported below: 312 Ga. 711, 864 S. E. 2d 1.

No. 21–7306. *MOTA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 21–7307. *McFARLAND v. UNITED STATES*; and

No. 21–7316. *DUERSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 21–7309. *CALDERON, AKA ARREDONDE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 21–7313. *WRIGHT v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

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No. 21–7315. CASH *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied.

No. 21–7318. AUGUSTIN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 4th 227.

No. 21–7319. AUGUSTIN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 21–7322. HARPER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 21–7323. HAMPTON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 21–7324. GUERRIER *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 21–7326. BURGOS-MONTES *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 21–7327. ORTEGA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 19 F. 4th 831.

No. 21–7338. SAXTON *v.* GEORGIA. Sup. Ct. Ga. Certiorari denied. Reported below: 313 Ga. 48, 867 S. E. 2d 130.

No. 21–7363. LEWIS *v.* DAVIDS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 21–949. LITTLE, ACTING SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL. *v.* RANDOLPH. C. A. 3d Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 5 F. 4th 362.

No. 21–6180. ALEXANDER *v.* KIJAKAZI, ACTING COMMISSIONER OF SOCIAL SECURITY. C. A. 2d Cir. Motion of National Alliance on Mental Illness of Champlain Valley for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 5 F. 4th 139.

Rehearing Denied

No. 21–775. RUBIN *v.* UNITED STATES, 595 U. S. 1165;

No. 21–6214. OYIBO *v.* NORTH SHORE UNIVERSITY HOSPITAL ET AL., 595 U. S. 1146;

No. 21–6415. KINCHEN *v.* UNITED STATES, 595 U. S. 1152; and

No. 21–6421. BAILEY *v.* SUFFOLK PUBLIC SCHOOLS ET AL., 595 U. S. 1188. Petitions for rehearing denied.

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APRIL 6, 2022

Miscellaneous Order

No. 21A539. LOUISIANA ET AL. *v.* AMERICAN RIVERS ET AL. D. C. N. D. Cal. Application for stay, presented to JUSTICE KAGAN, and by her referred to the Court, granted. The District Court’s October 21, 2021 order, insofar as it vacates the current certification rule, 40 CFR pt. 121 (2021), is stayed pending disposition of the appeal in the United States Court of Appeals for the Ninth Circuit and disposition of the petition for writ of certiorari, if such writ is timely sought. Should the petition for writ of certiorari be denied, this order shall terminate automatically. In the event the petition for writ of certiorari is granted, the order shall terminate upon the sending down of the judgment of this Court.

JUSTICE KAGAN, with whom THE CHIEF JUSTICE, JUSTICE BREYER, and JUSTICE SOTOMAYOR join, dissenting.

Five months after the District Court remanded and vacated an Environmental Protection Agency rule, a group of States and industry organizations have asked us to stay the decision pending appeal, claiming that they will otherwise suffer irreparable harm. I would deny the request. This Court may stay a decision under review in a court of appeals “only in extraordinary circumstances” and “upon the weightiest considerations.” *Williams v. Zbaraz*, 442 U. S. 1309, 1311 (1979) (Stevens, J., in chambers); *Packwood v. Senate Select Comm. on Ethics*, 510 U. S. 1319, 1320 (1994) (Rehnquist, C. J., in chambers). The applicants here have not met our standard because they have failed to substantiate their assertions of irreparable harm. The Court therefore has no warrant to grant emergency relief.

To obtain a stay in a case pending before an appellate court, a party (like the applicants here) must make a showing of “irreparable injur[y] absent a stay.” *Nken v. Holder*, 556 U. S. 418, 434 (2009); see, e. g., *Teva Pharmaceuticals USA, Inc. v. Sandoz, Inc.*, 572 U. S. 1301, 1301–1302 (2014) (ROBERTS, C. J., in chambers). “A stay is an intrusion into the ordinary processes of administration and judicial review.” *Nken*, 556 U. S., at 427 (internal quotation marks omitted). It disrupts the usual manner of hearing and considering an appeal before rendering a decision and granting relief. Our disruption of that normal order is justified only “rarely.” *Heckler v. Lopez*, 463 U. S. 1328, 1330 (1983) (Rehn-

quist, J., in chambers). An applicant must show more than a likelihood of prevailing on the merits in the appellate court. It must also show an exceptional need for immediate relief. That means the applicant must (at the least) present evidence of irreparable injury—harm occurring during the appeals process that cannot be later redressed. And that evidence must clear a high bar. “[S]imply showing some possibility of irreparable injury fails to satisfy” our test. *Nken*, 556 U. S., at 434–435 (internal quotation marks and citation omitted). The applicant must offer concrete proof that irreparable harm is “likel[y]” to occur. *Hollingsworth v. Perry*, 558 U. S. 183, 190 (2010) (*per curiam*).

The applicants here have failed to meet that burden. They claim that the vacated rule gave them “protections” against States that previously “abuse[d]” their statutory authority to review infrastructure projects for compliance with water-quality standards. Application 25. But the applicants have not identified a single project that a State has obstructed in the five months since the District Court’s decision. Still more, they have not cited a single project that the court’s ruling threatens, or is likely to threaten, in the time before the appellate process concludes. The request for a stay rests on simple assertions—on conjectures, unsupported by any present-day evidence, about what States will now feel free to do. And the application fails to show that proper implementation of the reinstated regulatory regime—which existed for 50 years before the vacated rule came into effect—is incapable of countering whatever state overreach may (but may not) occur. Even the applicants’ own actions belie the need for a stay: Twice, the applicants waited a month before seeking that relief (the first time in the District Court, the second time here). While the applicants thus delayed, the appellate process went forward: The case will be fully briefed in the Court of Appeals next month. The applicants have given us no good reason to think that in the remaining time needed to decide the appeal, they will suffer irreparable harm.

By nonetheless granting relief, the Court goes astray. It provides a stay pending appeal, and thus signals its view of the merits, even though the applicants have failed to make the irreparable harm showing we have traditionally required. That renders the Court’s emergency docket not for emergencies at all. The docket becomes only another place for merits determinations—except made without full briefing and argument. I respectfully dissent.

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APRIL 11, 2022

Miscellaneous Orders. (For the Court's orders prescribing amendments to the Federal Rules of Appellate Procedure, see, 596 U. S. —; amendments to the Federal Rules of Bankruptcy Procedure, see, 596 U. S. —; an amendment and an addition to the Federal Rules of Civil Procedure, see, 596 U. S. —; and an amendment to the Federal Rules of Criminal Procedure, see, 596 U. S. —.

APRIL 14, 2022

Miscellaneous Orders

No. 21–418. *KENNEDY v. BREMERTON SCHOOL DISTRICT*. C. A. 9th Cir. [Certiorari granted, 595 U. S. 1162.] Motion of City, County, and Local Public Employer Organizations for leave to participate in oral argument as *amici curiae* and for divided argument denied.

No. 21–429. *OKLAHOMA v. CASTRO-HUERTA*. Ct. Crim. App. Okla. [Certiorari granted, 595 U. S. 1181.] Motion of City of Tulsa, Oklahoma, for leave to file an appendix to an *amicus curiae* brief under seal granted. Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae*, for divided argument, and for enlargement of time for oral argument granted.

No. 21–439. *NANCE v. WARD, COMMISSIONER, GEORGIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. [Certiorari granted, 595 U. S. 1162.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae*, for divided argument, and for enlargement of time for oral argument granted.

No. 21–499. *VEGA v. TEKOH*. C. A. 9th Cir. [Certiorari granted, 595 U. S. 1162.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae*, for divided argument, and for enlargement of time for oral argument granted.

No. 21–511. *SHOOP, WARDEN v. TWYFORD*. [Certiorari granted, 595 U. S. 1162.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae*, for divided argument, and for enlargement of time for oral argument granted in part, and the time is allotted as follows: 30 minutes for petitioner, 15 minutes for the Solicitor General, and 25 minutes for respondent.

APRIL 18, 2022

Certiorari Granted—Vacated and Remanded

No. 21–700. SMITH *v.* CITY OF CHICAGO, ILLINOIS, ET AL. C. A. 7th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Thompson v. Clark*, 596 U. S. 36 (2022). Reported below: 3 F. 4th 332.

Vacated and Remanded After Certiorari Granted

No. 20–37. BECERRA, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL. *v.* GRESHAM ET AL.; and BECERRA, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL. *v.* PHILBRICK ET AL. C. A. D. C. Cir. [Certiorari granted *sub nom.* *Azar v. Gresham*; *Azar v. Philbrick*, 592 U. S. 1121]; and

No. 20–38. ARKANSAS *v.* GRESHAM ET AL. C. A. D. C. Cir. [Certiorari granted, 592 U. S. 1121.] Motion to vacate the judgments granted. The judgment of the United States Court of Appeals for the District of Columbia Circuit in Nos. 19–5094 and 19–5096 is vacated, and the cases are remanded to that court with instructions to direct the District Court to vacate its judgment and dismiss the case as moot. See *United States v. Munsingwear, Inc.*, 340 U. S. 36 (1950). The judgment of the Court of Appeals for the District of Columbia Circuit in Nos. 19–5293 and 19–5295 is vacated, and the cases are remanded to that court with instructions to direct the District Court to remand to the Secretary of Health and Human Services.

Certiorari Dismissed

No. 21–7123. WILSON *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 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. 21–7168. LIVIZ *v.* SUPREME JUDICIAL COURT OF MASSACHUSETTS. Sup. Jud. Ct. Mass. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed.

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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: 488 Mass. 1012, 175 N. E. 3d 371.

No. 21–7389. *ALEXANDER v. MISSISSIPPI*. Sup. Ct. Miss. 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. 21A599. *DUNN v. AUSTIN, SECRETARY OF DEFENSE, ET AL.* C. A. 9th Cir. Application for an injunction pending appeal, presented to JUSTICE KAGAN, and by her referred to the Court, denied. JUSTICE THOMAS, JUSTICE ALITO, and JUSTICE GORSUCH would grant the application for an injunction pending appeal.

No. 21M103. *BROWN v. NEAL, WARDEN*. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 21–757. *AMGEN INC. ET AL. v. SANOFI ET AL.* C. A. Fed. Cir.; and

No. 21–1013. *REPUBLIC OF TURKEY v. USOYAN ET AL.* C. A. D. C. The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

No. 21–7098. *LANDRETH v. UNITED STATES ET AL.* C. A. 9th Cir.; and

No. 21–7395. *ZOGRAFIDIS v. UNITED STATES*. C. A. 2d Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until May 9, 2022, 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.

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No. 21–7410. *IN RE PINEDA*. Petition for writ of habeas corpus denied.

No. 21–1115. *IN RE BOWLING*. Petition for writ of mandamus denied.

No. 21–7364. *IN RE LOPEZ*. Petition for writ of prohibition denied.

Certiorari Denied

No. 20–1351. *HURD ET AL. v. LASKAR*. C. A. 11th Cir. Certiorari denied. Reported below: 972 F. 3d 1278.

No. 20–1788. *CITY OF NEW YORK, NEW YORK, ET AL. v. FROST*. C. A. 2d Cir. Certiorari denied. Reported below: 980 F. 3d 231.

No. 21–626. *BOYD & ASSOCIATES v. WHITE ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 854 Fed. Appx. 610.

No. 21–640. *FIVE STAR AUTOMATIC FIRE PROTECTION, L. L. C. v. DEPARTMENT OF LABOR*. C. A. 5th Cir. Certiorari denied. Reported below: 987 F. 3d 436.

No. 21–669. *BENITO GUIDO v. GARLAND, ATTORNEY GENERAL*. C. A. 5th Cir. Certiorari denied.

No. 21–796. *MARCHAND & ROSSI, L. L. P., NKA MARCHAND LAW, L. L. P. v. WHITE ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 854 Fed. Appx. 610.

No. 21–838. *PENOBSCOT NATION v. FREY, ATTORNEY GENERAL OF MAINE, ET AL.*; and

No. 21–840. *UNITED STATES v. FREY, ATTORNEY GENERAL OF MAINE, ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 3 F. 4th 484.

No. 21–848. *SPIRE MISSOURI INC. ET AL. v. ENVIRONMENTAL DEFENSE FUND ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 2 F. 4th 953.

No. 21–854. *MANISCALCO ET AL. v. NEW YORK CITY DEPARTMENT OF EDUCATION ET AL.* C. A. 2d Cir. Certiorari denied.

No. 21–898. *CONYERS ET AL. v. CITY OF CHICAGO, ILLINOIS*. C. A. 7th Cir. Certiorari denied. Reported below: 10 F. 4th 704.

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No. 21–906. *Klickitat County, Washington, et al. v. Confederated Tribes and Bands of the Yakama Nation*. C. A. 9th Cir. Certiorari denied. Reported below: 1 F. 4th 673.

No. 21–951. *Rio Grande Foundation v. City of Santa Fe, New Mexico, et al.* C. A. 10th Cir. Certiorari denied. Reported below: 7 F. 4th 956.

No. 21–966. *New York et al. v. Yellen, Secretary of the Treasury, et al.* C. A. 2d Cir. Certiorari denied. Reported below: 15 F. 4th 569.

No. 21–978. *Rivero v. Fidelity Investments, Inc.* C. A. 5th Cir. Certiorari denied. Reported below: 1 F. 4th 340.

No. 21–1010. *Nix v. Advanced Urology Institute of Georgia, P. C.* C. A. 11th Cir. Certiorari denied.

No. 21–1071. *Murray v. Taylor et al.* Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 330 So. 3d 912.

No. 21–1077. *Reyes v. Westchester County Health Care Corp., dba Westchester Medical Center, et al.* C. A. 2d Cir. Certiorari denied.

No. 21–1080. *Garrett v. Lumpkin, Director, Texas Department of Criminal Justice, Correctional Institutions Division.* C. A. 5th Cir. Certiorari denied.

No. 21–1091. *Espejo v. Washington*. Ct. App. Wash. Certiorari denied. Reported below: 16 Wash. App. 2d 1029.

No. 21–1094. *Kabongo v. Michigan*. Sup. Ct. Mich. Certiorari denied. Reported below: 507 Mich. 78, 968 N. W. 2d 264.

No. 21–1096. *Guan v. Ellingsworth Residential Community Assn., Inc.* C. A. 11th Cir. Certiorari denied.

No. 21–1097. *Dahiya v. Neptune Shipmanagement Services, PTE, LTD., et al.* C. A. 5th Cir. Certiorari denied. Reported below: 15 F. 4th 630.

No. 21–1103. *Pelaez, as Limited Guardian of the Person and Property of Pelaez, Ward v. Government Employees Insurance Co.* C. A. 11th Cir. Certiorari denied. Reported below: 13 F. 4th 1243.

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No. 21–1104. *DAVIS v. CITY OF ANDREWS, TEXAS, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 850 Fed. Appx. 281.

No. 21–1110. *BOYS v. LOUISIANA.* Ct. App. La., 4th Cir. Certiorari denied. Reported below: 2019–0675 (La. App. 4 Cir. 5/26/21), 321 So. 3d 1087.

No. 21–1112. *GORBEA v. VERIZON NEW YORK, INC.* C. A. 2d Cir. Certiorari denied.

No. 21–1116. *LIEBOVICH ET AL. v. TOBIN ET AL.* Ct. App. Cal., 2d App. Dist., Div. 3. Certiorari denied.

No. 21–1119. *FRANCIS v. DESMOND, UNITED STATES TRUSTEE.* C. A. 1st Cir. Certiorari denied. Reported below: 996 F. 3d 10.

No. 21–1129. *ZHENG-SMITH v. NASSAU HEALTH CARE CORP., DBA NUHEALTH SYSTEM, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 21–1130. *MUTUA v. GARLAND, ATTORNEY GENERAL.* C. A. 11th Cir. Certiorari denied. Reported below: 22 F. 4th 963.

No. 21–1137. *PHILLIPS v. LIFE PROPERTY MANAGEMENT SERVICES, LLC, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 21–1148. *SB BUILDING ASSOCIATES L. P. v. ATKINSON ET AL.* C. A. 3d Cir. Certiorari denied.

No. 21–1156. *DAVID v. KAZAL ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 13 F. 4th 736.

No. 21–1162. *BAILEY-JOHNSON v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied.

No. 21–1166. *GRAMAJO-REYES v. GARLAND, ATTORNEY GENERAL.* C. A. 5th Cir. Certiorari denied.

No. 21–1167. *CHAPMAN v. SOCIAL SECURITY ADMINISTRATION ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 853 Fed. Appx. 846.

No. 21–1186. *MANOR ET VIR v. MAYORKAS, SECRETARY OF HOMELAND SECURITY, ET AL.* C. A. 9th Cir. Certiorari denied.

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No. 21–1199. *GAETJENS v. CITY OF LOVES PARK, ILLINOIS, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 4 F. 4th 487.

No. 21–1213. *BROADEN v. DEPARTMENT OF TRANSPORTATION.* C. A. Fed. Cir. Certiorari denied.

No. 21–1226. *WASHINGTON v. FLORIDA DEPARTMENT OF TRANSPORTATION.* Dist. Ct. App. Fla., 2d Dist. Certiorari denied.

No. 21–1227. *MRI ASSOCIATES OF TAMPA, INC. v. STATE FARM MUTUAL AUTOMOBILE INSURANCE CO.* Sup. Ct. Fla. Certiorari denied. Reported below: 334 So. 3d 577.

No. 21–6186. *ROSE v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 3 F. 4th 722.

No. 21–6348. *RAMIRO-MEDINA v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 857 Fed. Appx. 901.

No. 21–6551. *AGUILERA FERNANDEZ v. GARLAND, ATTORNEY GENERAL.* C. A. 11th Cir. Certiorari denied. Reported below: 857 Fed. Appx. 487.

No. 21–6630. *RODRIGUEZ v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 21–6719. *N. R. v. KANSAS.* Sup. Ct. Kan. Certiorari denied. Reported below: 314 Kan. 98, 495 P. 3d 16.

No. 21–6747. *TAYLOR v. JORDAN, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 10 F. 4th 625.

No. 21–6815. *FLORES-PEREZ v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 1 F. 4th 454.

No. 21–6846. *REYNOSO v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 854 Fed. Appx. 605.

No. 21–7015. *JAMES v. FLORIDA.* Sup. Ct. Fla. Certiorari denied. Reported below: 323 So. 3d 158.

No. 21–7046. *HAILE v. CONTEH.* Sup. Ct. Va. Certiorari denied.

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No. 21–7075. *COOKE v. WILLIAMS ET AL.* App. Ct. Conn. Certiorari denied. Reported below: 206 Conn. App. 151, 259 A. 3d 1211.

No. 21–7091. *COLEY v. SHAW INDUSTRIES, INC.* C. A. 11th Cir. Certiorari denied.

No. 21–7096. *REED v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 21–7100. *DUNKINS v. PENNSYLVANIA.* Sup. Ct. Pa. Certiorari denied.

No. 21–7104. *SIMMERMAKER v. CEDAR COUNTY SHERIFF’S DEPARTMENT ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 850 Fed. Appx. 463.

No. 21–7108. *RYAN v. MINNESOTA.* Ct. App. Minn. Certiorari denied.

No. 21–7109. *MILLS v. HAMM, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied.

No. 21–7111. *WORTHY v. CORIZON MEDICAL GROUP ET AL.* C. A. 6th Cir. Certiorari denied.

No. 21–7113. *JAKO v. WEST VIRGINIA.* Sup. Ct. App. W. Va. Certiorari denied. Reported below: 245 W. Va. 625, 862 S. E. 2d 474.

No. 21–7114. *SMITH v. FLORIDA.* Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 328 So. 3d 301.

No. 21–7118. *DAVOREN v. MASSACHUSETTS.* App. Ct. Mass. Certiorari denied. Reported below: 99 Mass. App. 1123, 168 N. E. 3d 376.

No. 21–7121. *WILSON v. PHOENIX POLICE DEPARTMENT ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–7122. *WARNER v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2021 IL App (1st) 182539–U.

No. 21–7126. *BUTLER v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

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No. 21–7127. *NWANERI v. QUINN EMANUEL URQUHART & SULLIVAN, LLP*. Ct. App. D. C. Certiorari denied. Reported below: 250 A. 3d 1079.

No. 21–7130. *JOHNSON v. DEFRANCESCO ET AL.* C. A. 10th Cir. Certiorari denied.

No. 21–7131. *JONES v. MITCHELL, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 21–7138. *ECHOLS v. CSX TRANSPORTATION, INC.* C. A. 4th Cir. Certiorari denied.

No. 21–7159. *WILLIAMS v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied.

No. 21–7166. *OZSUSAMLAR v. ADAMS, WARDEN*. C. A. 4th Cir. Certiorari denied.

No. 21–7167. *M. D. v. MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES, CHILD AND FAMILY SERVICES DIVISION, ET AL.* Sup. Ct. Mont. Certiorari denied. Reported below: 405 Mont. 540, 495 P. 3d 81.

No. 21–7172. *ZINMAN v. NOVA SOUTHEASTERN UNIVERSITY ET AL.* C. A. 11th Cir. Certiorari denied.

No. 21–7179. *WILEY v. DEPARTMENT OF VETERANS AFFAIRS ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 848 Fed. Appx. 886.

No. 21–7185. *TATE v. HOGAN, GOVERNOR OF MARYLAND, ET AL.* Ct. Sp. App. Md. Certiorari denied. Reported below: 251 Md. App. 715 and 726.

No. 21–7194. *AVILEZ CANALES v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 21–7197. *SHAFFER v. KANSAS*. Sup. Ct. Kan. Certiorari denied.

No. 21–7198. *AHART v. MASSACHUSETTS*. Sup. Jud. Ct. Mass. Certiorari denied.

No. 21–7200. *JACQUES v. WISCONSIN*. Ct. App. Wis. Certiorari denied.

No. 21–7206. *DUCKWORTH v. ILLINOIS*. App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 2021 IL App (4th) 180740–U.

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No. 21–7207. *BREWER v. NEW YORK*. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 196 App. Div. 3d 1172, 151 N. Y. S. 3d 784.

No. 21–7208. *BAILEY v. NEW YORK LAW SCHOOL ET AL.* C. A. 2d Cir. Certiorari denied.

No. 21–7213. *MCKINNEY v. ARKANSAS*. Ct. App. Ark. Certiorari denied. Reported below: 2021 Ark. App. 235, 626 S. W. 3d 110.

No. 21–7228. *DINGLE v. KENDALL, WARDEN*. C. A. 4th Cir. Certiorari denied.

No. 21–7231. *MCGILLVARY v. NEW JERSEY*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 21–7240. *CARR v. WISCONSIN*. Ct. App. Wis. Certiorari denied. Reported below: 2021 WI App 41, 962 N. W. 2d 268.

No. 21–7250. *FORTUNA v. HUDGINS, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 21–7261. *IFESINACHI v. CIRILLO, WARDEN*. C. A. 3d Cir. Certiorari denied. Reported below: 851 Fed. Appx. 330.

No. 21–7265. *MANNS v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 321 So. 3d 203.

No. 21–7278. *JAMES v. WILCHER, SHERIFF, CHATHAM COUNTY, GEORGIA*. Sup. Ct. Ga. Certiorari denied.

No. 21–7280. *CARROLL v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied. Reported below: 251 Md. App. 711 and 722.

No. 21–7303. *PINCHON v. BYRD, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 21–7308. *COLVIN v. HOWARD UNIVERSITY*. Ct. App. D. C. Certiorari denied. Reported below: 257 A. 3d 474.

No. 21–7310. *KLINE v. JOHNS, REGIONAL ADMINISTRATOR, DEPARTMENT OF HEALTH AND HUMAN SERVICES*. C. A. 9th Cir. Certiorari denied.

No. 21–7320. *CARTER v. IOWA*. Ct. App. Iowa. Certiorari denied. Reported below: 964 N. W. 2d 26.

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No. 21–7330. *RAJAB v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 23 F. 4th 793.

No. 21–7331. *ROBINSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–7332. *SISNERO-GIL v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 21–7333. *PENNY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7334. *NUMANN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 21–7339. *GORDON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 21–7340. *HALL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 21–7341. *FRUIT v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 21–7342. *SALINAS GARCIA v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 21–7343. *HUESTON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 21–7344. *CALLIGAN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 8 F. 4th 499.

No. 21–7345. *ARING v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–7346. *BRULE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7347. *PHILLIPS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–7349. *JOHNSON v. KIJAKAZI, ACTING COMMISSIONER OF SOCIAL SECURITY*. C. A. 6th Cir. Certiorari denied.

No. 21–7351. *CRUZ-POLANCO, AKA HERNANDEZ v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 797 Fed. Appx. 92.

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No. 21–7352. *INTZIN-GUZMAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7353. *CHAVARRIA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7354. *KEEL v. FLORIDA*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 330 So. 3d 26.

No. 21–7355. *VANCE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 21–7356. *JOHNSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 21–7357. *CASTRO-LOPEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7359. *GATTIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7360. *GREENBERG v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 21–7362. *KURTZ v. GRAY, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 21–7367. *SWINDLE v. MA’AT*. C. A. 5th Cir. Certiorari denied.

No. 21–7369. *PARKER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 21–7372. *ABADI v. DEPARTMENT OF TRANSPORTATION*. C. A. 2d Cir. Certiorari denied.

No. 21–7373. *CHAPMAN v. WARDEN, FEDERAL CORRECTIONAL COMPLEX COLEMAN, UNITED STATES PENITENTIARY II*. C. A. 11th Cir. Certiorari denied.

No. 21–7374. *NOGUERA v. DAVIS, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 5 F. 4th 1020.

No. 21–7375. *RODRIGUEZ v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 21–7376. *STAFFORD v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

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No. 21-7382. *HUERTA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21-7385. *ALCARAZ v. WILLIAMS, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21-7386. *CODY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21-7387. *WOOD v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 16 F. 4th 529.

No. 21-7390. *HAILEY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21-7391. *HENDERSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 11 F. 4th 713.

No. 21-7393. *SKAGGS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 23 F. 4th 342.

No. 21-7403. *BREEDEN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 21-7404. *BARAHONA-PAZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21-7405. *GUTTY-NUNEZ v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 21-7409. *STRIZICH v. MONTANA*. Sup. Ct. Mont. Certiorari denied. Reported below: 406 Mont. 391, 499 P. 3d 575.

No. 21-7414. *HAWES v. PACHECO, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 7 F. 4th 1252.

No. 21-7415. *RAUSENBERG v. LANGFORD, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 21-7418. *L'HEUREUX v. WEST VIRGINIA*. Sup. Ct. App. W. Va. Certiorari denied.

No. 21-7423. *KEYES v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied.

No. 21-7427. *SNOW v. ILLINOIS*. App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 2020 IL App (3d) 190051-U.

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No. 21–7429. *RAMON MARTINEZ v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 860 Fed. Appx. 584.

No. 21–7430. *PADILLA ESPINOZA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–788. *APARTMENT ASSOCIATION OF LOS ANGELES COUNTY, INC., DBA APARTMENT ASSOCIATION OF GREATER LOS ANGELES v. CITY OF LOS ANGELES, CALIFORNIA, ET AL.* C. A. 9th Cir. Motion of Foundation for Moral Law for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 10 F. 4th 905.

No. 21–870. *MICHIGAN v. TERRANCE*. Ct. App. Mich. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 2018–01999 (La. 9/30/21), 330 So. 3d 199.

No. 21–871. *LOUISIANA v. BROWN*. Sup. Ct. La. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied.

No. 21–1144. *LEACH ET AL. v. MENTOR WORLDWIDE, LLC*. C. A. 9th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 847 Fed. Appx. 380.

No. 21–5050. *LOVE v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

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

Racial bias is “odious in all aspects,” but “especially pernicious in the administration of justice.” *Buck v. Davis*, 580 U. S. 100, 124 (2017) (internal quotation marks omitted). When racial bias infects a jury in a capital case, it deprives a defendant of his right to an impartial tribunal in a life-or-death context, and it “‘poisons public confidence’ in the judicial process.” *Ibid.* The seating of a racially biased juror, therefore, can never be harmless. As with other forms of disqualifying bias, if even one racially biased juror is empaneled and the death penalty is imposed, “the State is disentitled to execute the sentence,” *Morgan v. Illinois*, 504 U. S. 719, 729 (1992).

In this case, petitioner Kristopher Love, a Black man, claims that one of the jurors in his capital trial was racially biased because the juror asserted during jury selection that “[n]on-white” races were statistically more violent than the white race. 29 Record 145. The Texas Court of Criminal Appeals never considered Love’s claim on the merits. Instead, relying on an inapposite state-law rule, the court concluded that any error was harmless because Love had been provided with two extra peremptory strikes earlier in the jury selection proceeding, which he had used before the juror at issue was questioned. That decision was plainly erroneous. An already-expended peremptory strike is no cure for the seating of an allegedly biased juror. The state court thus deprived Love of any meaningful review of his federal constitutional claim. I would summarily vacate the judgment below and remand for proper consideration.

I

In 2018, a jury convicted Love of capital murder in the course of a robbery that occurred in 2015. Prior to trial, prospective members of the jury filled out a questionnaire that included the following questions:

“68. Do you sometimes personally harbor bias against members of certain races or ethnic groups?

“69. Do you believe that some races and/or ethnic groups tend to be more violent than others?” Jury Questionnaire, p. 12 (Juror 1136B).

To the first question, No. 68, the prospective juror at issue answered, “No.” *Ibid.* But to the second question, No. 69, he answered, “Yes.” *Ibid.* He explained that “[s]tatistics show more violent crimes are committed by certain races. I believe in statistics.” *Ibid.*

During the *voir dire* proceeding that followed, both Love and the State questioned the prospective juror about his response to question No. 69. He explained that he understood “[n]on-white” races to be the “more violent races.” 29 Record 145. He claimed that he had seen statistics to this effect in “[n]ews reports and criminology classes” he had taken. *Id.*, at 144. He stated that his answer to question No. 69 was based on these statistics, rather than his “personal feelings towards one race or another,” *id.*, at 107, and he indicated that he did not “think because of somebody’s

race they're more likely to commit a crime than somebody of a different race," *id.*, at 145. He told defense counsel that he would not feel differently about Love "because he's an African American." *Id.*, at 146.

Following the examination, Love's counsel moved to exclude the prospective juror for cause based on "his stated beliefs that . . . non-whites commit more violent crimes than whites." *Id.*, at 153. Counsel argued that, under Texas law, the first issue the jury would have to decide at sentencing (referred to as Special Issue No. 1) was "whether there is a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society." Tex. Code Crim. Proc. Ann., Art. 37.071, §2(b)(1) (Vernon 2021). Counsel explained that "leaving this man on the jury would be an invitation to leaving someone on there that might make a decision on Special Issue No. 1 that would ultimately lead to a sentence of death on his preconceived notions and beliefs that have to do with the race of the defendant." 29 Record 153–154.

The trial court denied defense counsel's challenge for cause without explanation. At that point, counsel had exhausted all of Love's allotted peremptory challenges and two extra challenges the trial court had previously granted. Love's counsel requested a third additional peremptory challenge in order to strike the prospective juror at issue. The trial court denied that request, again without explanation, and seated the juror on the jury.

At the conclusion of the trial, the jury convicted Love. At sentencing, the jury unanimously concluded that there was a sufficient probability that Love would commit future violent crimes and that there were not sufficient mitigating circumstances to warrant a sentence of life. Accordingly, the trial court sentenced Love to death.

On appeal, Love argued that he was "denied the constitutional right to an impartial jury" because the trial court seated a "racially biased juror." Brief for Appellant in No. AP–77,085 (Tex. Crim. App.), pp. 101–102. Rather than address this federal constitutional claim on the merits, the Court of Criminal Appeals of Texas held that, "even if we assume that the trial court erred in denying Appellant's challenges [to the juror at issue and another prospective juror] for cause," Love could not show any harm under Texas law. 2021 WL 1396409, *24 (Apr. 14, 2021). The court reasoned that the trial judge had previously granted Love

two extra peremptory challenges, which he had already used by the time the prospective juror at issue was called up. Nevertheless, in the state appellate court's view, each extra peremptory challenge operated to cure any harm from the erroneous denial of any challenge for cause. See *ibid.* (citing *Chambers v. State*, 866 S. W. 2d 9, 23 (Tex. Crim. App. 1993) (en banc)). The court concluded that Love could not make out any claim for relief stemming from the juror's alleged bias. See 2021 WL 1396409, *24.

Love now petitions this Court for a writ of certiorari.

II

“[T]he Sixth and Fourteenth Amendments guarantee a defendant on trial for his life the right to an impartial jury.” *Ross v. Oklahoma*, 487 U. S. 81, 85 (1988). Biases capable of destroying a jury's impartiality can take many forms. See *Morgan*, 504 U. S., at 729 (juror who would automatically vote for the death penalty in every case); *Parker v. Gladden*, 385 U. S. 363, 365–366 (1966) (*per curiam*) (prejudicial comments by the bailiff); *Irvin v. Dowd*, 366 U. S. 717, 725–727 (1961) (public opinions and press coverage about the case); *Morford v. United States*, 339 U. S. 258, 259 (1950) (*per curiam*) (potential influence of an executive order requiring loyalty to United States). Whatever the nature of the bias, if a trial court seats a juror who harbors a disqualifying prejudice, the resulting judgment must be reversed. See *United States v. Martinez-Salazar*, 528 U. S. 304, 316 (2000); *Morgan*, 504 U. S., at 729; see also *Rose v. Clark*, 478 U. S. 570, 578 (1986) (“Harmless-error analysis thus presupposes a trial . . . before an impartial judge and jury”).

This Court has recognized that claims of racial bias must be treated “with added precaution” in light of the special danger such bias poses. *Pena-Rodriguez v. Colorado*, 580 U. S. 206, 225 (2017). For instance, when a juror makes a clear statement indicating that racial stereotypes or animus influenced a conviction, the Sixth Amendment requires the trial court to make an exception to the general rule shielding juror deliberations from scrutiny in order “to consider the evidence of the juror's statement and any resulting denial of the jury trial guarantee.” *Ibid.* In addition, in some circumstances, courts must permit defendants to ask questions about prospective jurors' racial biases during *voir dire*. See *Turner v. Murray*, 476 U. S. 28, 36–37 (1986); *Ham v. South Carolina*, 409 U. S. 524, 527 (1973). The principle underlying these

cases is simple: “[R]acial bias in the justice system must be addressed—including, in some instances, after the verdict has been entered.” *Pena-Rodriguez*, 580 U. S., at 225. That is because racial bias is too grave and systemic a threat to the fair administration of justice to be tolerated or ignored.

In this case, no court has meaningfully reviewed Love’s allegations of racial bias in violation of the Sixth and Fourteenth Amendments. Instead, the Court of Criminal Appeals “assume[d]” that the juror at issue was biased, but concluded that allowing him to sit on the jury was harmless. 2021 WL 1396409, *24. That is an inherently contradictory determination. If the juror were indeed biased, then because he sat on the jury, Love’s conviction and sentence “would have to be overturned.” *Ross*, 487 U. S., at 85.

The Court of Criminal Appeals reached its erroneous conclusion by relying upon a state-law rule that has no application to Love’s claim. Texas courts have developed a rule aimed at evaluating the harm when a party is forced to use a peremptory challenge on a juror who should have been excluded for cause, thereby “‘wrongfully depriv[ing]” the party of an allotted challenge. *Hernandez v. State*, 563 S. W. 2d 947, 948 (Tex. Crim. App. 1978) (en banc). In such cases, a trial court can cure any harm from its erroneous ruling by granting an additional peremptory strike. See *Chambers*, 866 S. W. 2d, at 22–23. This rule has no bearing on Love’s federal constitutional claim that a racially biased juror actually sat on his jury and helped convict him and sentence him to death. As to that type of claim, a previously used peremptory strike does not eliminate the need to inquire into the juror’s bias.

The State acknowledges that the Court of Criminal Appeals “never reached the federal issues Love raises,” Brief in Opposition 13, but the State contends that the court’s harmless-error analysis constitutes an independent and adequate ground for the judgment below, precluding this Court’s jurisdiction. See *Foster v. Chatman*, 578 U. S. 488, 497 (2016). As already shown, however, the state harmless-error rule was not “an ‘adequate’ basis for the court’s decision” on Love’s federal claim. *Ibid.* Indeed, in this situation, the rule is entirely beside the point. The State’s jurisdictional argument therefore fails.

The State also predicts that, on the merits, Love’s claim would be rejected if it were reviewed, especially given the deference owed to the trial court’s assessment of prospective jurors. A

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reviewing court should give the trial judge appropriate deference, see *Uttecht v. Brown*, 551 U. S. 1, 7 (2007), but it may not turn a blind eye to claims of bias entirely. The merits of Love’s claim should be reviewed by the Court of Criminal Appeals in the first instance. As this Court has often said, “[w]e are a court of review, not of first view.” *Manuel v. Joliet*, 580 U. S. 357, 372 (2017); see *Sandstrom v. Montana*, 442 U. S. 510, 527 (1979) (“As none of these issues was considered by the Supreme Court of Montana, we decline to reach them as an initial matter here”).

* * *

Over time, we have endeavored to cleanse our jury system of racial bias. One of the most important mechanisms for doing so, questioning during *voir dire*, was properly employed here to identify a potential claim of bias. Safeguards like this, however, are futile if courts do not even consider claims of racial bias that litigants bring forward. The task of reviewing the record to determine whether a juror was fair and impartial is challenging, but it must be undertaken, especially when a person’s life is on the line. I would ensure that Love’s claim is heard by the Court of Criminal Appeals, rather than leave these questions unanswered. I respectfully dissent.

No. 21–7366. *ROGERS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition.

Rehearing Denied

No. 21–8. *PENNINGTON-THURMAN v. FEDERAL HOME LOAN MORTGAGE CORPORATION ET AL.*, 595 U. S. 955;

No. 21–787. *RUSSOMANNO v. DUGAN ET AL.*, 595 U. S. 1272;

No. 21–815. *PIERSON v. ROGOW ET AL.*, 595 U. S. 1220;

No. 21–5557. *MILLER v. GOVERNMENT EMPLOYEES INSURANCE CO. ET AL.*, 595 U. S. 1044;

No. 21–5938. *JOHNSON v. ELECTRONIC TRANSACTION CONSULTANTS, LLC*, 595 U. S. 1122;

No. 21–6172. *SULZNER v. UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF IOWA*, 595 U. S. 1145;

No. 21–6444. *IN RE KNOCHER*, 595 U. S. 1218;

No. 21–6470. *KOGIANES v. JENSEN ET AL.*, 595 U. S. 1227;

No. 21–6498. *HYE-YOUNG PARK v. BOARD OF TRUSTEES FOR THE UNIVERSITY OF ILLINOIS ET AL.*, 595 U. S. 1228;

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- No. 21–6571. *BENITEZ v. MISSISSIPPI*, 595 U. S. 1156;
No. 21–6588. *ANDERSON v. WRIGHT, WARDEN, ET AL.*, 595 U. S. 1230;
No. 21–6694. *BRANTLEY v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES*, 595 U. S. 1233;
No. 21–6709. *WIJE v. UNITED STATES*, 595 U. S. 1234;
No. 21–6840. *BART v. UNITED STATES*, 595 U. S. 1238;
No. 21–6910. *CRUZADO-LAUREANO v. MULDROW*, 595 U. S. 1240; and
No. 21–7005. *DEVORE v. BLACK, WARDEN*, 595 U. S. 1255. Petitions for rehearing denied.
- No. 21–881. *SHAO v. MCMANIS FAULKNER, LLP*, 595 U. S. 1222. Petition for rehearing denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition.
- No. 21–934. *WEINBACH v. BOEING CO. ET AL.*, 595 U. S. 1248. Petition for rehearing denied. JUSTICE ALITO took no part in the consideration or decision of this petition.
- No. 21–6979. *JOHNSTON v. UNITED STATES*, 595 U. S. 1265. Petition for rehearing denied. JUSTICE BARRETT took no part in the consideration or decision of this petition.

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Miscellaneous Orders

No. 21A632. *BUNTION v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 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.

Statement of JUSTICE BREYER respecting the denial of application for stay.

This case illustrates a serious legal and practical problem with the death penalty as it is currently administered. As I have previously noted, Carl Wayne Buntion has been on death row under threat of execution for 30 years. *Buntion v. Lumpkin*, 595 U. S. 988 (2021) (statement respecting denial of certiorari). Twenty of those years, he tells us, were spent in solitary confinement. *Ibid.* We have described even four weeks of waiting in prison under the threat of execution as “one of the

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most horrible feelings to which [a person] can be subjected.” *In re Medley*, 134 U. S. 160, 172 (1890). Buntion has suffered under such conditions for decades. When efforts to administer the death penalty produce results such as this, it raises serious questions about whether that practice complies with the Constitution’s prohibition against cruel and unusual punishment. I have expressed concerns about the constitutionality of the death penalty in the past, and I am compelled to do so again in light of the facts and history of Buntion’s case. See, e. g., *Hamm v. Dunn*, 583 U. S. 1153 (2018) (statement respecting denial of application for stay and denial of certiorari); *Smith v. Ryan*, 581 U. S. 954, 955 (2017) (statement respecting denial of certiorari); *Glossip v. Gross*, 576 U. S. 863, 908 (2015) (dissenting opinion).

No. 21–7670 (21A631). *IN RE SMITH*. Application for stay of execution of sentence of death, presented to JUSTICE KAVANAUGH, and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

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Certiorari Dismissed

No. 21–7193. *YEYILLE v. SPEIGEL*. 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.

No. 21–7203. *HEJAZI v. SCHWAB*. Ct. App. Ore. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

Miscellaneous Orders

No. 21A590. *COALITION FOR TJ v. FAIRFAX COUNTY SCHOOL BOARD ET AL.* C. A. 4th Cir. Application to vacate stay, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. JUSTICE THOMAS, JUSTICE ALITO, and JUSTICE GORSUCH would grant the application to vacate the stay.

No. 21M104. *MCCULLOUGH v. PENNSYLVANIA*. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 21–511. *SHOOP, WARDEN v. TWYFORD*. C. A. 6th Cir. [Certiorari granted, 595 U. S. 1162.] Motion of respondent for

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appointment of counsel granted, and Michael J. Benza, Esq., of Chagrin Falls, Ohio, is appointed to serve as counsel for respondent in this case.

No. 21–7142. *HOLMES v. BLUE CROSS BLUE SHIELD OF SOUTH CAROLINA, INC., ET AL.* C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until May 16, 2022, 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. 21–7143. *GREGORY v. UNITED STATES.* C. A. 11th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [595 U. S. 1281] denied. JUSTICE KAGAN took no part in the consideration or decision of this motion.

No. 21–7497. *IN RE MURPHY*;

No. 21–7541. *IN RE JAMES*; and

No. 21–7551. *IN RE JENDRZEJEWSKI.* Petitions for writs of habeas corpus denied.

Certiorari Granted

No. 21–1168. *MALLORY v. NORFOLK SOUTHERN RAILWAY CO.* Sup. Ct. Pa. Certiorari granted. Reported below: 266 A. 3d 542.

No. 21–442. *REED v. GOERTZ ET AL.* C. A. 5th Cir. Motion of Constitutional Accountability Center for leave to file brief as *amicus curiae* granted. Certiorari granted. Reported below: 995 F. 3d 425.

Certiorari Denied

No. 21–658. *CANALES v. PAXTON, ATTORNEY GENERAL OF TEXAS, ET AL.* Ct. App. Tex., 3d Dist. Certiorari denied.

No. 21–719. *SANDWICH ISLES COMMUNICATIONS, INC. v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 992 F. 3d 1355.

No. 21–740. *PAULUS v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

No. 21–752. *HAMMOND v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 996 F. 3d 374.

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No. 21–760. *KELLY, GOVERNOR OF KANSAS, ET AL. v. ANIMAL LEGAL DEFENSE FUND ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 9 F. 4th 1219.

No. 21–890. *GASPEE PROJECT ET AL. v. MEDEROS ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 13 F. 4th 79.

No. 21–997. *BRNOVICH, ATTORNEY GENERAL OF ARIZONA, ET AL. v. ARIZONA ATTORNEYS FOR CRIMINAL JUSTICE ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–1136. *M. S. v. J. B.* App. Ct. Mass. Certiorari denied. Reported below: 100 Mass. App. 1105, 173 N. E. 3d 57.

No. 21–1146. *MCCLAIN v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 21–1147. *UZIEL v. SUPERIOR COURT OF CALIFORNIA, LOS ANGELES COUNTY, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 857 Fed. Appx. 405.

No. 21–1152. *DEEM v. DiMELLA-DEEM.* Ct. App. N. Y. Certiorari denied. Reported below: 36 N. Y. 3d 1106, 168 N. E. 3d 391.

No. 21–1163. *BABURKA v. TOWNSHIP OF HAZLET, NEW JERSEY, ET AL.* Super. Ct. N. J., App. Div. Certiorari denied.

No. 21–1171. *CADILLAC OF NAPERVILLE, INC. v. NATIONAL LABOR RELATIONS BOARD.* C. A. D. C. Cir. Certiorari denied. Reported below: 14 F. 4th 703.

No. 21–1175. *JEAN-BAPTISTE v. DEPARTMENT OF JUSTICE ET AL.* Ct. App. D. C. Certiorari denied.

No. 21–1177. *FETNER v. MCCARTHY.* C. A. 4th Cir. Certiorari denied. Reported below: 850 Fed. Appx. 860.

No. 21–1180. *JORDAN v. DEPARTMENT OF LABOR.* C. A. 8th Cir. Certiorari denied.

No. 21–1182. *JORGE GONZALEZ v. GARLAND, ATTORNEY GENERAL.* C. A. 5th Cir. Certiorari denied.

No. 21–1183. *HERRERA ACOSTA v. GARLAND, ATTORNEY GENERAL.* C. A. 6th Cir. Certiorari denied. Reported below: 859 Fed. Appx. 733.

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No. 21–1196. *JOHANNSONGS-PUBLISHING, LTD. v. PEERMUSIC LTD. ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–1206. *PAGE v. BIDEN, PRESIDENT OF THE UNITED STATES.* C. A. D. C. Cir. Certiorari denied.

No. 21–1207. *KLENCK v. LIBERTY UNIVERSITY ET AL.* Sup. Ct. Fla. Certiorari denied.

No. 21–1220. *COUNTY OF SACRAMENTO, CALIFORNIA, ET AL. v. THOMAS.* C. A. 9th Cir. Certiorari denied.

No. 21–1248. *SNOQUALMIE INDIAN TRIBE v. WASHINGTON ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 8 F. 4th 853.

No. 21–1251. *IBARGUEN v. NEW YORK.* Ct. App. N. Y. Certiorari denied. Reported below: 37 N. Y. 3d 1107, 178 N. E. 3d 917.

No. 21–1275. *ADESIOYE v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

No. 21–1288. *LIBERTARIAN PARTY OF ALABAMA v. MERRILL, ALABAMA SECRETARY OF STATE.* C. A. 11th Cir. Certiorari denied.

No. 21–1291. *MUSCHETTE v. UNITED STATES.* C. A. 2d Cir. Certiorari denied.

No. 21–1293. *SCUDERO v. ALASKA.* Sup. Ct. Alaska. Certiorari denied. Reported below: 496 P. 3d 381.

No. 21–1300. *GABRIELE ET AL. v. SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 1000, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–1305. *MUNOZ v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 21–1306. *PENNING v. SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 1021, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–6453. *NISHIE, AKA SUH JAE HON v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 996 F. 3d 1013.

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No. 21–6466. *GIBBS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–6954. *JURADO v. DAVIS, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 12 F. 4th 1084.

No. 21–7132. *SWOPES v. OHIO*. Ct. App. Ohio, 8th App. Dist., Cuyahoga County. Certiorari denied.

No. 21–7144. *GRASS v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 21–7145. *HALL v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2020 IL App (1st) 170671–U.

No. 21–7146. *A. W. v. DISTRICT OF COLUMBIA*. Ct. App. D. C. Certiorari denied. Reported below: 263 A. 3d 143.

No. 21–7150. *CAMERON v. HOOPER, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 21–7155. *BINBING XIE v. YAN FANG CHEN*. Ct. App. N. Y. Certiorari denied.

No. 21–7160. *BROWN v. OKLAHOMA*. Sup. Ct. Okla. Certiorari denied.

No. 21–7165. *MIDDLETON v. GREENE, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 21–7173. *SNELL v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 21–7178. *VALLS v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied.

No. 21–7180. *NGUYEN v. CACHE CREEK CASINO RESORT*. C. A. 9th Cir. Certiorari denied.

No. 21–7182. *SMITH v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 320 So. 3d 230.

No. 21–7186. *HALL v. MAYS, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 7 F. 4th 433.

No. 21–7192. *WILKINS v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

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No. 21–7201. *JONES v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 21–7209. *NUNO-VELASCO v. SISOLAK, GOVERNOR OF NEVADA*. Ct. App. Nev. Certiorari denied. Reported below: 137 Nev. 946, 496 P. 3d 602.

No. 21–7211. *TAYLOR v. KENDALL LAW GROUP, P. L. L. C., ET AL.* C. A. 5th Cir. Certiorari denied.

No. 21–7212. *PORTER v. CUNNINGHAM*. App. Ct. Ill., 2d Dist. Certiorari denied.

No. 21–7217. *TWOBABIES v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 21–7235. *RICKS v. HOOPER, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 21–7260. *MACKIE v. MASSACHUSETTS*. App. Ct. Mass. Certiorari denied. Reported below: 100 Mass. App. 1114, 178 N. E. 3d 915.

No. 21–7263. *HALFORD v. LOUISIANA*. Ct. App. La., 1st Cir. Certiorari denied. Reported below: 2020–0585 (La. App. 1 Cir. 6/4/21), 327 So. 3d 1004.

No. 21–7302. *PETERSON v. KANSAS*. Ct. App. Kan. Certiorari denied. Reported below: 21 Kan. App. 2d xxxv, 493 P. 3d 311.

No. 21–7311. *BALDWIN v. OFFICE OF INJURED EMPLOYEE COUNSEL*. C. A. 5th Cir. Certiorari denied. Reported below: 843 Fed. Appx. 656.

No. 21–7358. *ELLIOTT v. LITTLE, ACTING SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 21–7371. *COLLINS v. ALABAMA*. Sup. Ct. Ala. Certiorari denied.

No. 21–7384. *LAUE v. LOUISIANA*. Ct. App. La., 1st Cir. Certiorari denied. Reported below: 2020–0225 (La. App. 1 Cir. 12/30/20), 326 So. 3d 267.

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No. 21-7413. *FOLKS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 21-7420. *PIERCE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 14 F. 4th 170.

No. 21-7424. *RUIZ v. WYOMING*. Sup. Ct. Wyo. Certiorari denied.

No. 21-7428. *CALDWELL v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 21-7431. *NOBLES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21-7433. *PARKER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21-7434. *WILLIAMS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 21-7438. *HORNE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 21-7440. *KERR v. GOMEZ, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 21-7442. *OLESTON v. WISCONSIN*. Sup. Ct. Wis. Certiorari denied.

No. 21-7443. *ARENAS-TELLEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21-7444. *SADIQULLAH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 21-7445. *RIOS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21-7448. *GARZA-LIMONES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21-7450. *WALDMAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21-7451. *BELL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

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No. 21–7458. *WILLIAMSON v. CLENDENION, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 21–7459. *CATCHINGS, AKA BROWN, AKA CATCHING v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 21–7460. *SMITH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 21–7461. *ROOKS-BYRD v. NEBRASKA*. Ct. App. Neb. Certiorari denied.

No. 21–7462. *BURTON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 21–7463. *SANDFORD v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 859 Fed. Appx. 602.

No. 21–7474. *JESSIE D. v. ARIZONA DEPARTMENT OF CHILD SAFETY ET AL.* Sup. Ct. Ariz. Certiorari denied. Reported below: 251 Ariz. 574, 495 P. 3d 914.

No. 21–7476. *DANTZLER v. REWERTS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 21–7479. *SMITH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 21–7480. *MOORE v. TOMPKIS*. C. A. 11th Cir. Certiorari denied.

No. 21–7482. *JEAN-LOUIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7483. *AGUILERA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7484. *SCHOONOVER v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 2021 IL 124832, 190 N. E. 3d 802.

No. 21–7486. *GOODALL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 21 F. 4th 555.

No. 21–7487. *FISHER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–7488. *GONZALEZ ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 858 Fed. Appx. 249.

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No. 21–7494. *SAMUELS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7495. *TRAVIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7502. *ELMORE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 18 F. 4th 193.

No. 21–7516. *BOOTH v. GEORGIA*. Sup. Ct. Ga. Certiorari denied.

No. 21–819. *BAXTER CORPORATION ENGLEWOOD v. BECTON, DICKINSON & CO.* C. A. Fed. Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 998 F. 3d 1337.

No. 21–995. *JAM ET AL. v. INTERNATIONAL FINANCE CORP.* C. A. D. C. Cir. Certiorari denied. JUSTICE KAVANAUGH took no part in the consideration or decision of this petition. Reported below: 3 F. 4th 405.

No. 21–1151. *ARMSTRONG v. SCHOOL DISTRICT OF PHILADELPHIA*. C. A. 3d Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 21–1202. *SMITH v. CADLE ET AL.* C. A. 6th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 21–1303. *WALSH ET AL. v. COHEN, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED, ET AL.* C. A. 1st Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. Reported below: 16 F. 4th 935.

No. 21–7187. *JOZWIAK v. RAYTHEON MISSILE SYSTEMS ET AL.* C. A. 9th Cir. Certiorari denied. JUSTICE BREYER and JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 857 Fed. Appx. 903.

No. 21–7477. *CRUZ-RIVERA v. UNITED STATES*. C. A. 7th Cir. Certiorari before judgment denied.

Rehearing Denied

No. 21–201. *ABDELNABI v. SEKIK*, 595 U. S. 1277;

No. 21–925. *MONTERO v. UNITED STATES*, 595 U. S. 1224;

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No. 21–1032. *BERRY v. FEDERAL BUREAU OF INVESTIGATION ET AL.*, 595 U. S. 1273;

No. 21–5707. *GITTENS v. PAVLACK, JUDGE, COURT OF COMMON PLEAS OF PENNSYLVANIA, LEHIGH COUNTY*, 595 U. S. 1074;

No. 21–5739. *IFECHUKWU v. GARLAND, ATTORNEY GENERAL*, 595 U. S. 1046;

No. 21–6311. *GAYLORD v. McDONOUGH, SECRETARY OF VETERANS AFFAIRS*, 595 U. S. 1167;

No. 21–6380. *GIBBS v. HAMILTON, WARDEN*, 595 U. S. 1151;

No. 21–6497. *HYE-YOUNG PARK v. BRUCE*, 595 U. S. 1228;

No. 21–6515. *MORRIS v. WORLEY ET AL.*, 595 U. S. 1229;

No. 21–6783. *WARFIELD v. DEPARTMENT OF THE AIR FORCE ET AL.*, 595 U. S. 1274;

No. 21–7140. *GULLETT-EL v. UNITED STATES*; and *GULLETT-EL v. SALAS ET AL.*, 595 U. S. 1292; and

No. 21–7141. *IN RE GULLETT-EL*, 595 U. S. 1282. Petitions for rehearing denied.

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Certiorari Dismissed

No. 21–7304. *TORRES v. NEW YORK CITY POLICE DEPARTMENT ET AL.* C. A. 2d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. 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. 21M105. *IN RE GRAND JURY*. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

No. 21M106. *SUBDIAZ-OSORIO v. HUMPHREYS*. Motion to direct the Clerk to file petition for writ of certiorari out of time denied. JUSTICE BARRETT took no part in the consideration or decision of this motion.

No. 21–432. *ARELLANO v. McDONOUGH, SECRETARY OF VETERANS AFFAIRS*. C. A. Fed. Cir. [Certiorari granted, 595 U. S.

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1218.] Motion of petitioner to dispense with printing joint appendix granted.

No. 21–867. MIDWEST AIR TRAFFIC CONTROL SERVICE, INC. *v.* BADILLA ET AL. C. A. 2d Cir.; and

No. 21–1043. ABITRON AUSTRIA GMBH ET AL. *v.* HETRONIC INTERNATIONAL, INC. C. A. 10th Cir. The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

No. 21–954. BIDEN, PRESIDENT OF THE UNITED STATES, ET AL. *v.* TEXAS ET AL. C. A. 5th Cir. [Certiorari granted, 595 U. S. 1213.] The parties are directed to file supplemental briefs addressing the following questions: “(1) Whether 8 U. S. C. § 1252(f)(1) imposes any jurisdictional or remedial limitations on the entry of injunctive relief, declaratory relief, or relief under 5 U. S. C. § 706. (2) Whether such limitations are subject to forfeiture. (3) Whether this Court has jurisdiction to consider the merits of the questions presented in this case.” Briefs, not to exceed 6,000 words, are to be filed simultaneously with the Clerk and served upon opposing counsel on or before 5 p.m., Monday, May 9, 2022. *Amicus curiae* briefs, not to exceed 3,000 words, may be filed with the Clerk and served upon counsel on or before 5 p.m., Monday, May 9, 2022. Reply briefs, not to exceed 3,000 words, are to be filed simultaneously with the Clerk and served upon opposing counsel on or before 5 p.m., Friday, May 13, 2022.

No. 21–1236. IN RE KYKO GLOBAL INC. ET AL.;

No. 21–7246. IN RE HARRIS; and

No. 21–7540. IN RE HARRIS. Petitions for writs of mandamus denied.

Certiorari Granted

No. 21–908. BARTENWERFER *v.* BUCKLEY. C. A. 9th Cir. Certiorari granted. Reported below: 860 Fed. Appx. 544.

No. 21–984. HELIX ENERGY SOLUTIONS GROUP, INC., ET AL. *v.* HEWITT. C. A. 5th Cir. Certiorari granted. Reported below: 15 F. 4th 289.

No. 21–806. HEALTH AND HOSPITAL CORPORATION OF MARION COUNTY, ET AL. *v.* TALEVSKI, BY HIS NEXT FRIEND TALEVSKI. C. A. 7th Cir. Motion to substitute Ivanka Talevski,

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as authorized representative, as respondent in place of Gorgi Talevski, deceased, granted. Certiorari granted. Reported below: 6 F. 4th 713.

Certiorari Denied

No. 21-728. NUÑEZ ET AL. *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 1 F. 4th 976.

No. 21-764. HUFF *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 311 So. 3d 880.

No. 21-770. HAWKINS *v.* BANKS. C. A. 8th Cir. Certiorari denied. Reported below: 999 F. 3d 521.

No. 21-842. DONELSON *v.* AMERIPRISE FINANCIAL SERVICES, INC., ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 999 F. 3d 1080.

No. 21-852. LISCHEWSKI *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 860 Fed. Appx. 512.

No. 21-900. CITY OF CINCINNATI, OHIO, ET AL. *v.* LAMAR ADVANTAGE GP Co., LLC, ET AL. Sup. Ct. Ohio. Certiorari denied.

No. 21-941. GASTELUM *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 11 F. 4th 898.

No. 21-942. CLARK COUNTY BANCORPORATION *v.* FEDERAL DEPOSIT INSURANCE CORPORATION, AS RECEIVER FOR BANK OF CLARK COUNTY. C. A. 9th Cir. Certiorari denied. Reported below: 848 Fed. Appx. 321.

No. 21-943. LUNDERGAN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 8 F. 4th 454.

No. 21-1027. GREEN HAVEN PREPARATIVE MEETING ET AL. *v.* NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 16 F. 4th 67.

No. 21-1154. SPEECH & LANGUAGE CENTER, LLC, ET AL. *v.* HORIZON BLUE CROSS BLUE SHIELD OF NEW JERSEY. Sup. Ct. N. J. Certiorari denied.

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No. 21–1174. *SWEET v. THORNTON MELLON, LLC, ET AL.* Ct. Sp. App. Md. Certiorari denied. Reported below: 251 Md. App. 726.

No. 21–1176. *GUAN v. BING RAN.* Sup. Ct. Va. Certiorari denied.

No. 21–1178. *GUNAWARDANA ET VIR v. AMERICAN VETERINARY MEDICAL ASSN. ET AL.* C. A. 7th Cir. Certiorari denied.

No. 21–1261. *ANGELES v. GARLAND, ATTORNEY GENERAL.* C. A. 5th Cir. Certiorari denied.

No. 21–1273. *LAZZERINI v. OHIO.* Ct. App. Ohio, 5th App. Dist., Stark County. Certiorari denied. Reported below: 2021-Ohio-1998, 173 N. E. 3d 907.

No. 21–1314. *UNITED STATES EX REL. FOREMAN v. AECOM ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 19 F. 4th 85.

No. 21–1318. *BOGOMOL v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 21–1325. *ESTATE OF ROIG, BY AND THROUGH ITS PERSONAL REPRESENTATIVE OLIVERA, ET AL. v. UNITED PARCEL SERVICE, INC., ET AL.* C. A. 11th Cir. Certiorari denied.

No. 21–6424. *JOUBERT v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 21–6456. *CARTER v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 857 Fed. Appx. 804.

No. 21–6734. *EPPERSON v. KENTUCKY.* Sup. Ct. Ky. Certiorari denied.

No. 21–7218. *MATTHEWS v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 21–7223. *DELARA v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied.

No. 21–7224. *ALCEGAIRE v. FLORIDA.* Sup. Ct. Fla. Certiorari denied. Reported below: 326 So. 3d 656.

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No. 21–7229. *TALIANI v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 2021 IL 125891, 174 N. E. 3d 503.

No. 21–7232. *REBERGER v. KOEHN ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 856 Fed. Appx. 656.

No. 21–7241. *JOHNSON v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 258 A. 3d 559.

No. 21–7242. *KELLY v. TEXAS*. Ct. App. Tex., 9th Dist. Certiorari denied.

No. 21–7243. *JOHNSON v. DALTON*. C. A. 10th Cir. Certiorari denied.

No. 21–7244. *MERRITTE v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied.

No. 21–7247. *HERRIOTT v. JACKSON*. C. A. 4th Cir. Certiorari denied. Reported below: 846 Fed. Appx. 210.

No. 21–7248. *GARCIA v. ROBINSON*. Ct. App. Ariz. Certiorari denied.

No. 21–7251. *HUDSON v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 21–7253. *SAMBOLIN-ROBLES v. CORRECTIONS ADMINISTRATION*. C. A. 1st Cir. Certiorari denied.

No. 21–7254. *HANF v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 21–7255. *HOPE v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 21–7257. *STONE v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 21–7262. *GUZMAN v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 21–7264. *GORE v. SKROPAS ET AL.* C. A. 9th Cir. Certiorari denied.

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No. 21–7267. *THIETJE v. CLARK, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 21–7273. *DIZZLEY v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA*. C. A. 4th Cir. Certiorari denied. Reported below: 850 Fed. Appx. 853.

No. 21–7275. *NOWAKOWSKI v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 260 A. 3d 135.

No. 21–7277. *JONES v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 242 A. 3d 396.

No. 21–7281. *DEBNAM v. SALAZAR, SHERIFF, BEXAR COUNTY, TEXAS, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 21–7282. *BLAND v. ALLISON, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 859 Fed. Appx. 232.

No. 21–7283. *MATTHEWS v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 21–7288. *CHATMON v. PAYNE, DIRECTOR, ARKANSAS DIVISION OF CORRECTION, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 21–7290. *CAUDLE v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 21–7312. *VIVEIROS v. MASSACHUSETTS*. App. Ct. Mass. Certiorari denied. Reported below: 100 Mass. App. 1109, 175 N. E. 3d 1241.

No. 21–7328. *GLEN S. v. CONNECTICUT*. App. Ct. Conn. Certiorari denied. Reported below: 207 Conn. App. 56, 261 A. 3d 805.

No. 21–7378. *LONG v. OREGON STATE BAR*. Sup. Ct. Ore. Certiorari denied. Reported below: 368 Ore. 452, 491 P. 3d 783.

No. 21–7399. *CLAYTON v. DEJOY, POSTMASTER GENERAL, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 854 Fed. Appx. 772.

No. 21–7416. *EWERS v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

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No. 21–7419. *MULGADO v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 326 So. 3d 1099.

No. 21–7437. *HUTCHINSON v. ZAKEN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GREENE, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 860 Fed. Appx. 246.

No. 21–7467. *MURACA v. SECURITIES AND EXCHANGE COMMISSION*. C. A. 1st Cir. Certiorari denied.

No. 21–7469. *WHITE v. ERDOS, WARDEN, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 21–7491. *CHARLES v. OFFICE OF PERSONNEL MANAGEMENT ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–7509. *FERREIRA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–7510. *LOPEZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–7517. *ANIMASHAUN, AKA ANIMSHAUN v. REGNER*. C. A. 2d Cir. Certiorari denied.

No. 21–7519. *TAMEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7520. *WILSON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 21–7524. *STASZAK v. YATES, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 21–7529. *MINCE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7530. *WEADICK v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 21–7534. *GALLAGHER v. CAPELLA EDUCATION CO. ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–7535. *GUTIERREZ v. SHELTON ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–7538. *ALSTON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

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No. 21–7543. *CASTILLO-CHAVEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7544. *SALTER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–7547. *GONZALEZ v. YATES, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 21–7549. *PALACIOS-MARTINEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7550. *NEAL v. NEAL*. Ct. App. Ore. Certiorari denied. Reported below: 309 Ore. App. 420, 480 P. 3d 941.

No. 21–7557. *ANDREA GONZALEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 21–7560. *ANDRES-TOMAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7561. *DUARTE-PINEDA v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 21–7563. *KATES v. NEW YORK*. C. A. 2d Cir. Certiorari denied.

No. 21–7564. *KIEFFER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7567. *RHYMES v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 827 Fed. Appx. 266.

No. 21–219. *CLEAR CHANNEL OUTDOOR, LLC v. RAYMOND, DIRECTOR, DEPARTMENT OF FINANCE OF BALTIMORE CITY*. Ct. App. Md. Motion of Out of Home Advertising Association of America for leave to file brief as *amicus curiae* denied. Reported below: 472 Md. 444, 247 A. 3d 740.

No. 21–1317. *MCCALL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 21–7542 (21A606). *DECK v. BLAIR, WARDEN*. Sup. Ct. Mo. Application for stay of execution of sentence of death, presented to JUSTICE KAVANAUGH, and by him referred to the Court, denied. Certiorari denied.

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Rehearing Denied

No. 21–909. *KHAI QUANG BUI v. RUIZ CABAELLERO*, 595 U. S. 1223;

No. 21–6612. *CAVITT v. MASSACHUSETTS*, 595 U. S. 1231;

No. 21–6696. *L. W. v. TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES*, 595 U. S. 1234;

No. 21–6800. *MURSHID v. MISSISSIPPI*, 595 U. S. 1237;

No. 21–6845. *IN RE SMITH*, 595 U. S. 1282; and

No. 21–6898. *STEVENS ET AL. v. WHITMORE*, 595 U. S. 1290. Petitions for rehearing denied.

No. 21–5862. *LAMB v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.*, 595 U. S. 1096; and

No. 21–6033. *FRANCIS v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 595 U. S. 1098. Motions for leave to file petitions for rehearing denied.

MAY 3, 2022

Dismissal Under Rule 46

No. 21–759. *WEBUILDTHEWALL, INC. v. UNITED STATES*. C. A. 2d Cir. Certiorari dismissed under this Court’s Rule 46. Reported below: 850 Fed. Appx. 125.

MAY 11, 2022

Certiorari Denied

No. 21–7829. *DIXON v. SHINN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, REHABILITATION AND REENTRY*. C. A. 9th 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: 33 F. 4th 1050.

MAY 16, 2022

Certiorari Dismissed

No. 21–7286. *JOHNSTON v. WARD ET AL.* C. A. 7th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. 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

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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 BARRETT took no part in the consideration or decision of this motion and this petition.

No. 21–7361. *WATSON v. WITTY ET AL.* C. A. 8th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

Miscellaneous Orders

No. 21M107. *NIEVES v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*;

No. 21M108. *WHITE v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*;

No. 21M110. *BENSON v. RIVERSIDE COUNTY SHERIFF’S DEPARTMENT ET AL.*;

No. 21M111. *MARTINEAU v. ARIZONA*; and

No. 21M114. *HARRIS v. UNITED STATES*. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 21M109. *MEYER v. UNITED STATES*. Motion for leave to file petition for writ of certiorari with supplemental appendix under seal granted.

No. 21M112. *PEARSON v. UNITED STATES*. Motion for leave to file petition for writ of certiorari with the declaration of indigency under seal granted.

No. 21M113. *SEALED APPELLANT v. SEALED APPELLEE ET AL.* Motion for leave to file petition for writ of certiorari under seal denied.

No. 21–86. *AXON ENTERPRISE, INC. v. FEDERAL TRADE COMMISSION ET AL.* C. A. 9th Cir. [Certiorari granted, 595 U. S. 1184.] Motion of petitioner to dispense with printing joint appendix granted.

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No. 21–468. NATIONAL PORK PRODUCERS COUNCIL ET AL. *v.* ROSS, SECRETARY OF THE CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE, ET AL. C. A. 9th Cir. [Certiorari granted, 596 U. S. 901–902.] Motion of petitioners to dispense with printing joint appendix granted.

No. 21–936. UNITED STATES ET AL. EX REL. OWSLEY *v.* FAZZI ASSOCIATES, INC., ET AL. C. A. 6th Cir.; and

No. 21–968. FAIRFAX COUNTY SCHOOL BOARD *v.* DOE. C. A. 4th Cir. The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

No. 21–6829. DONMEZ *v.* NEW YORK CITY DEPARTMENT OF CONSUMER AFFAIRS ET AL. C. A. 2d Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [595 U. S. 1282] denied.

No. 21–7205. HOLLAND *v.* UNITED STATES. C. A. Fed. Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [596 U. S. 901] denied.

No. 21–7237. DALEN *v.* SOUTH CAROLINA. Ct. App. S. C. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [596 U. S. 912] denied.

No. 21–7408. DINGLE *v.* BAGGETT, JUDGE, ET AL. C. A. 4th Cir.; and

No. 21–7627. HEARN *v.* DEJOY, POSTMASTER GENERAL. C. A. 7th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until June 6, 2022, 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. 21–7649. IN RE MCNEIL. Petition for writ of habeas corpus denied.

No. 21–1280. IN RE CORDOVA;

No. 21–1286. IN RE GRIFFIN; and

No. 21–1287. IN RE GRIFFIN. Petitions for writs of mandamus denied.

Certiorari Granted

No. 21–857. JONES *v.* HENDRIX, WARDEN. C. A. 8th Cir. Certiorari granted. Reported below: 8 F. 4th 683.

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No. 21–1239. SECURITIES AND EXCHANGE COMMISSION ET AL. *v.* COCHRAN. C. A. 5th Cir. Certiorari granted. Reported below: 20 F. 4th 194.

Certiorari Denied

No. 20–1229. ROBERTSON *v.* INTRATEK COMPUTER, INC. C. A. 5th Cir. Certiorari denied. Reported below: 976 F. 3d 575.

No. 20–1394. PERSONALWEB TECHNOLOGIES, LLC *v.* PATREON, INC., ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 961 F. 3d 1365.

No. 21–835. FLOWERS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 6 F. 4th 651.

No. 21–948. EDUCATIONAL COMMISSION FOR FOREIGN MEDICAL GRADUATES *v.* RUSSELL ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 15 F. 4th 259.

No. 21–1056. UNIVERSAL SECURE REGISTRY LLC *v.* APPLE INC. ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 10 F. 4th 1342.

No. 21–1057. ORACLE CORP. *v.* HEWLETT-PACKARD Co. Ct. App. Cal., 6th App. Dist. Certiorari denied. Reported below: 65 Cal. App. 5th 506, 280 Cal. Rptr. 3d 21.

No. 21–1068. LION RAISINS, INC., ET AL. *v.* ROSS. Ct. App. Cal., 3d App. Dist. Certiorari denied. Reported below: 64 Cal. App. 5th 718, 279 Cal. Rptr. 3d 222.

No. 21–1074. DI CARLO *v.* SWARTZ ET AL. C. A. 6th Cir. Certiorari denied.

No. 21–1082. LEONARD *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 4 F. 4th 1134.

No. 21–1090. CALVERT *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 21–1157. SPENCER *v.* COLORADO. Ct. App. Colo. Certiorari denied.

No. 21–1200. PHILIPS *v.* PITT COUNTY MEMORIAL HOSPITAL, INC. C. A. 9th Cir. Certiorari denied. Reported below: 855 Fed. Appx. 324.

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No. 21–1204. *CITY OF CHICO, CALIFORNIA, ET AL. v. ESTATE OF RUSHING ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–1205. *ERIC E. v. LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES.* Ct. App. Cal., 2d App. Dist., Div. 4. Certiorari denied.

No. 21–1212. *GATSBY, NKA WALLACE v. GATSBY.* Sup. Ct. Idaho. Certiorari denied. Reported below: 169 Idaho 308, 495 P. 3d 996.

No. 21–1216. *YAN PING XU v. SUFFOLK COUNTY, NEW YORK, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 21–1221. *S. U. v. C. J.; and S. U. ET AL. v. C. J.* Sup. Ct. App. W. Va. Certiorari denied.

No. 21–1222. *JOSEPH v. AMERICAN GENERAL LIFE INSURANCE Co.* C. A. 9th Cir. Certiorari denied. Reported below: 857 Fed. Appx. 297.

No. 21–1229. *SAVED MAGAZINE ET AL. v. SPOKANE POLICE DEPARTMENT ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 19 F. 4th 1193.

No. 21–1230. *DAKOTA TERRITORY TOURS, ACC v. SEDONA-OAK CREEK AIRPORT AUTHORITY, INC.* Ct. App. Ariz. Certiorari denied.

No. 21–1232. *NORDBERG v. MASSACHUSETTS TEACHERS' RETIREMENT SYSTEM.* C. A. 1st Cir. Certiorari denied.

No. 21–1233. *JOUBERT v. MILEY.* App. Ct. Mass. Certiorari denied. Reported below: 99 Mass. App. 1128, 170 N. E. 3d 353.

No. 21–1234. *DOMINGUEZ v. AMERICAN EXPRESS, FSB.* Ct. App. Tex., 14th Dist. Certiorari denied.

No. 21–1235. *GRUNDSTEIN v. SUPREME COURT OF OHIO.* Sup. Ct. Ohio. Certiorari denied. Reported below: 165 Ohio St. 3d 1445, 2021-Ohio-3981, 175 N. E. 3d 1279.

No. 21–1238. *RODMAN v. OTSUKA AMERICA PHARMACEUTICAL, INC.* C. A. 9th Cir. Certiorari denied.

No. 21–1242. *CHRONISTER, SHERIFF, HILLSBOROUGH COUNTY, FLORIDA, ET AL. v. JOSEPH, AS NATURAL FATHER, NEXT FRIEND,*

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AND PERSONAL REPRESENTATIVE OF THE ESTATE OF JOSEPH, DECEASED. C. A. 11th Cir. Certiorari denied.

No. 21-1247. *RAFTER v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 21-1249. *CASSIDY v. MASSACHUSETTS*. App. Ct. Mass. Certiorari denied. Reported below: 100 Mass. App. 1119, 180 N. E. 3d 1017.

No. 21-1250. *PARKER v. BLINKEN, SECRETARY OF STATE, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21-1252. *HERTA v. MCBRIDE ET AL.* C. A. 8th Cir. Certiorari denied.

No. 21-1253. *FETNER v. MCCARTHY ET AL.* C. A. 4th Cir. Certiorari denied.

No. 21-1254. *BREGMAN v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 335 So. 3d 1201.

No. 21-1259. *JOHN v. DEUTSCHE BANK NATIONAL TRUST CO. ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 857 Fed. Appx. 943.

No. 21-1263. *GERBER v. HERSKOVITZ ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 14 F. 4th 500.

No. 21-1265. *LOWE v. NORTHERN INDIANA COMMUTER TRANSPORTATION DISTRICT*. Sup. Ct. Ind. Certiorari denied. Reported below: 177 N. E. 3d 796.

No. 21-1282. *MARTIN v. NEVADA*. Ct. App. Nev. Certiorari denied. Reported below: 137 Nev. 938, 494 P. 3d 909.

No. 21-1285. *M & N FINANCING CORP. ET AL. v. DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING*. Ct. App. Cal., 2d App. Dist., Div. 5. Certiorari denied. Reported below: 69 Cal. App. 5th 434, 284 Cal. Rptr. 3d 477.

No. 21-1289. *TAFT v. VENTURA COUNTY MEDICAL CENTER ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21-1298. *ALBRECHT ET AL. v. RIVERSIDE COUNTY, CALIFORNIA, ET AL.* Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied. Reported below: 68 Cal. App. 5th 692, 283 Cal. Rptr. 3d 716.

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No. 21–1311. *PIERNO v. FIDELITY BROKERAGE SERVICES, LLC*. C. A. 2d Cir. Certiorari denied.

No. 21–1315. *LINGENFELTER v. KAISER FOUNDATION HEALTH PLAN OF COLORADO*. C. A. 10th Cir. Certiorari denied.

No. 21–1332. *DAKER v. WARD ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 999 F. 3d 1300.

No. 21–1336. *OLSEN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 21 F. 4th 1036.

No. 21–1339. *NEBERGALL v. FLORIDA*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 330 So. 3d 914.

No. 21–1341. *TURNER v. BRANNON-DORTCH, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 21 F. 4th 992.

No. 21–1369. *PAGE v. OATH INC.* Sup. Ct. Del. Certiorari denied. Reported below: 270 A. 3d 833.

No. 21–6804. *KEMP v. ARKANSAS* (two judgments). Sup. Ct. Ark. Certiorari denied. Reported below: 2021 Ark. 173, 629 S. W. 3d 804 (first judgment); 2021 Ark. 172 (second judgment).

No. 21–6826. *STANDS ALONE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 11 F. 4th 532.

No. 21–6847. *CHILDERS v. CROW, DIRECTOR, OKLAHOMA DEPARTMENT OF CORRECTIONS*. C. A. 10th Cir. Certiorari denied. Reported below: 1 F. 4th 792.

No. 21–7019. *MYLES v. JACOBS ET AL.* C. A. 2d Cir. Certiorari denied.

No. 21–7067. *BAKER v. ARIZONA*. Ct. App. Ariz. Certiorari denied.

No. 21–7068. *WRIGHT v. KIJAKAZI, ACTING COMMISSIONER OF SOCIAL SECURITY*. C. A. 2d Cir. Certiorari denied.

No. 21–7124. *POLEJEWSKI v. MONTANA*. Sup. Ct. Mont. Certiorari denied.

No. 21–7285. *COLLIER v. UNIVERSITY OF CALIFORNIA, BERKELEY*. C. A. 9th Cir. Certiorari denied.

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No. 21–7292. *WALKER v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 21–7296. *GONZALEZ v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 12 Cal. 5th 367, 499 P. 3d 282.

No. 21–7298. *CONTE v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied. Reported below: 234 Md. App. 763.

No. 21–7300. *DAVIDSON v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 21–7314. *JONES v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 21–7317. *COTA v. MALONE ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–7321. *MACK v. TEXAS*. Ct. App. Tex., 10th Dist. Certiorari denied.

No. 21–7325. *BRAXTON v. JAMES, WARDEN*. C. A. 4th Cir. Certiorari denied.

No. 21–7336. *ALLEN v. MAYO ET AL.* C. A. 4th Cir. Certiorari denied.

No. 21–7348. *PRESCOTT v. APPELLATE COURT OF ILLINOIS, FOURTH DISTRICT*. Sup. Ct. Ill. Certiorari denied.

No. 21–7350. *CERDA v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2021 IL App (1st) 171433, 197 N. E. 3d 752.

No. 21–7370. *MILON v. HOOPER, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 21–7377. *TORRES ET VIR v. WELLS FARGO BANK, N. A., ET AL.* C. A. 7th Cir. Certiorari denied.

No. 21–7379. *TERRY v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 21–7380. *BROWN v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

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No. 21-7383. *ARMAH v. DOWLING, WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 21-7388. *WELLS v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 21-7392. *BRANTLEY v. MOODY, ATTORNEY GENERAL OF FLORIDA, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 21-7394. *CARTER v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist., Div. 1. Certiorari denied.

No. 21-7401. *EDWARDS v. NEVADA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21-7406. *KOZUBAL v. MASSACHUSETTS*. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 488 Mass. 575, 174 N. E. 3d 1169.

No. 21-7407. *TISDEL v. WITNESS PROTECTION*. C. A. 5th Cir. Certiorari denied.

No. 21-7411. *PLATT v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 21-7412. *ROBINSON v. SAFFOLD, JUDGE, COURT OF COMMON PLEAS OF OHIO, CUYAHOGA COUNTY, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 21-7435. *WILLIAMS v. KANSAS*. Sup. Ct. Kan. Certiorari denied. Reported below: 314 Kan. 466, 500 P. 3d 1182.

No. 21-7441. *MALDONADO-ARCE v. CRISWELL, ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT AGENCY*. C. A. 1st Cir. Certiorari denied.

No. 21-7447. *LIOUNIS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 21-7472. *WALKER v. KANSAS*. C. A. 10th Cir. Certiorari denied.

No. 21-7485. *STATON v. LAMONT*. C. A. 2d Cir. Certiorari denied.

No. 21-7500. *JONES v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

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No. 21-7511. *HERRIOTT v. BURTON, WARDEN*. C. A. 4th Cir. Certiorari denied.

No. 21-7518. *MYERS v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 21-7522. *PHILLIPS v. FRINK, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 21-7525. *PERKINS v. PERRY, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 21-7532. *KARUPAIYAN v. INTERNATIONAL SOS ET AL.* C. A. 3d Cir. Certiorari denied.

No. 21-7552. *BISHOP v. MCGINLEY, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT COAL TOWNSHIP, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 21-7571. *LIVERPOOL v. CLEVELAND ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 848 Fed. Appx. 468.

No. 21-7574. *BLACK v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21-7575. *MORRIS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 21-7576. *WRIGHT v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 21-7581. *HUDSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 21-7585. *MCNEIL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 21-7588. *MARIGNY v. CENTENE MANAGEMENT Co. LLC*. C. A. 7th Cir. Certiorari denied.

No. 21-7605. *MANSELL v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 21-7606. *SCOTT v. FOX, WARDEN*. C. A. 9th Cir. Certiorari denied.

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No. 21-7610. SMITH *v.* FLORIDA ET AL. Sup. Ct. Fla. Certiorari denied. Reported below: 330 So. 3d 867.

No. 21-7613. WILLIAMS *v.* ILLINOIS. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 2021 IL App (2d) 180276-U.

No. 21-7615. CODNER, AKA MALCHIZDEK *v.* FLORIDA. C. A. 11th Cir. Certiorari denied.

No. 21-7636. LOPEZ *v.* QUIROS, COMMISSIONER, CONNECTICUT DEPARTMENT OF CORRECTION. App. Ct. Conn. Certiorari denied. Reported below: 208 Conn. App. 515, 264 A. 3d 1097.

No. 21-7639. CARLEY *v.* NEVEN, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 21-7647. BRICE *v.* CALIFORNIA. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 21-7651. MARTINEZ *v.* ILLINOIS. App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 2021 IL App (4th) 190668-U.

No. 21-7676. JONES *v.* ILLINOIS. Sup. Ct. Ill. Certiorari denied. Reported below: 2021 IL 126432, 190 N. E. 3d 731.

No. 21-1044. STIRLING, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL. *v.* BRYANT. C. A. 4th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 17 F. 4th 513.

No. 21-1100. 3M CO. ET AL. *v.* AMADOR. C. A. 8th Cir. Motion of Product Liability Advisory Council, Inc., for leave to file brief as *amicus curiae* granted. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this motion and this petition. Reported below: 9 F. 4th 768.

No. 21-1224. COZZA *v.* PNC BANK, N. A. Ct. App. Wash. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 16 Wash. App. 2d 1073.

No. 21-1231. LEFEBURE *v.* D'AQUILLA, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS DISTRICT ATTORNEY OF THE 20TH JUDICIAL DISTRICT, LOUISIANA. C. A. 5th Cir. Motions of Louisiana Foundation Against Sexual Assault et al. and American

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Conservative Union for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 15 F. 4th 650.

No. 21–1264. *KLAYMAN v. JUDICIAL WATCH, INC., ET AL.* C. A. D. C. Cir. Certiorari denied. JUSTICE KAVANAUGH took no part in the consideration or decision of this petition. Reported below: 6 F. 4th 1301.

No. 21–1267. *CISCO SYSTEMS, INC. v. SRI INTERNATIONAL, INC.* C. A. Fed. Cir. Motion of Comcast Corporation for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 14 F. 4th 1323.

No. 21–7365. *CLEMENTS v. FLORIDA ET AL.* C. A. 11th Cir. Certiorari before judgment denied.

No. 21–7589. *BROWN v. MASON, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT MAHANOEY, ET AL.* C. A. 3d Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

Rehearing Denied

No. 21–501. *LIOTT v. U. S. BANK N. A.*, 595 U. S. 1082;

No. 21–969. *COULTER v. PAULISICK ET AL.*, 595 U. S. 1283;

No. 21–989. *COULTER v. PAUL LAURENCE DUNBAR COMMUNITY CENTER ET AL.*, 595 U. S. 1284;

No. 21–1015. *CAO v. BSI FINANCIAL SERVICES, INC., ET AL.*, 595 U. S. 1285;

No. 21–1076. *THAMILSELVAN v. THAMILSELVAN*, 595 U. S. 1285;

No. 21–5245. *HAHN v. GEORGIA*, 595 U. S. 976;

No. 21–5345. *THURMAN v. MEDICAL TRANSPORTATION MANAGEMENT, INC.*, 595 U. S. 1003;

No. 21–6765. *OMBE v. COOK ET AL.*, 595 U. S. 1287;

No. 21–6766. *DEATLEY v. COLORADO*, 595 U. S. 1274;

No. 21–6841. *BENSON v. HEMET POLICE DEPARTMENT*, 595 U. S. 1288;

No. 21–6881. *BRESSI v. MCCLOUD ET AL.*, 595 U. S. 1289;

No. 21–6958. *VORASIANGSUK v. UNITED STATES*, 595 U. S. 1241;

No. 21–7043. *BENSON v. ALLSTATE INSURANCE CO.*, 596 U. S. 915; and

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No. 21–7106. *NYAMUSEVYA v. FRANKLIN COUNTY COURT OF COMMON PLEAS ET AL.*, 596 U. S. 906. Petitions for rehearing denied.

MAY 18, 2022

Dismissals Under Rule 46

No. 21–1132. *ASNER ET AL. v. HENGLE ET AL.* C. A. 4th Cir. Certiorari dismissed under this Court’s Rule 46. Reported below: 19 F. 4th 324.

No. 21–1138. *TREPPA ET AL. v. HENGLE ET AL.* C. A. 4th Cir. Certiorari dismissed under this Court’s Rule 46. Reported below: 19 F. 4th 324.

MAY 23, 2022

Dismissal Under Rule 46

No. 21–1334. *COLUMBIA EXPORT TERMINAL, LLC v. INTERNATIONAL LONGSHORE AND WAREHOUSE UNION ET AL.* C. A. 9th Cir. Certiorari dismissed under this Court’s Rule 46. Reported below: 23 F. 4th 836.

Certiorari Dismissed

No. 21–7422. *WEST-EL v. INTERNAL REVENUE SERVICE 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. 21–7425. *JOHNSON v. GENTZLER ET AL.* C. A. 10th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 21–7436. *LOGGINS v. ZMUDA, SECRETARY, KANSAS DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 10th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. JUSTICE GORSUCH took no part in the consideration or decision of this motion and this petition. Reported below: 854 Fed. Appx. 954.

Miscellaneous Orders

No. 21M115. *COOKS v. CONTRA COSTA COUNTY, CALIFORNIA*;

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No. 21M116. AKARD *v.* McDONOUGH, SECRETARY OF VETERANS AFFAIRS; and

No. 21M119. IN RE LEE. Motions for leave to proceed as veterans denied.

No. 21M117. MCCOY *v.* HAWAII DEPARTMENT OF HUMAN SERVICES ET AL. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

No. 21M118. POWELL *v.* BISCUITVILLE, INC. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 21-7421. JOLLY *v.* WHITE ET AL. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until June 13, 2022, 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.

Certiorari Denied

No. 21-11. ERITSIAN *v.* GARLAND, ATTORNEY GENERAL. C. A. 11th Cir. Certiorari denied.

No. 21-557. BAHENA-BRITO *v.* GARLAND, ATTORNEY GENERAL. C. A. 10th Cir. Certiorari denied.

No. 21-596. ITECH U. S., INC. *v.* JADDOU, DIRECTOR, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES. C. A. D. C. Cir. Certiorari denied. Reported below: 5 F. 4th 59.

No. 21-791. EDGAR ET AL. *v.* HAINES, DIRECTOR OF NATIONAL INTELLIGENCE, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 2 F. 4th 298.

No. 21-817. LEON-LEON *v.* GARLAND, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied. Reported below: 856 Fed. Appx. 738.

No. 21-1003. F. F., AS PARENT OF Y. F., ET AL. *v.* NEW YORK ET AL. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 194 App. Div. 3d 80, 143 N. Y. S. 3d 734.

No. 21-1257. EVANS, AS ADMINISTRATOR OF THE ESTATE OF BOUSQUET *v.* MARVIN ET AL. App. Ct. Mass. Certiorari denied. Reported below: 100 Mass. App. 1114, 178 N. E. 3d 906.

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No. 21–1260. *PAKEYBEY v. LUMINANT MINING CO., LLC*. C. A. 5th Cir. Certiorari denied. Reported below: 14 F. 4th 375.

No. 21–1266. *TALASEK v. NATIONAL OILWELL VARCO, L. P.* C. A. 5th Cir. Certiorari denied. Reported below: 16 F. 4th 164.

No. 21–1277. *O’NEAL v. CRAWFORD COUNTY, GEORGIA*. Ct. App. Ga. Certiorari denied.

No. 21–1278. *WRIGHT v. MAY 27, 2011 ORDER, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 21–1290. *FERRARI v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–1294. *PENNY v. PELOSI ET AL.* C. A. 7th Cir. Certiorari denied.

No. 21–1302. *DAWSON v. GARLAND, ATTORNEY GENERAL*. C. A. 9th Cir. Certiorari denied. Reported below: 998 F. 3d 876.

No. 21–1308. *ROBERTSON v. LARKSPUR COURTS ET AL.* Ct. App. Cal., 1st App. Dist., Div. 1. Certiorari denied.

No. 21–1309. *MEIGS v. ZUCKER ET AL.* Ct. App. Tex., 1st Dist. Certiorari denied.

No. 21–1348. *BARBER v. DISTRICT OF COLUMBIA COMMISSION ON SELECTION AND TENURE OF ADMINISTRATIVE LAW JUDGES*. Ct. App. D. C. Certiorari denied. Reported below: 259 A. 3d 62.

No. 21–1362. *GRAY v. WHITE ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 18 F. 4th 463.

No. 21–1385. *ROBINSON v. WALMART STORES EAST, LP.* C. A. 11th Cir. Certiorari denied.

No. 21–6594. *HALD ET AL. v. UNITED STATES* (Reported below: 8 F. 4th 932); and *EDWARDS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 21–7039. *SASSER v. PAYNE, DIRECTOR, ARKANSAS DIVISION OF CORRECTION*. C. A. 8th Cir. Certiorari denied. Reported below: 999 F. 3d 609.

No. 21–7116. *ACEVEDO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

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No. 21-7395. *ZOGRAFIDIS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 21-7396. *NGUYEN v. YOLO COUNTY DISTRICT ATTORNEY*. C. A. 9th Cir. Certiorari denied.

No. 21-7400. *STRICKLIN v. NEBRASKA*. Sup. Ct. Neb. Certiorari denied. Reported below: 310 Neb. 478, 967 N. W. 2d 130.

No. 21-7402. *BIBBS v. BARNES, SHERIFF, ORANGE COUNTY, CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 21-7417. *DAVIS v. MORLEDGE, JUDGE, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 21-7426. *SPEARS v. CROW, DIRECTOR, OKLAHOMA DEPARTMENT OF CORRECTIONS*. C. A. 10th Cir. Certiorari denied. Reported below: 846 Fed. Appx. 732.

No. 21-7439. *JOHNSON v. BENTON*. Ct. App. Miss. Certiorari denied. Reported below: 333 So. 3d 51.

No. 21-7489. *VASQUEZ v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied.

No. 21-7503. *VICTORINO-TISTA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21-7508. *GREENE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 21-7513. *CARVALHO v. KENNEWAY, SUPERINTENDENT, MASSACHUSETTS CORRECTIONAL INSTITUTION AT SHIRLEY*. C. A. 1st Cir. Certiorari denied.

No. 21-7514. *CLARK v. KANSAS*. Sup. Ct. Kan. Certiorari denied.

No. 21-7546. *EDDINGTON v. TEWALT, DIRECTOR, IDAHO DEPARTMENT OF CORRECTION*. C. A. 9th Cir. Certiorari denied.

No. 21-7566. *JOHNSTON v. DEVRIES*. C. A. 7th Cir. Certiorari denied.

No. 21-7655. *COMMITTE v. GENTRY*. C. A. 5th Cir. Certiorari denied.

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No. 21–7718. *WINGER v. ILLINOIS*. App. Ct. Ill., 4th Dist. Certiorari denied.

No. 21–7731. *BELL v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2021 IL App (1st) 190366, 189 N. E. 3d 531.

No. 21–1021. *PAYNE, DIRECTOR, ARKANSAS DIVISION OF CORRECTION v. JACKSON*. C. A. 8th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 9 F. 4th 646.

No. 21–1268. *SMITH v. SHINN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, REHABILITATION AND REENTRY, ET AL.* C. A. 9th Cir. Certiorari denied.

Statement of JUSTICE BREYER respecting the denial of certiorari.

Joe Clarence Smith was first sentenced to death in 1977, more than 44 years ago. Pet. for Cert. 2. The Arizona Supreme Court vacated that sentence as unconstitutional and remanded for resentencing in 1979. *Id.*, at 3; App. to Pet. for Cert. 9. On remand, Smith was sentenced to death a second time. *Ibid.* Twenty years later in 1999, the Ninth Circuit vacated Smith’s second death sentence, again on constitutional grounds. *Smith v. Stewart*, 189 F. 3d 1004. Smith was then resentenced to death a third time in 2004. App. to Pet. for Cert. 10.

In 2007, 30 years after Smith was first sentenced to death, he petitioned this Court to review the constitutionality of his death sentence. He argued that it would be cruel and unusual to execute him after such a lengthy delay. The Court denied certiorari, and I dissented because I believed that Smith could “reasonably claim that his execution at this late date would be ‘unusual’ . . . particularly when much of the delay at issue seems due to constitutionally defective sentencing proceedings.” *Smith v. Arizona*, 552 U. S. 985, 986 (2007). In 2017, Smith again petitioned for certiorari on the same issue, and the Court again denied his petition. I wrote again to express my continued concern that the length of time Smith had spent on death row raised serious constitutional questions. But I recognized that procedural obstacles (which had not been present in his first petition for certiorari 10 years earlier) now made it difficult for the Court to grant certio-

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rari on that question. *Smith v. Ryan*, 581 U. S. 954, 955 (2017) (statement respecting denial of certiorari).

Smith’s case is now before us for the third time. By now, more than 44 years have passed since his first death sentence. Pet. for Cert. 2. And he “has spent almost all of [that] time” in solitary confinement, “alone in a cell that . . . measures 86.4 square feet, or roughly the size of a compact parking space.” *Id.*, at 3–4 (footnote omitted). Smith tells us that only four other prisoners in all of the United States have been on death row longer than he has. *Id.*, at 4–5, and n. 2.

We have said that the uncertainty of waiting in prison under threat of execution for just four weeks is “one of the most horrible feelings to which [a person] can be subjected.” *In re Medley*, 134 U. S. 160, 172 (1890). On top of that, “[y]ears on end of near-total isolation exact a terrible price.” *Davis v. Ayala*, 576 U. S. 257, 289 (2015) (Kennedy, J., concurring). Smith has been subjected to those conditions, not for four weeks, but for *four decades*. While I recognize, as I did in 2017, that procedural obstacles make it difficult for us to grant certiorari here, I continue to believe that the excessive length of time that Smith and others have spent on death row awaiting execution raises serious doubts about the constitutionality of the death penalty as it is currently administered. See *Glossip v. Gross*, 576 U. S. 863, 908 (2015) (dissenting opinion); see also, *e. g.*, *Buntion v. Lumpkin*, 596 U. S. 940 (2022) (statement respecting denial of application for stay); *Hamm v. Dunn*, 583 U. S. 1153 (2018) (statement respecting denial of application for stay and denial of certiorari).

Rehearing Denied

No. 21–515. *KIM v. HUONG TRAN ET AL.*, 595 U. S. 1119;

No. 21–988. *CRAWFORD v. HENRICO COUNTY PUBLIC SCHOOL BOARD ET AL.*, 595 U. S. 1284;

No. 21–1050. *KOGER ET AL. v. RICHARDSON, JUDGE, ET AL.*, 596 U. S. 913;

No. 21–1101. *NOWICKI v. TINICUM TOWNSHIP ET AL.*, 596 U. S. 914;

No. 21–1203. *IN RE ROWE*, 596 U. S. 912;

No. 21–6134. *ROSALES v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 595 U. S. 1144;

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No. 21–6414. *MARIETTA v. LOBUE ET AL.*, 595 U. S. 1227;
No. 21–6837. *RAGIN v. CIRCUIT COURT OF VIRGINIA, CITY OF
NEWPORT NEWS*, 595 U. S. 1288;
No. 21–6913. *LITTLEJOHN v. BOWMAN ET AL.*, 595 U. S. 1275;
No. 21–7050. *COZZI v. NEW YORK STATE WORKERS’ COMPEN-
SATION BOARD ET AL.*, 596 U. S. 916;
No. 21–7077. *KURKJIAN v. WORMUTH, SECRETARY OF THE
ARMY*, 596 U. S. 906; and
No. 21–7125. *KAETZ v. UNITED STATES*, 595 U. S. 1292. Peti-
tions for rehearing denied.

MAY 24, 2022

Dismissal Under Rule 46

No. 21–7664. *SAM-PENA v. UNITED STATES*. C. A. 9th Cir.
Certiorari dismissed under this Court’s Rule 46.

MAY 26, 2022

Miscellaneous Order

No. 21A658. *LOUISIANA ET AL. v. BIDEN, PRESIDENT OF THE
UNITED STATES, ET AL.* C. A. 5th Cir. Application to vacate
stay, presented to JUSTICE ALITO, and by him referred to the
Court, denied.

MAY 31, 2022

Certiorari Granted—Vacated and Remanded

No. 21–938. *STIRLING, DIRECTOR, SOUTH CAROLINA DEPART-
MENT OF CORRECTIONS, ET AL. v. STOKES*. C. A. 4th Cir. Cer-
tiorari granted, judgment vacated, and case remanded for further
consideration in light of *Shinn v. Martinez Ramirez*, 596 U. S. 366
(2022). Reported below: 10 F. 4th 236.

Certiorari Dismissed

No. 21–7453. *LUEVANO v. LUMPKIN, DIRECTOR, TEXAS DE-
PARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS
DIVISION, 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. 21–7466. *PATEL v. BHATIA PATEL*. Ct. App. Cal., 2d App.
Dist., Div. 3. Motion of petitioner for leave to proceed *in forma*

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pauperis denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 21–7689. SCOTT *v.* PAYNE, DIRECTOR, ARKANSAS DIVISION OF CORRECTION, ET AL. C. A. 8th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 21–7792. DEDEAUX *v.* MCCLURE, SUPERINTENDENT, CENTRAL MISSISSIPPI CORRECTIONAL FACILITY. 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.

Miscellaneous Orders

No. 21A720. NETCHOICE, LLC, DBA NETCHOICE, ET AL. *v.* PAXTON, ATTORNEY GENERAL OF TEXAS. Application to vacate stay, presented to JUSTICE ALITO, and by him referred to the Court, granted. The May 11, 2022, order of the United States Court of Appeals for the Fifth Circuit staying the District Court's preliminary injunction is vacated. JUSTICE KAGAN would deny the application to vacate stay.

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

This application concerns issues of great importance that will plainly merit this Court's review. Social media platforms have transformed the way people communicate with each other and obtain news.¹ At issue is a ground-breaking Texas law that addresses the power of dominant social media corporations to shape public discussion of the important issues of the day.

The law in question, HB20, regulates “[s]ocial media platform[s]” that are “open to the public;” that “enabl[e] users to communicate with other users for the primary purpose of posting information, comments, messages, or images;” and that have at least “50 million active users in the United States in a calendar month.” App. to Application 39a–41a (App.). Section 7 of HB20 prohibits these platforms from “censor[ing]” users based on viewpoint, and §2 requires covered platforms to disclose certain information about

¹See, *e. g.*, E. Shearer, Pew Research Center, More Than Eight-in-Ten Americans Get News From Digital Devices (Jan. 12, 2021), <https://www.pewresearch.org/fact-tank/2021/01/12/more-than-eight-in-ten-americans-get-news-from-digital-devices>.

their business practices, including an “acceptable use policy” and “a biannual transparency report.” *Id.*, at 39a–46a, 48a–52a. These platforms must also establish procedures by which users can appeal a platform’s decision to “remove content posted by the user.” *Id.*, at 44a.

Applicants are two trade associations that represent major social media platforms covered by the statute. They challenged the constitutionality of HB20 in the United States District Court for the Western District of Texas, contending, among other things, that the law is facially unconstitutional under the First Amendment. The court agreed, and it preliminarily enjoined the Texas attorney general from enforcing the statute. The United States Court of Appeals for the Fifth Circuit—after full briefing and oral argument—stayed that preliminary injunction. Applicants now ask this Court to vacate that stay while the Fifth Circuit resolves the appeal of the underlying preliminary injunction, and the Court grants that extraordinary relief.

I cannot agree with the Court’s disposition. To be entitled to vacatur of the stay, applicants must show, among other things, a “substantial likelihood of success on the merits.” *Alabama Assn. of Realtors v. Department of Health and Human Servs.*, 594 U. S. 758, 763 (2021) (*per curiam*). Members of this Court have argued that a determination regarding an applicant’s likelihood of success must be made under “existing law,” *Merrill v. Milligan*, 595 U. S. 1197, 1202 (2022) (ROBERTS, C. J., dissenting from grant of application for stays); *Wisconsin Legislature v. Wisconsin Elections Comm’n*, 595 U. S. 398, 406 (2022) (SOTOMAYOR, J., dissenting) (“existing precedent”). And whether applicants are likely to succeed under existing law is quite unclear.

The law before us is novel, as are applicants’ business models. Applicants claim that § 7 of HB20 interferes with their exercise of “editorial discretion,” and they maintain that this interference violates their right “not to disseminate speech generated by others.” Application 19. Under some circumstances, we have recognized the right of organizations to refuse to host the speech of others. See *Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston, Inc.*, 515 U. S. 557 (1995) (parade organizer); *Miami Herald Publishing Co. v. Tornillo*, 418 U. S. 241 (1974) (newspaper). But we have rejected such claims in other circumstances. For example, in *PruneYard Shopping Center v. Robins*, 447 U. S. 74 (1980), we rejected the argument that the owner of a shopping mall had “a First Amendment right not to be forced

by the State to use his property as a forum for the speech of others.” *Id.*, at 85. And in *Turner Broadcasting System, Inc. v. FCC*, 512 U.S. 622 (1994), we declined to apply strict scrutiny to rules that “interfere[d] with cable operators’ editorial discretion by compelling them to offer carriage to a certain minimum number of broadcast stations.” *Id.*, at 643–644; see generally E. Volokh, *Treating Social Media Platforms Like Common Carriers?* 1 J. Free Speech Law 377 (2021).

It is not at all obvious how our existing precedents, which predate the age of the internet, should apply to large social media companies, but Texas argues that its law is permissible under our case law. First, Texas contends that §7 does not require social media platforms to host any particular message but only to refrain from discrimination against a user’s speech on the basis of “viewpoint,” App. 49a, and in this respect the statute may be a permissible attempt to prevent “repression of [the freedom of speech] by private interests,” *Associated Press v. United States*, 326 U.S. 1, 20 (1945). Second, Texas argues that HB20 applies only to platforms that hold themselves out as “open to the public,” App. 40a, and as neutral forums for the speech of others.² These representations suggest that the covered social media platforms—like the cable operators in *Turner*—do not generally “convey ideas or messages [that they have] endorsed.” *Hurley*, 515 U.S., at 576. Third, since HB20 is limited to companies with “50 million active users in the United States,” App. 41a, Texas argues that the law applies to only those entities that possess some measure of common carrier-like market power and that this power

² Texas also suggests that applicants’ position in this litigation is in conflict or tension with the positions of its members in cases regarding the interpretation of §230 of the Communications Decency Act of 1996, 47 U.S.C. §230. That statute directs, among other things, that “[n]o provider . . . of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.” §230(c)(1). Texas claims that “[w]hen the platforms resort to section 230’s protections . . . they are relying on Congress’s determinations that they are not the ‘publisher’ of their users’ content, 47 U.S.C. §230(c)(1), and that they are not ‘responsible’ for that content in any respect, *id.* §230(f)(3).” Respondents’ Opposition to Application To Vacate Stay 36. And Texas suggests that, given that many of applicants’ members have emphasized their “neutral[ity]” and their function as “‘conduits’” for the speech of their users (see *id.*, at 37–38, and nn. 11–18), the Court should view their assertions of a First Amendment right to engage in “‘editorial discretion’” with some skepticism.

gives them an “opportunity to shut out [disfavored] speakers.” 515 U.S., at 577; see also *Biden v. Knight First Amendment Inst. at Columbia Univ.*, 593 U.S. 901, 905–906 (2021) (THOMAS, J., concurring).

If anything, Texas submits, its arguments regarding the constitutionality of §2’s disclosure requirements are even stronger. The State notes that we have upheld laws requiring that businesses disclose “purely factual and uncontroversial information about the terms under which [their] services will be available,” so long as those requirements are not “unjustified or unduly burdensome.” *Zauderer v. Office of Disciplinary Counsel of Supreme Court of Ohio*, 471 U.S. 626, 651 (1985). If we were to agree with the applicants’ arguments, the decision could have widespread implications with regard to other disclosures required by federal and state law.

The procedural posture of this case also counsels against vacatur of the stay. Applicants sought pre-enforcement review of the statute in federal court, so it is not clear how state courts would interpret this statute if it were applied to applicants’ businesses; nor has it been resolved which platforms are covered by the law. Compare Respondent’s Opposition to Application To Vacate Stay 1, n. 1, with Application 11. The statute also includes a broad severability provision, see App. 52a–54a, so vacating the stay requires a determination that applicants are likely to be able to show that *every* provision of HB20 is unconstitutional. What is more, the attorney general’s enforcement power is limited to *prospective* relief. See *id.*, at 52a (authorizing the attorney general to seek “injunctive relief ” and, if granted, “costs,” “reasonable attorney’s fees,” and “reasonable investigative costs”). In this respect, this statute is quite different from one that authorizes imprisonment or severe monetary penalties for those who refuse to comply. See, e.g., *Ex parte Young*, 209 U.S. 123, 127, 131 (1908) (noting that a law’s “penalties” were “so drastic” that no one could test the law’s constitutionality “except at the risk of confiscation of its property, and the imprisonment for long terms in jails and penitentiaries”). Should the attorney general bring an enforcement action for injunctive relief, applicants would then have an opportunity to argue that the statute violates the First Amendment, whether facially or as applied to them.

I reiterate that I have not formed a definitive view on the novel legal questions that arise from Texas’s decision to address the

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“changing social and economic” conditions it perceives. *New State Ice Co. v. Liebmann*, 285 U. S. 262, 311 (1932) (Brandeis, J., dissenting). But precisely because of that, I am not comfortable intervening at this point in the proceedings. While I can understand the Court’s apparent desire to delay enforcement of HB20 while the appeal is pending, the preliminary injunction entered by the District Court was itself a significant intrusion on state sovereignty, and Texas should not be required to seek preclearance from the federal courts before its laws go into effect. The Court of Appeals, after briefing and oral argument, concluded that the District Court’s order should be stayed, and a decision on the merits can be expected in the near future. I would not disturb the Court of Appeals’ informed judgment about applicants’ entitlement to a stay.

For these reasons, I respectfully dissent.

No. 21A756. *GUILLEN ET AL. v. LEAGUE OF UNITED LATIN AMERICAN CITIZENS ET AL.* D. C. W. D. Tex. Application for stay, presented to JUSTICE ALITO, and by him referred to the Court, denied.

No. 21M120. *PEREZ v. LINKEDIN CORP.* Motion for leave to proceed as a veteran denied.

No. 21M121. *SGROMO v. TARGET BRANDS INC.* Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 21–1019. *ERISA INDUSTRY COMMITTEE v. CITY OF SEATTLE, WASHINGTON.* C. A. 9th Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 21–6773. *IN RE HEDRICK.* Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [595 U. S. 1251] denied.

No. 21–7492. *IN RE MANWELL.* Petition for writ of mandamus denied.

Certiorari Denied

No. 21–956. *RUDISILL v. INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 860 Fed. Appx. 37.

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No. 21–1028. *INTERNATIONAL ENERGY VENTURES MANAGEMENT, L. L. C. v. UNITED ENERGY GROUP, LTD.* C. A. 5th Cir. Certiorari denied. Reported below: 999 F. 3d 257.

No. 21–1047. *ROY, AS SPECIAL ADMINISTRATOR OF THE ESTATE OF VEILLEUX, DECEASED, ET AL. v. CANADIAN PACIFIC RAILWAY Co.* C. A. 1st Cir. Certiorari denied. Reported below: 999 F. 3d 72.

No. 21–1269. *LOBSTEIN ET AL. v. WASHINGTON MUTUAL MORTGAGE PASS-THROUGH CERTIFICATES WMALT SERIES 2007–OC1 ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–1276. *MEHTA ET AL. v. WESTROCK Co. ET AL.* Sup. Ct. Del. Certiorari denied. Reported below: 263 A. 3d 422.

No. 21–1279. *THOMAS ET AL. v. BELEVICH.* C. A. 11th Cir. Certiorari denied. Reported below: 17 F. 4th 1048.

No. 21–1301. *JENKINS v. HOUSING COURT DEPARTMENT, CITY OF BOSTON, MASSACHUSETTS, ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 16 F. 4th 8.

No. 21–1320. *CAMPO ET AL. v. DEPARTMENT OF JUSTICE ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 854 Fed. Appx. 768.

No. 21–1321. *YAN SUI v. MARSHACK ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–1328. *COMMUNITY BAPTIST CHURCH ET AL. v. POLIS, GOVERNOR OF COLORADO, ET AL.* C. A. 10th Cir. Certiorari denied.

No. 21–1335. *AL-QARQANI ET AL. v. SAUDI ARABIAN OIL Co.* C. A. 5th Cir. Certiorari denied. Reported below: 19 F. 4th 794.

No. 21–1343. *MARSHALL v. SUPREME COURT OF NEW MEXICO.* Sup. Ct. N. M. Certiorari denied.

No. 21–1351. *BARNES, SHERIFF, ORANGE COUNTY, CALIFORNIA, ET AL. v. AHLMAN ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 20 F. 4th 489.

No. 21–1392. *SIMON v. HOWARD, WARDEN.* C. A. 6th Cir. Certiorari denied.

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No. 21–1396. *DILLARD ET AL. v. TIMPA, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF TIMPA, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 20 F. 4th 1020.

No. 21–6685. *DOMINGUEZ v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 998 F. 3d 1094.

No. 21–6934. *BARNES v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 21–7098. *LANDRETH v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 855 Fed. Appx. 410.

No. 21–7446. *RUSSELL v. TEXAS.* Ct. App. Tex., 2d Dist. Certiorari denied.

No. 21–7449. *TAYLOR v. BLAIR, WARDEN.* C. A. 8th Cir. Certiorari denied. Reported below: 6 F. 4th 796.

No. 21–7452. *ATKINSON v. NEW YORK ET AL.* C. A. 2d Cir. Certiorari denied.

No. 21–7454. *LEBBAD v. DONAT ET AL.* Ct. App. Cal., 2d App. Dist., Div. 4. Certiorari denied.

No. 21–7456. *ROWLES v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 21–7457. *WYNN v. ALABAMA.* Ct. Crim. App. Ala. Certiorari denied.

No. 21–7464. *LELA v. DART, SHERIFF, COOK COUNTY, ILLINOIS, ET AL.* C. A. 7th Cir. Certiorari denied.

No. 21–7465. *LILLIE v. IOWA.* Dist. Ct. Woodbury County, Iowa. Certiorari denied.

No. 21–7468. *MOSHREFI v. COLORADO.* Ct. App. Colo. Certiorari denied.

No. 21–7470. *WILLIAMS v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 21–7478. *SPENCER v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

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No. 21–7481. *PRINCE v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 21–7490. *SPENCER v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 21–7493. *BRUNI v. APPLE, SHERIFF, ALBANY COUNTY, NEW YORK*. C. A. 2d Cir. Certiorari denied.

No. 21–7496. *WILLIAMS v. FLORIDA*. C. A. 11th Cir. Certiorari denied.

No. 21–7498. *HERMANSEN v. VALENTINE, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 21–7499. *LOPEZ GONZALES v. SHINN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, REHABILITATION AND REENTRY, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–7501. *MAYFIELD v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 21–7536. *FORTE v. LIZARRAGA, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 21–7545. *STANLEY v. UTTECHT, SUPERINTENDENT, COYOTE RIDGE CORRECTIONS CENTER*. C. A. 9th Cir. Certiorari denied.

No. 21–7553. *DAVIS v. PAYNE, DIRECTOR, ARKANSAS DIVISION OF CORRECTION*. C. A. 8th Cir. Certiorari denied.

No. 21–7556. *JOHNSON ET AL. v. CLARK, JUDGE, UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 21–7569. *ARNOLD v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 854 Fed. Appx. 464.

No. 21–7578. *LATIMER v. UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA*. C. A. 11th Cir. Certiorari denied.

No. 21–7580. *BURCH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

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No. 21-7582. *ABREU TARTABULL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21-7583. *LOWERY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 21-7586. *WILLIAMS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21-7587. *GARCIA SOLORZANO v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 21-7594. *KRISTICH v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 21-7597. *BELL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 21-7598. *GARCES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21-7599. *AHO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21-7600. *HIBSHMAN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 21-7601. *PUGH v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 21-7628. *GOLIDAY v. REWERTS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 21-7631. *CARTER v. ANGLEA, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 21-7663. *ROOK v. HOLBROOK*. C. A. 9th Cir. Certiorari denied.

No. 21-7666. *GRISSETT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 813 Fed. Appx. 110.

No. 21-7669. *HOEY v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 21-7673. *PETLECHKOV v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

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No. 21–7674. *ALLEN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 21–7677. *PARKS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 21–7681. *McKENZIE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 13 F. 4th 223.

No. 21–7683. *CONTO v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 21–7686. *MAILLET v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 21–7687. *JONES v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 166 Ohio St. 3d 85, 2021-Ohio-3311, 182 N. E. 3d 1161.

No. 21–7688. *ROGERS v. WELLS FARGO*. C. A. 4th Cir. Certiorari denied.

No. 21–7690. *SPRINGER v. MORRISON, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 21–7698. *DAVIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7699. *NICHOLSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 21–7701. *ROSALES HERNANDEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 21–7702. *LEWIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7704. *VANDERPOOL v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 21–7705. *WOODS v. FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 21–7706. *ERNESTO ARIAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7707. *PITTS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 850 Fed. Appx. 746.

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No. 21–7710. *DANIELS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 858 Fed. Appx. 337.

No. 21–7723. *GALAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7724. *FIELDS v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 12 F. 4th 804.

No. 21–7728. *BRANCO v. MASSACHUSETTS*. C. A. 1st Cir. Certiorari denied.

No. 21–7750. *STEWART v. SIMS ET AL.* C. A. 8th Cir. Certiorari denied.

No. 21–365. *BRANCH BANKING & TRUST CO. v. SEVIER COUNTY SCHOOLS FEDERAL CREDIT UNION ET AL.* C. A. 6th Cir. Motion of American Bankers Association et al. for leave to file brief as *amici curiae* granted. Certiorari denied. Reported below: 990 F. 3d 470.

No. 21–1353. *NARTEY v. FRANCISCAN HEALTH HOSPITAL*. C. A. 7th Cir. Certiorari denied. JUSTICE BARRETT took no part in the consideration or decision of this petition. Reported below: 2 F. 4th 1020.

No. 21–7700. *HUNTER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 12 F. 4th 555.

No. 21–7714. *DHINSA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

Rehearing Denied

No. 19–8209. *FOYE v. NORTH CAROLINA*, 590 U. S. 982;

No. 21–628. *HOWE v. UNITED STATES*, 595 U. S. 1103;

No. 21–1069. *STEWART v. RRL HOLDING COMPANY OF OHIO, LLC, ET AL.*, 596 U. S. 913;

No. 21–6531. *NICHOLS v. KERSTEIN ET AL.*, 595 U. S. 1229;

No. 21–6792. *LESLIE v. BODKIN ET AL.*, 595 U. S. 1287;

No. 21–6855. *ANDRICH v. MEYERS ET AL.*, 595 U. S. 1289;

No. 21–7008. *ACOFF v. ALABAMA*, 596 U. S. 906;

No. 21–7152. *BARNEY v. PENNSYLVANIA*, 596 U. S. 916; and

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No. 21–7245. *POFF v. UNITED STATES*, 596 U. S. 907. Petitions for rehearing denied.

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Miscellaneous Order

No. 21–86. *AXON ENTERPRISE, INC. v. FEDERAL TRADE COMMISSION ET AL.* C. A. 9th Cir. [Certiorari granted, 595 U. S. 1184.];

No. 21–1239. *SECURITIES AND EXCHANGE COMMISSION ET AL. v. COCHRAN.* C. A. 5th Cir. [Certiorari granted, 596 U. S. 961.] Upon consideration of the letter of May 19, 2022, from the Solicitor General on behalf of the parties in No. 21–86 and No. 21–1239, respondent in No. 21–1239 has to and including June 30, 2022, within which to file the joint appendix and the opening brief on the merits in No. 21–1239. The Solicitor General has to and including August 8, 2022, within which to file a consolidated response brief on the merits on behalf of the federal parties in No. 21–86 and No. 21–1239, limited to 20,000 words.

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Certiorari Dismissed

No. 21–7527. *PENIGAR v. LUMPKIN, 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. 21–7531. *PETERS v. CITY OF HOUSTON, TEXAS, 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. 21–7604. *AKEL v. UNITED STATES.* C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. 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 KAGAN took no part in the consideration or decision of this motion and this petition.

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Miscellaneous Orders

No. 21M122. MARTINEZ *v.* UNITED STATES ET AL.; and

No. 21M124. FALLS-MILLER ET AL. *v.* SAVANNAH-CHATHAM COUNTY PUBLIC SCHOOL BOARD ET AL. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 21M123. HYATT *v.* UNITED STATES PATENT AND TRADE-MARK OFFICE ET AL. Motion for leave to file petition for writ of certiorari with supplemental appendix under seal granted.

No. 21M125. DOE *v.* UNITED STATES. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record denied.

No. 21–1338. NSO GROUP TECHNOLOGIES LTD. ET AL. *v.* WHATSAPP INC. 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. 21–1431. KERR, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES *v.* PLANNED PARENTHOOD SOUTH ATLANTIC ET AL. C. A. 4th Cir. Motion of petitioner to expedite consideration of the petition for writ of certiorari, as amended on May 27, 2022, denied.

No. 21–6598. PLOURDE *v.* NORTHERN LIGHT ACADIA HOSPITAL ET AL. C. A. 1st Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [595 U. S. 1214] denied.

No. 21–7123. WILSON *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [596 U. S. 922] denied.

No. 21–7142. HOLMES *v.* BLUE CROSS BLUE SHIELD OF SOUTH CAROLINA, INC., ET AL. C. A. 4th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [596 U. S. 942] denied.

No. 21–7521. PIECZYNSKI *v.* PENNSYLVANIA ET AL. C. A. 3d Cir.; and

No. 21–7833. POLITE *v.* KIJAKAZI, ACTING COMMISSIONER OF SOCIAL SECURITY. C. A. 9th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are al-

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lowed until June 27, 2022, 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. 21–1316. *IN RE HSU*. Petition for writ of mandamus denied.

No. 21–7696. *IN RE HARMON*; and

No. 21–7802. *IN RE RODRIGUEZ ET AL.* Petitions for writs of mandamus and/or prohibition denied.

Certiorari Granted

No. 21–1164. *WILKINS ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari granted. Reported below: 13 F. 4th 791.

Certiorari Denied

No. 21–970. *CROW, DIRECTOR, OKLAHOMA DEPARTMENT OF CORRECTIONS v. FONTENOT*. C. A. 10th Cir. Certiorari denied. Reported below: 4 F. 4th 982.

No. 21–1098. *CANADAY, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED v. ANTHEM COS., INC.* C. A. 6th Cir. Certiorari denied. Reported below: 9 F. 4th 392.

No. 21–1181. *BALLINGER ET AL. v. CITY OF OAKLAND, CALIFORNIA*. C. A. 9th Cir. Certiorari denied. Reported below: 24 F. 4th 1287.

No. 21–1188. *PORTFOLIO RECOVERY ASSOCIATES, LLC v. POUNDS ET AL.* Ct. App. N. C. Certiorari denied. Reported below: 274 N. C. App. 201, 851 S. E. 2d 423.

No. 21–1192. *DAY & ZIMMERMANN NPS, INC. v. WATERS, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED*. C. A. 1st Cir. Certiorari denied. Reported below: 23 F. 4th 84.

No. 21–1197. *KK-PB FINANCIAL, LLC v. 160 ROYAL PALM, LLC*. C. A. 11th Cir. Certiorari denied.

No. 21–1299. *SCOYNI v. SALVADOR ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–1312. *RED HOOK CONTAINER TERMINAL, LLC v. SOUTH PACIFIC SHIPPING CO. LTD. ET AL.* C. A. 2d Cir. Certiorari denied.

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No. 21–1329. *ESTATE OF JENNINGS ET AL. v. GULFSHORE PRIVATE HOME CARE, LLC*. C. A. 11th Cir. Certiorari denied.

No. 21–1331. *MURPHY v. DALTON, AKA MOORE, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 21–1347. *BALLANCE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 21–1349. *IGNIS DEVELOPMENT, INC., ET AL. v. LONG ISLAND COLLEGE HOSPITAL ET AL.* Ct. App. N. Y. Certiorari denied. Reported below: 37 N. Y. 3d 1012, 174 N. E. 3d 1244.

No. 21–1352. *TAT v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 15 F. 4th 1248.

No. 21–1358. *GOODWILL INDUSTRIES OF CENTRAL OKLAHOMA, INC., DBA GOODWILL CAREER PATHWAYS INSTITUTE v. PHILADELPHIA INDEMNITY INSURANCE CO.* C. A. 10th Cir. Certiorari denied. Reported below: 21 F. 4th 704.

No. 21–1375. *GARCIA ZUNIGA v. GARLAND, ATTORNEY GENERAL*. C. A. 5th Cir. Certiorari denied.

No. 21–1378. *GUZMAN LOERA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 24 F. 4th 144.

No. 21–1380. *OJEDOKUN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 16 F. 4th 1091.

No. 21–1395. *FEW v. UNITED TEACHERS LOS ANGELES ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–1412. *YOUNG ET AL. v. ROGERS ET AL.* Sup. Ct. Ariz. Certiorari denied. Reported below: 252 Ariz. 335, 502 P. 3d 986.

No. 21–1414. *CRANDALL v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 25 F. 4th 582.

No. 21–1434. *VSP LABS, INC. v. HILLAIR CAPITAL INVESTMENTS L. P. ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 26 F. 4th 245.

No. 21–1440. *MCCLOSKEY v. MISSOURI OFFICE OF CHIEF DISCIPLINARY COUNSEL* (two judgments). Sup. Ct. Mo. Certiorari denied.

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No. 21–6770. *ELYSEE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 993 F. 3d 1309.

No. 21–6772. *CANFIELD v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 998 F. 3d 242.

No. 21–6787. *YOUNG v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 21–7233. *SARDINAS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–7504. *BYNOE v. NEVADA*. Sup. Ct. Nev. Certiorari denied. Reported below: 138 Nev. 922, 504 P. 3d 1135.

No. 21–7505. *DYSON v. WEXFORD HEALTH SOURCES, INC., ET AL.* C. A. 4th Cir. Certiorari denied.

No. 21–7506. *CARR v. ILLINOIS*. App. Ct. Ill., 5th Dist. Certiorari denied. Reported below: 2021 IL App (5th) 180387–U.

No. 21–7507. *GROSS v. FIRST NLC FINANCIAL SERVICES, LLC, ET AL.* Ct. Sp. App. Md. Certiorari denied. Reported below: 252 Md. App. 739 and 740.

No. 21–7512. *HERRIOTT v. PARRISH ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 857 Fed. Appx. 762.

No. 21–7515. *GORDON v. PARKER ET AL.* Ct. App. La., 1st Cir. Certiorari denied.

No. 21–7523. *ROBINSON v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 166 Ohio St. 3d 476, 2021-Ohio-3865, 187 N. E. 3d 508.

No. 21–7526. *MORRIS v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 2021 IL App (2d) 190514–U.

No. 21–7528. *BRALICH v. FOX NEWS NETWORK, LLC, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 21–7533. *STANCIU v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

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No. 21–7537. *GUTIERREZ v. TEXAS*. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 21–7539. *HIGLEY v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 21–7548. *NOVITSKIY v. COLORADO*. Ct. App. Colo. Certiorari denied.

No. 21–7554. *BURKE v. CHILDS ET AL.* Ct. App. Ga. Certiorari denied.

No. 21–7555. *O’KEEFE v. NEVADA*. Ct. App. Nev. Certiorari denied. Reported below: 137 Nev. 947, 498 P. 3d 1293.

No. 21–7558. *KOLOSHA v. PETTIGREW, WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 21–7559. *KOLOSHA v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 21–7562. *TYLER v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 21–7565. *LEE v. BUFFALOE, SECRETARY, NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 21–7568. *STEPHENS v. FLORIDA DEPARTMENT OF CORRECTIONS*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 331 So. 3d 232.

No. 21–7590. *ONWUZULIKE v. GARLAND, ATTORNEY GENERAL*. C. A. 3d Cir. Certiorari denied.

No. 21–7596. *MEEKS v. BUTTE COUNTY DISTRICT ATTORNEY ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–7609. *CARVIEL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7612. *ALDABA-ROMAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7616. *USSERY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

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No. 21–7619. *WALL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 21–7621. *PEREZ-VIDES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7622. *MEDINA-RIOS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7623. *LARA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 23 F. 4th 459.

No. 21–7625. *MAY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7626. *MARTINEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7630. *ANDERSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 21–7632. *GOTAY-GUZMAN v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 21–7633. *INKO-TARIAH v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied.

No. 21–7638. *JIMENEZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 14 F. 4th 32.

No. 21–7640. *GENERAL v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 21–7644. *REYNOSO, AKA HERNANDEZ v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 861 Fed. Appx. 204.

No. 21–7645. *BARRIE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 21–7652. *OLVERA v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 21–7657. *FLOYD v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–7659. *DOE v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 23 F. 4th 146.

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No. 21–7661. *TUCKER v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 21–7662. *COOK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7665. *SOLOVE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–7668. *HALEY v. MISSISSIPPI*. Ct. App. Miss. Certiorari denied. Reported below: 331 So. 3d 36.

No. 21–7682. *BROWN v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied.

No. 21–7685. *DELGADO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 21–7692. *GERALDO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 21–7697. *MIRANDO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 21–7720. *WHEELER, AKA WILLIAMS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 16 F. 4th 805.

No. 21–7721. *CRUZ-MORA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7725. *SILA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7726. *SARTIN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 21–7730. *MARTIN v. BRNOVICH, ATTORNEY GENERAL OF ARIZONA, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 21–7733. *LEWIS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 21–7734. *NICHOLSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 24 F. 4th 1341.

No. 21–7735. *PERRYMAN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

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No. 21-7738. *MATA-VALERIO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21-7739. *WHITAKER v. COYNE-FAGUE, WARDEN*. C. A. 1st Cir. Certiorari denied.

No. 21-7746. *PIPER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21-7748. *RAMDEO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21-7753. *MILLER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 11 F. 4th 944.

No. 21-7757. *STINSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 21-7758. *ESTELL v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 21-7759. *McKINNIE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 21 F. 4th 283.

No. 21-7763. *ASHFORD v. SOUTH CAROLINA*. Sup. Ct. S. C. Certiorari denied.

No. 21-7765. *LORA v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 21-7767. *BILLUPS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21-7773. *MIDDLEBROOK v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 21-7776. *WRENN v. TONEY, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 21-7781. *PALACIOS v. SMITH*. C. A. 9th Cir. Certiorari denied.

No. 21-7783. *AVILES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21-7784. *RENTERIA MADRID v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

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No. 21-7785. *MENA-VALDEZ v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 21-7786. *TREVIZO-CORTEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21-7791. *RAMIREZ-ALMADER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21-7793. *SULLIVAN v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII*. C. A. 9th Cir. Certiorari denied.

No. 21-7804. *ALGER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 21-7805. *BURCH v. SELECT PORTFOLIO SERVICING, INC.* C. A. 5th Cir. Certiorari denied.

No. 21-7808. *MCINTYRE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21-7812. *WARREN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 21-7813. *CERVANTES-RESENDIZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21-7814. *POFF v. SMITH, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 21-7819. *SMITH v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 21-7820. *THOMAS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 21-7821. *WOODBERRY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 21-7822. *LOVINGS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 21-7824. *KING v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 21-7827. *HARO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

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No. 21–7828. *JONES v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 21–7832. *CASAMAYOR v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–7835. *PERRYMAN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 20 F. 4th 1127.

No. 21–7837. *BURNS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7838. *LARCK v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 21–7841. *JEWELL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 21–7842. *BULLCOMING v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 22 F. 4th 883.

No. 21–1295. *ST. AUGUSTINE SCHOOL ET AL. v. UNDERLY, WISCONSIN STATE SUPERINTENDENT OF PUBLIC INSTRUCTION, ET AL.* C. A. 7th Cir. Certiorari denied. JUSTICE BARRETT took no part in the consideration or decision of this petition. Reported below: 21 F. 4th 446.

No. 21–1330. *ARMSTRONG v. CITY OF CONYERS, GEORGIA*. C. A. 11th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 21–7270. *BROWN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 21–7635. *KAETZ v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 21–7826. *COOPER v. UNITED STATES*. C. A. 6th Cir. Certiorari before judgment denied.

Rehearing Denied

No. 21–999. *BLESSETT v. TEXAS OFFICE OF THE ATTORNEY GENERAL, GALVESTON COUNTY CHILD SUPPORT ENFORCEMENT DIVISION*, 595 U. S. 1284;

No. 21–6867. *THORPE v. ONEMAIN FINANCIAL*, 595 U. S. 1289;

No. 21–6973. *JACKS v. LYNCH, WARDEN*, 596 U. S. 906;

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No. 21–6978. IN RE HARRIS, 596 U. S. 901;
No. 21–7085. LARSON *v.* AMERICAN HOME PRODUCTS, WYETH-
AYERST LABORATORIES, 596 U. S. 906;
No. 21–7246. IN RE HARRIS, 596 U. S. 951;
No. 21–7316. DUERSON *v.* UNITED STATES, 596 U. S. 917; and
No. 21–7410. IN RE PINEDA, 596 U. S. 924. Petitions for re-
hearing denied.

No. 21–809. GALLO *v.* DISTRICT OF COLUMBIA, 595 U. S. 1138.
Motion for leave to file petition for rehearing denied.

JUNE 8, 2022

Miscellaneous Order

No. 21–8083 (21A799). IN RE ATWOOD. Application for stay
of execution of sentence of death, presented to JUSTICE KAGAN,
and by her referred to the Court, denied. Petition for writ of
habeas corpus denied.

Certiorari Denied

No. 21–8084 (21A800). ATWOOD *v.* SHINN, DIRECTOR, ARIZONA
DEPARTMENT OF CORRECTIONS, REHABILITATION AND REENTRY,
ET AL. C. A. 9th Cir. Application for stay of execution of sen-
tence of death, presented to JUSTICE KAGAN, and by her referred
to the Court, denied. Certiorari denied. Reported below: 36
F. 4th 901.

No. 21–8085 (21A801). ATWOOD *v.* ARIZONA. Sup. Ct. Ariz.
Application for stay of execution of sentence of death, presented
to JUSTICE KAGAN, and by her referred to the Court, denied.
Certiorari denied.

JUNE 9, 2022

Miscellaneous Order

No. 21A772. RITTER *v.* MIGLIORI ET AL. C. A. 3d Cir. Appli-
cation for stay, presented to JUSTICE ALITO, and by him referred
to the Court, denied. The order heretofore entered by JUSTICE
ALITO is vacated.

JUSTICE ALITO, with whom JUSTICE THOMAS and JUSTICE GOR-
SUCH join, dissenting.

This application for a stay pending certiorari involves the
counting of undated mail-in ballots in one state-court judicial elec-

tion. A stay pending certiorari is appropriate only if the Court is likely to grant review; certiorari is discretionary; and the Court now denies the stay. I would agree with that decision were it not for concern about the effect that the Third Circuit's interpretation of 52 U.S.C. § 10101(a)(2)(B) may have in the federal and state elections that will be held in Pennsylvania in November.

The Third Circuit's interpretation broke new ground, and at this juncture, it appears to me that that interpretation is very likely wrong. If left undisturbed, it could well affect the outcome of the fall elections, and it would be far better for us to address that interpretation before, rather than after, it has that effect. I would therefore enter a stay pending certiorari and advise that any petition for certiorari and brief in opposition should be filed expeditiously. If that is done, the Court will be in a position to grant review, set an expedited briefing schedule, and if necessary, set the case for argument in October.

To illustrate why the Third Circuit's interpretation is sufficiently questionable and important to merit review, I offer the following thoughts on the interpretation of the statute in question. As I will explain, it appears to me, based on the review that I have been able to conduct in the time allowed, that the Third Circuit's interpretation is very likely wrong. It seems plainly contrary to the statutory language, but as is almost always the case when we decide whether to grant emergency relief, I do not rule out the possibility that further briefing and argument might convince me that my current view is unfounded. But with that caveat, I will proceed to discuss the statutory language.

The statutory provision in question reads as follows:

“No person acting under color of law shall . . . deny the right of any individual to vote in any election because of an error or omission on any record or paper related to any application, registration, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election.” § 10101(a)(2)(B).

This provision has five elements: (1) the proscribed conduct must be engaged in by a person who is “acting under color of law”; (2) it must have the effect of “deny[ing]” an individual “the right to vote”; (3) this denial must be attributable to “an error or omission on [a] record or paper”; (4) the “record or paper” must

be “related to [an] application, registration, or other act requisite to voting”; and (5) the error or omission must not be “material in determining whether such individual is qualified under State law to vote in such election.” *Ibid.*

The Third Circuit held that the failure to count mail-in ballots that did not include the date on which they were filled out constituted a violation of this provision, but the Third Circuit made little effort to explain how its interpretation can be reconciled with the language of the statute. In my view, however, it appears that elements 2 and 5 are clearly not met.¹

I will start with element 2. When a mail-in ballot is not counted because it was not filled out correctly, the voter is not denied “the right to vote.” Rather, that individual’s vote is not counted because he or she did not follow the rules for casting a ballot. “Casting a vote, whether by following the directions for using a voting machine or completing a paper ballot, requires compliance with certain rules.” *Brnovich v. Democratic National Committee*, 594 U.S. 647, 669 (2021). A registered voter who does not follow the rules may be unable to cast a vote for any number of reasons. A voter may go to the polling place on the wrong day or after the polls have closed. A voter may go to the wrong polling place and may not have time to reach the right place before it is too late. A voter who casts a mail-in ballot may send it to the wrong address. A State’s refusal to count the votes of these voters does not constitute a denial of “the right to vote.” Even the most permissive voting rules must contain some requirements, and the failure to follow those rules constitutes the forfeiture of the right to vote, not the denial of that right.

Element 5 weighs even more heavily against the Third Circuit’s interpretation. This element requires that the error or omission be “material in determining whether such individual is qualified under State law to vote in such election.” There is no reason why the requirements that must be met in order to register (and thus be “qualified”) to vote should be the same as the requirements that must be met in order to cast a ballot that will be counted. Indeed, it would be silly to think otherwise. Think of

¹ Elements 1 and 3 are satisfied, but for the reasons explained below, see n. 2, *infra*, the Third Circuit’s interpretation is not consistent with the most natural reading of element 4.

the previously mentioned hypothetical voters whose votes were not counted because they did not follow the rules for casting a vote. None of the rules they violated—rules setting the date of an election, the location of the voter’s assigned polling place, the address to which a mail-in ballot must be sent—has anything to do with the requirements that must be met in order to establish eligibility to vote, and it would be absurd to judge the validity of voting rules based on whether they are material to eligibility.

Under Pennsylvania law, a person is qualified to vote if he or she is at least 18 years old on the day of the election, has been a citizen of the State for at least one month, has lived in the relevant election district for at least 30 days, and is not imprisoned for a felony. See 25 Pa. Cons. Stat. § 1301 (2002). Other requirements must be met in order for a mail-in ballot to be counted. Among other things, a statute provides that a voter “*shall . . . fill out, date and sign*” a declaration printed on the outer security envelope in which the actual ballot is sealed. S. 422, 2020 Gen. Assem., Reg. Sess. (Pa.), codified at Pa. Stat. Ann., Tit. 25, § 3150.16(a) (emphasis added); see also *Migliori v. Lehigh County Bd. of Elections*, No. 5:22-cv-0397 (ED Pa., Mar. 16, 2022), App. to Application 23a–24a. The Pennsylvania Supreme Court has held that the inclusion of the date on which the ballot was filled out is mandatory and that undated ballots cannot be counted, see *In re Canvass of Absentee and Mail-in Ballots of Nov. 3, 2020 General Election*, 663 Pa. 283, 241 A. 3d 1058 (2020), but the Third Circuit held that this state-law rule is preempted by 52 U. S. C. § 10101(a)(2)(B) because the inclusion of a date is not material to the question whether a person is qualified to vote.

Can that possibly be correct? One may argue that the inclusion of a date does not serve any strong purpose and that a voter’s failure to date a ballot should not cause the ballot to be disqualified. But § 10101(a)(2)(B) does not address that issue. It applies only to errors or omissions that are not material to the question whether a person is qualified to vote. It leaves it to the States to decide which voting rules should be mandatory.

The problem with the Third Circuit’s interpretation can be illustrated by considering what would happen if it were applied to a mail-in voting rule that is indisputably important, namely, the requirement that a mail-in ballot be signed. Pa. Stat. Ann., Tit. 25, § 3150.16(a). Suppose a voter did not personally sign his or her ballot but instead instructed another person to complete the

ballot and sign it using the standard notation employed when a letter is signed for someone else: “p. p. John or Jane Doe.” Or suppose that a voter, for some reason, typed his or her name instead of signing it. Those violations would be material in determining whether a ballot should be counted, but they would not be “material in determining whether such individual is qualified under State law to vote in such election.” Therefore, under the Third Circuit’s interpretation, a ballot signed by a third party and a ballot with a typed name rather than a signature would have to be counted. It seems most unlikely that this is what 52 U. S. C. § 10101(a)(2)(B) means.²

For these reasons, it appears to me that the Third Circuit’s interpretation is very likely incorrect, and I would grant a stay to preserve the opportunity to review that decision prior to the elections in November.

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² In light of what I have written about elements 2 and 5, it is unlikely that element 4 must be addressed, but for the sake of completeness, I will add that the language of that provision must be given a strained meaning in order to make it applicable to the validity of a rule about filling out a mail-in ballot. Element 4 demands that a “record or paper” must be “related to [an] application, registration, or other act requisite to voting.” 52 U. S. C. § 10101(a)(2)(B). A mail-in ballot is a “record or paper,” and it does not appear to be related in any direct sense to any “application” or “registration,” so the question is whether it is “related to” some “other act requisite to voting.” But the casting of a ballot constitutes the act of voting. Indeed, the statute specifies that “the word ‘vote’ includes all action necessary to make a vote effective including . . . casting a ballot, and having such ballot counted.” § 10101(e). It is therefore awkward to describe the act of voting as “requisite to the act of voting.”