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REBECCA A. WOMELDORF

REPORTER OF DECISIONS



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REPORTER'S NOTE

Orders commencing with May 15, 2023, begin with page 1278. The preceding orders in 598 U.S., from October 3, 2022, through May 5, 2023, were reported in Part 1, at 901–1277. These page numbers are the same as they will be in the bound volume, thus making the *permanent* citations available upon publication of the preliminary prints of the United States Reports.

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Certiorari Dismissed

No. 22–6958. *POWERS v. DOLL ET AL.* App. Ct. Ill., 2d Dist. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*). Reported below: 2022 IL App (2d) 210007, 202 N. E. 3d 980.

No. 22–6988. *CONERLY v. WINN, JUDGE, SUPERIOR COURT OF CALIFORNIA, SACRAMENTO COUNTY, ET AL.* C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 22–7120. *BRESSI v. PENNSYLVANIA PAROLE BOARD ET AL.* C. A. 3d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

Miscellaneous Orders

No. 22A896. *WO OF IDEAFARM v. SUPERIOR COURT OF CALIFORNIA, SAN MATEO COUNTY, APPELLATE DIVISION.* Ct. App. Cal., 4th App. Dist., Div. 1. Application for stay, addressed to JUSTICE THOMAS and referred to the Court, denied.

No. D–3119. *IN RE DISCIPLINE OF COHEN.* Michael Brandon Cohen, of Altoona, Pa., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. 22M102. *MARINOS-ARSENIS v. HORIZON BLUE CROSS BLUE SHIELD OF NEW JERSEY*; and

No. 22M103. *LAROCHE-ST. FLEUR v. BOARD OF BAR OVERSEERS OF THE SUPREME JUDICIAL COURT OF MASSACHUSETTS.* Motions for leave to file petitions for writs of certiorari with supplemental appendixes under seal granted.

No. 22M104. *ROLLER v. HOLLOWAY ET AL.* Motion for leave to proceed as a veteran denied.

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No. 22–448. CONSUMER FINANCIAL PROTECTION BUREAU ET AL. *v.* COMMUNITY FINANCIAL SERVICES ASSOCIATION OF AMERICA, LTD., ET AL. C. A. 5th Cir. [Certiorari granted, 598 U. S. 1187.] Motion of petitioners to dispense with printing joint appendix granted.

No. 22–631. HIGHLAND CAPITAL MANAGEMENT, L. P. *v.* NEXPOINT ADVISORS, L. P., ET AL. C. A. 5th Cir.; and

No. 22–669. NEXPOINT ADVISORS, L. P., ET AL. *v.* HIGHLAND CAPITAL MANAGEMENT, L. P., ET AL. C. A. 5th Cir. The Solicitor General is invited to file a brief in these cases expressing the views of the United States.

No. 22–6496. WELSH *v.* COLLIER ET AL. C. A. 5th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [598 U. S. 1208] denied.

No. 22–6950. NEWSOME *v.* FESTIVA RESORTS REAL ESTATE HOLDINGS, LLC, ET AL. C. A. 4th Cir.;

No. 22–6963. MCALEXANDER *v.* OTSUKA AMERICA PHARMACEUTICAL, INC. C. A. 11th Cir.;

No. 22–6971. DINGLER *v.* GARRETT, SHERIFF, ROCKWALL COUNTY, TEXAS, ET AL. C. A. 5th Cir.;

No. 22–6996. SEARCY *v.* ORCHARD NATIONAL TITLE. C. A. 5th Cir.;

No. 22–7004. KHANNA ET UX. *v.* WESTPORT VILLAGE AT IRONGATE COMMUNITY ASSN. Ct. App. Cal., 1st App. Dist., Div. 2;

No. 22–7104. CONTEH *v.* DEPARTMENT OF COMMERCE. C. A. Fed. Cir.;

No. 22–7228. HARDMAN *v.* KIJAKAZI, ACTING COMMISSIONER OF SOCIAL SECURITY. C. A. 8th Cir.; and

No. 22–7323. GOSSAGE *v.* OFFICE OF PERSONNEL MANAGEMENT ET AL. C. A. 9th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until June 5, 2023, 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. 22–993. IN RE MAHARAJ;

No. 22–7298. IN RE YANKEY;

No. 22–7332. IN RE MARTIN; and

No. 22–7362. IN RE COLLIER. Petitions for writs of habeas corpus denied.

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No. 22–6931. IN RE GRAHAM; and
No. 22–6980. IN RE BLODGETT. Petitions for writs of mandamus denied.

No. 22–6989. IN RE COLLIER. Petition for writ of mandamus and/or prohibition denied.

Probable Jurisdiction Noted

No. 22–807. ALEXANDER, PRESIDENT OF THE SOUTH CAROLINA SENATE, ET AL. *v.* SOUTH CAROLINA STATE CONFERENCE OF THE NAACP ET AL. Appeal from D. C. S. C. Probable jurisdiction noted.

Certiorari Granted

No. 22–425. CARNAHAN, ADMINISTRATOR OF THE GENERAL SERVICES ADMINISTRATION *v.* MALONEY ET AL. C. A. D. C. Cir. Certiorari granted. Reported below: 984 F. 3d 50.

No. 22–6389. BROWN *v.* UNITED STATES. C. A. 3d Cir.; and
No. 22–6640. JACKSON *v.* UNITED STATES. C. A. 11th Cir. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, cases consolidated, and a total of one hour is allotted for oral argument. Reported below: No. 22–6389, 47 F. 4th 147; No. 22–6640, 55 F. 4th 846.

Certiorari Denied

No. 22–511. DIXON *v.* TEXAS. Ct. App. Tex., 7th Dist. Certiorari denied.

No. 22–554. ST. JOHN *v.* JONES ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 38 F. 4th 693.

No. 22–573. BRFH SHREVEPORT LLC, DBA UNIVERSITY HEALTH SHREVEPORT *v.* WILLIS-KNIGHTON MEDICAL CENTER, DBA WILLIS-KNIGHTON HEALTH SYSTEM. C. A. 5th Cir. Certiorari denied. Reported below: 49 F. 4th 520.

No. 22–708. GRIPUM, LLC *v.* FOOD AND DRUG ADMINISTRATION. C. A. 7th Cir. Certiorari denied. Reported below: 47 F. 4th 553.

No. 22–720. DAKOTA FINANCE LLC, DBA ARABELLA FARM, ET AL. *v.* NATURALAND TRUST ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 41 F. 4th 342.

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No. 22–743. NEVADA IRRIGATION DISTRICT ET AL. *v.* CALIFORNIA STATE WATER RESOURCES CONTROL BOARD ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 43 F. 4th 920.

No. 22–818. ANYIKA *v.* FRANCIS-ANYIKA. Super. Ct. Pa. Certiorari denied. Reported below: 270 A. 3d 1139.

No. 22–836. PEREZ SOTO *v.* ORONOZ-RODRIGUEZ, CHIEF JUSTICE, SUPREME COURT OF PUERTO RICO, ET AL. C. A. 1st Cir. Certiorari denied.

No. 22–854. ARCHER *v.* WINN DIXIE STORES, INC., ET AL. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 342 So. 3d 646.

No. 22–857. FOSTER ET AL. *v.* WEARRY. C. A. 5th Cir. Certiorari denied. Reported below: 33 F. 4th 260.

No. 22–858. FINK *v.* BISHOP ET AL. C. A. 3d Cir. Certiorari denied.

No. 22–861. MARCHISOTTO *v.* CANOVA ET AL. Super. Ct. N. J., App. Div. Certiorari denied.

No. 22–866. BELL *v.* LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 22–870. TAVERAS *v.* UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA. C. A. 11th Cir. Certiorari denied.

No. 22–871. LOPEZ LUVIAN *v.* GARLAND, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied. Reported below: 40 F. 4th 996.

No. 22–877. LUGO *v.* STURM. App. Ct. Ill., 4th Dist. Certiorari denied.

No. 22–879. BASILE *v.* LOS ANGELES FILM SCHOOL, LLC, ET AL. C. A. 9th Cir. Certiorari denied.

No. 22–881. ZIELINSKI *v.* WISCONSIN LABOR AND INDUSTRY REVIEW COMMISSION ET AL. C. A. 7th Cir. Certiorari denied.

No. 22–882. STEWART *v.* RRL HOLDING COMPANY OF OHIO, LLC, ET AL. Ct. App. Ohio, 10th App. Dist., Franklin County.

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Certiorari denied. Reported below: 2021-Ohio-3989, 180 N. E. 3d 699.

No. 22–889. *WOLLNER v. PEARPOP INC.* Sup. Ct. Del. Certiorari denied. Reported below: 288 A. 3d 692.

No. 22–902. *FLAVELL v. MARSHALL ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 22–916. *McMANUS v. NBS DEFAULT SERVICES, LLC, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 22–924. *FIFE v. FINANCIAL INDUSTRY REGULATORY AUTHORITY, INC.* C. A. 2d Cir. Certiorari denied.

No. 22–948. *PAREMSKY v. INGHAM COUNTY MEDICAL CARE FACILITY ET AL.* Ct. App. Mich. Certiorari denied.

No. 22–950. *SMULLEY v. SAFECO INSURANCE COMPANY OF ILLINOIS ET AL.* C. A. 2d Cir. Certiorari denied.

No. 22–952. *DEMICHAEL v. FLORIDA DEPARTMENT OF MANAGEMENT SERVICES, DIVISION OF RETIREMENT.* Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 334 So. 3d 691.

No. 22–961. *STEEVES v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied.

No. 22–966. *McLILLY v. DOUGLAS, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 22–967. *BANKS v. UNITED STATES.* C. A. 10th Cir. Certiorari denied.

No. 22–975. *WELLMAN v. HEB GROCERY Co.* C. A. 5th Cir. Certiorari denied.

No. 22–979. *OWENS v. GEORGIA GOVERNOR’S OFFICE OF STUDENT ACHIEVEMENT.* C. A. 11th Cir. Certiorari denied. Reported below: 52 F. 4th 1327.

No. 22–981. *UDOH v. MINNESOTA.* Ct. App. Minn. Certiorari denied.

No. 22–983. *WILLIAMS ET AL. v. DAVIS, SUPERINTENDENT, LOUISIANA STATE POLICE.* C. A. 5th Cir. Certiorari denied.

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No. 22–985. *WALKER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 22–988. *CREDIT CONSULTING SERVICES, INC. v. PAREDES*. Ct. App. Cal., 6th App. Dist. Certiorari denied. Reported below: 82 Cal. App. 5th 410, 297 Cal. Rptr. 3d 862.

No. 22–1002. *VAN OVERDAM v. TEXAS A&M UNIVERSITY ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 43 F. 4th 522.

No. 22–1007. *JERICO BAPTIST CHURCH MINISTRIES, INC., JERICO DC v. BANK OF AMERICA, N. A.* C. A. 4th Cir. Certiorari denied.

No. 22–1014. *ESTATE OF WILSON ET AL. v. LAS VEGAS METROPOLITAN POLICE DEPARTMENT ET AL.* C. A. 9th Cir. Certiorari denied.

No. 22–6489. *MORTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 46 F. 4th 331.

No. 22–6665. *CORTEZ-NIETO ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 43 F. 4th 1034.

No. 22–6690. *BIXBY v. STIRLING, COMMISSIONER, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 22–6930. *HACKNEY v. MICHIGAN*. Sup. Ct. Mich. Certiorari denied. Reported below: 509 Mich. 1055, 975 N. W. 2d 461.

No. 22–6933. *HESSMER v. BRYAN, SHERIFF, WILSON COUNTY, TENNESSEE*. C. A. 6th Cir. Certiorari denied.

No. 22–6938. *GONZALEZ v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 22–6939. *FLORES v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 22–6941. *KERR v. ALDRIDGE/PITE, LLP, ET AL.* C. A. 9th Cir. Certiorari denied.

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No. 22–6943. *THURSTON v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 352 So. 3d 788.

No. 22–6948. *SPIKER v. ERSKINES ET AL.* C. A. 7th Cir. Certiorari denied.

No. 22–6949. *MCDOWELL v. REEVES*. C. A. 5th Cir. Certiorari denied.

No. 22–6952. *BROOKINS v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. Reported below: 315 Ga. 86, 879 S. E. 2d 466.

No. 22–6959. *DAVIS v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 22–6960. *MITCHELL v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 22–6967. *GARCIA v. VALDEZ ET AL.* C. A. 9th Cir. Certiorari denied.

No. 22–6969. *SHETSKIE v. COLORADO*. Ct. App. Colo. Certiorari denied.

No. 22–6976. *HARRIS v. CREDIT ACCEPTANCE CORP. ET AL.* C. A. 3d Cir. Certiorari denied.

No. 22–6977. *TALIB v. MARYLAND*. App. Ct. Md. Certiorari denied.

No. 22–6979. *MCCRAY v. JONES ET AL.* C. A. 3d Cir. Certiorari denied.

No. 22–6991. *DICKERSON v. SCARLETT, CHIEF, SPRINGFIELD POLICE DEPARTMENT, ILLINOIS, ET AL.* C. A. 7th Cir. Certiorari denied.

No. 22–6992. *REAVES v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 22–6997. *FREITAS v. WISE, JUDGE, SUPERIOR COURT OF CALIFORNIA, ALAMEDA COUNTY, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 22–7003. *MELTON v. PERRY ET AL.* C. A. 7th Cir. Certiorari denied.

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No. 22–7011. *WATERS v. WATERS*. Ct. App. Minn. Certiorari denied.

No. 22–7015. *REAVES v. VIDAL, SUPERINTENDENT, SOUZA-BARANOWSKI CORRECTIONAL CENTER*. C. A. 1st Cir. Certiorari denied.

No. 22–7018. *WRIGHT v. CONTRA COSTA COUNTY, CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 22–7020. *SKIEF v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 22–7021. *WILLIAMS v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 22–7071. *BAKER v. NEAL, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 22–7080. *JAMES A. v. CONNECTICUT*. Sup. Ct. Conn. Certiorari denied. Reported below: 345 Conn. 599, 286 A. 3d 855.

No. 22–7088. *GRZESLO v. FISHER, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 22–7125. *TORRENCE v. PETERSON, WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 22–7127. *MEYER v. THORNELL, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, REHABILITATION AND REENTRY, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 22–7149. *HAMMOND v. FORT, WARDEN*. Sup. Ct. Ga. Certiorari denied.

No. 22–7153. *HARVEY v. RUSSELL, ASSISTANT WARDEN*. C. A. 4th Cir. Certiorari denied.

No. 22–7165. *WOO v. EL PASO COUNTY SHERIFF’S OFFICE ET AL.* Sup. Ct. Colo. Certiorari denied.

No. 22–7172. *HARMON v. NOEL-EMSWELLER ET AL.* C. A. 8th Cir. Certiorari denied.

No. 22–7178. *FRAZIER v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

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No. 22–7182. *RAKHMATOV v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 53 F. 4th 258.

No. 22–7184. *MIDDLEKAUFF v. WASHBURN, SUPERINTENDENT, EASTERN OREGON CORRECTIONAL INSTITUTION*. Ct. App. Ore. Certiorari denied. Reported below: 321 Ore. App. 23.

No. 22–7194. *PAULK v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 46 F. 4th 399.

No. 22–7201. *BROWN-MALLARD v. NEXT DAY TEMPS ET AL.* Sup. Ct. Va. Certiorari denied.

No. 22–7221. *KUTSCHENREUTER v. MCCLAIN, WARDEN*. C. A. 11th Cir. Certiorari denied.

No. 22–7234. *LEBEAU v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 22–7239. *KNIGHT v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 56 F. 4th 1231.

No. 22–7241. *RAY v. UTAH*. Ct. App. Utah. Certiorari denied. Reported below: 2022 UT App 95, 516 P. 3d 329.

No. 22–7245. *DIBIASE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 22–7247. *CASTILLO GUZMAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 22–7249. *GODETTE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 22–7253. *SOLIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7261. *PROPHET v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 22–7263. *RAMIREZ v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 52 F. 4th 705.

No. 22–7264. *McKINNEY v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 22–7265. *FRANKS v. FLORIDA*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 349 So. 3d 428.

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No. 22–7272. *MARTINEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7273. *HERNANDEZ-JIMENEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7278. *WARD-MALONE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 22–7279. *THOMAS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 22–7282. *LINDER v. LAMMER, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 22–7284. *JOHNSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 22–7288. *GONZALEZ-ENRIQUEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7289. *BISHOFF v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below; 58 F. 4th 18.

No. 22–7290. *HOWARD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 22–7292. *SIMPSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7295. *WILLIAMS v. TOBY, WARDEN*. C. A. 11th Cir. Certiorari denied.

No. 22–7296. *THOMAS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 22–7300. *SULLIVAN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 22–7307. *LATHAN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 22–7339. *HARVEY v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. Reported below: 315 Ga. 395, 882 S. E. 2d 238.

No. 21–1281. *INTERACTIVE WEARABLES, LLC v. POLAR ELECTRO OY ET AL.* C. A. Fed. Cir. Certiorari denied. JUSTICE KAVANAUGH would grant the petition for writ of certiorari.

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No. 22–22. *TROPP v. TRAVEL SENTRY, INC., ET AL.* C. A. Fed. Cir. Certiorari denied. JUSTICE KAVANAUGH would grant the petition for writ of certiorari.

No. 22–37. *TEVA PHARMACEUTICALS USA, INC. v. GLAXO-SMITHKLINE LLC ET AL.* C. A. Fed. Cir. Certiorari denied. JUSTICE KAVANAUGH would grant the petition for writ of certiorari. Reported below: 7 F. 4th 1320.

No. 22–580. *HAMM, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS v. SMITH.* C. A. 11th Cir. Certiorari denied.

JUSTICE THOMAS, with whom JUSTICE ALITO joins, dissenting.

In 1988, Kenneth Eugene Smith and an accomplice murdered Elizabeth Sennett for \$1,000 apiece. The State of Alabama sentenced Smith to death. Last year, it scheduled Smith’s execution for November 17, 2022, and Smith brought an Eighth Amendment challenge to the State’s plan to execute him by lethal injection. On the afternoon of November 17, a divided Eleventh Circuit panel held that Smith had pleaded a viable method-of-execution claim, reversing the District Court’s contrary ruling. Later that evening, the Eleventh Circuit granted Smith a stay of execution. The State applied to this Court to dissolve the Eleventh Circuit’s stay, and we granted the application. But, after this last-minute litigation, the State was unable to execute Smith before its death warrant expired. Smith’s lawsuit thus remains pending in the District Court.

In this petition, the State now asks this Court to summarily reverse the Eleventh Circuit’s holding that Smith pleaded a viable Eighth Amendment claim. I would do so. The judgment below rests on flawed Circuit precedent that is irreconcilable with our method-of-execution case law.

“The Constitution allows capital punishment” and “does not guarantee a prisoner a painless death.” *Bucklew v. Precythe*, 587 U.S. 119, 129, 132 (2019). Nonetheless, in defined circumstances, our cases countenance a claim that “the State’s chosen method of execution cruelly superadds pain to the death sentence,” thus violating the Eighth Amendment. *Id.*, at 134. To plead and prove such a claim, “a prisoner must show a feasible and readily implemented alternative method of execution that would significantly reduce a substantial risk of severe pain and that the State

has refused to adopt without a legitimate penological reason.” *Ibid.* Only with such a showing can “a State’s refusal to change its method . . . be viewed as ‘cruel and unusual’ under the Eighth Amendment.” *Baze v. Rees*, 553 U.S. 35, 52 (2008) (plurality opinion).

Our cases further provide guidance on what a prisoner must show to prove that his proposed alternative method is “feasible and readily implemented.” In *Bucklew*, we explained that “the inmate’s proposal must be sufficiently detailed to permit a finding that the State could carry it out relatively easily and reasonably quickly.” 587 U.S., at 141 (internal quotation marks omitted). And, just last Term, the Court underscored that the prisoner “must make the case that the State really can put him to death, though in a different way than it plans,” by “providing the State with a veritable blueprint for carrying the death sentence out.” *Nance v. Ward*, 597 U.S. 159, 169 (2022); see also *ibid.* (“If the inmate obtains his requested relief, it is because he has persuaded a court that the State could readily use his proposal to execute him”).

These precedents unmistakably establish two propositions. First, it is *the prisoner’s* burden to “plead and prove a known and available alternative.” *Glossip v. Gross*, 576 U.S. 863, 880 (2015). Second, the focus of the “feasible and readily implemented” element is *practical* availability, which is ultimately a question of fact. See *Nance*, 597 U.S., at 169; *Bucklew*, 587 U.S., at 141.

Here, Smith challenged the State’s chosen method of lethal injection based on the proposed alternative of execution by nitrogen hypoxia. As the plaintiff, Smith was required to “plea[d] factual content” making it plausible that he could establish the availability element of his claim. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); see Fed. Rule Civ. Proc. 8(a). Smith, however, did not even *attempt* to plead facts indicating that Alabama “could readily use [nitrogen hypoxia] to execute him.” *Nance*, 597 U.S., at 169. Instead, he alleged only that, “[a]s a matter of law, nitrogen hypoxia is an available and feasible alternative method of execution,” citing *Price v. Commissioner, Ala. Dept. of Corrections*, 920 F.3d 1317, 1328–1329 (CA11 2019), as support. Motion To Alter or Amend Judgt. in No. 2:22-cv-00497 (MD Ala., Oct. 19, 2022), ECF Doc. 24–1, Exh. A, p. 19, ¶74 (emphasis added). And

the Eleventh Circuit considered this threadbare allegation sufficient to satisfy Smith's pleading burden on the availability element.

Understanding the court's reasoning below requires some background about Alabama law and the Eleventh Circuit's *Price* decision. In 2018, Alabama enacted a statute authorizing execution by nitrogen hypoxia for inmates who elected that method within 30 days of their sentences becoming final or, for those whose sentences were already final before June 1, 2018, within 30 days of that date. Ala. Code § 15–18–82.1(b)(2). (Smith did not elect nitrogen hypoxia, so lethal injection remains the only method of execution authorized by state law in his case. § 15–18–82.1(a).) Nearly five years later, Alabama has yet to carry out any execution by nitrogen hypoxia or to finalize a protocol for implementing that method—which “ha[s] never been used to carry out an execution and ha[s] no track record of successful use” in any jurisdiction. *Bucklew*, 587 U. S., at 142 (internal quotation marks omitted).

Since *Price*, however, the Eleventh Circuit has treated the existence of this Alabama statute as relieving inmates like Smith of their burden to plead and prove that nitrogen hypoxia is feasible and readily implemented in fact. “If a State adopts a particular method of execution,” *Price* reasoned, “it thereby concedes that the method of execution is available to its inmates.” 920 F. 3d, at 1327–1328. Thus, “an inmate may satisfy his burden to demonstrate that [a] method of execution is feasible and readily implemented by” simply “pointing to the executing state’s official adoption of that method of execution.” *Id.*, at 1328. Here, that is exactly what Smith did, and the Eleventh Circuit, applying *Price*, held that nothing more was required.

However, *Price*’s reasoning rests on a fundamental misunderstanding of the inquiry marked out by *Baze*, *Glossip*, and *Bucklew*. Those cases set forth the circumstances in which a State’s use of one method of execution, rather than an identified “‘known and available alternative,’” constitutes cruel and unusual punishment under the Eighth Amendment. *Bucklew*, 587 U. S., at 134 (quoting *Glossip*, 576 U. S., at 878); see *Baze*, 553 U. S., at 52. The gravamen of the constitutional wrong is the State’s unjustified “refus[al] to adopt” that proffered alternative despite its “documented advantages,” including its ready availability. *Ibid.* Ac-

cordingly, whether the State has authorized the proffered alternative as a matter of state statutory law has no relevance to the plaintiff's burden of showing a constitutional violation. *Bucklew* has already explained why: "[T]he Eighth Amendment is the supreme law of the land, and the comparative assessment it requires can't be controlled by the State's choice of which methods to authorize in its statutes." 587 U.S., at 140.

The *Bucklew* Court made that statement in the context of explaining that "[a]n inmate seeking to identify an alternative method of execution is not limited to choosing among those presently authorized by a particular State's law," *id.*, at 139–140, but the underlying logic cuts both ways. See *Heffernan v. City of Paterson*, 578 U.S. 266, 272 (2016) ("[I]n the law, what is sauce for the goose is normally sauce for the gander"). When the question is whether the Eighth Amendment requires a State to replace its chosen method with an alternative method in executing the plaintiff, it is simply irrelevant, without more, that the State's statutes authorize the use of the alternative method in *other* executions that are to take place sometime in the indefinite future. Here, Smith alleged only that, and nothing more. He therefore failed to state a claim, and the Eleventh Circuit erred by holding otherwise.

The Eleventh Circuit's error is not only plain but also serious enough to warrant correction. Even if "the burden of the alternative-method requirement 'can be overstated,'" *Bucklew*, 587 U.S., at 153 (KAVANAUGH, J., concurring), it remains an essential element of an Eighth Amendment method-of-execution claim, and it must be appropriately policed lest it become an instrument of dilatory litigation tactics. The comparative analysis set forth in *Baze*, *Glossip*, and *Bucklew* contains an inherent risk of incentivizing "an inmate intent on dragging out litigation . . . to identify only a method of execution on the boundary of what's practically available to the state." *Middlebrooks v. Parker*, 22 F.4th 621, 625 (CA6 2022) (Thapar, J., statement respecting denial of rehearing en banc). The Eleventh Circuit's approach of treating any statutorily authorized method as available as a matter of law—even an entirely novel method that may not be readily implementable in reality—only heightens that danger. In turn, and as a result, it "perversely incentivize[s] States to delay or even refrain from approving even the most humane methods of execution" any

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earlier than the moment they are prepared to put them into practice. *Price v. Dunn*, 587 U. S. 999, 1006–1007 (2019) (THOMAS, J., concurring in denial of certiorari).

The Eleventh Circuit’s flawed logic in *Price* has already forced us to intervene in one last-minute capital emergency. This petition offered an opportunity, which may well prove unique, to consider and correct *Price*’s faulty reasoning outside of that posture. Because the Court declines that opportunity, I respectfully dissent.

No. 22–821. *CHEVRON CORP. ET AL. v. CITY OF HOBOKEN, NEW JERSEY, ET AL.* C. A. 3d Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 45 F. 4th 699.

No. 22–876. *POHLE v. PENCE ET AL.* C. A. 7th Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition.

No. 22–974. *WEISS v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. JUSTICE ALITO and JUSTICE KAVANAUGH took no part in the consideration or decision of this petition. Reported below: 52 F. 4th 545.

No. 22–999. *AMARA ET AL., INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED v. CIGNA CORP. ET AL.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 53 F. 4th 241.

Rehearing Denied

No. 22–619. *IN RE KLAYMAN*, 598 U. S. 1211;

No. 22–623. *HALL v. G. M. S. MANAGEMENT CO., INC., ET AL.*, 598 U. S. 1196;

No. 22–668. *KAMA v. MEMORIAL HERMANN HEALTH SYSTEMS ET AL.*, 598 U. S. 1212;

No. 22–690. *HARRIS-PATTERSON v. ARMCO STEEL, AKA AK STEEL CORP., ET AL.*, 598 U. S. 1222;

No. 22–794. *CALIFORNNIAA v. VIDAL, UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR, UNITED STATES PATENT AND TRADEMARK OFFICE*, 598 U. S. 1222;

No. 22–825. *COLLINS v. D. R. HORTON-TEXAS LTD.*, 598 U. S. 1222;

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- No. 22–6260. *WILLIAMS v. CONDUENT HUMAN SERVICES LLC*, 598 U. S. 1168;
No. 22–6328. *TAYLOR v. UNITED STATES*, 598 U. S. 1172;
No. 22–6373. *HERRIOTT v. HERRIOTT*, 598 U. S. 1189;
No. 22–6382. *WARREN v. FLORIDA*, 598 U. S. 1174;
No. 22–6460. *DEJEAN v. UNITED STATES*, 598 U. S. 1177;
No. 22–6470. *ELLIS v. DEPARTMENT OF LABOR, ADMINISTRATIVE REVIEW BOARD*, 598 U. S. 1190;
No. 22–6480. *ROHLF v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 598 U. S. 1213;
No. 22–6589. *IN RE JACKSON*, 598 U. S. 1187;
No. 22–6605. *KOMATSU v. CITY OF NEW YORK, NEW YORK, ET AL.*, 598 U. S. 1215; and
No. 22–6672. *J. M. v. OREGON DEPARTMENT OF HUMAN SERVICES*, 598 U. S. 1197. Petitions for rehearing denied.

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Miscellaneous Order

- No. 22A948. *NATIONAL ASSOCIATION FOR GUN RIGHTS ET AL. v. CITY OF NAPERVILLE, ILLINOIS, ET AL.* C. A. 7th Cir. Application for writ of injunction pending appeal, presented to JUSTICE BARRETT, and by her referred to the Court, denied.

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Vacated and Remanded After Certiorari Granted

- No. 22–592. *ARIZONA ET AL. v. MAYORKAS, SECRETARY OF HOMELAND SECURITY, ET AL.* C. A. D. C. Cir. [Certiorari granted, 598 U. S. 1112.] The December 16, 2022, order of the United States Court of Appeals for the District of Columbia Circuit denying petitioners’ motion to intervene is vacated, and the case is remanded to that court with instructions to dismiss the motion as moot. JUSTICE JACKSON dissents from vacatur of the order of the Court of Appeals and would instead dismiss the writ of certiorari as improvidently granted.

Statement of JUSTICE GORSUCH.

This case concerns the “Title 42 orders.” Those emergency decrees severely restricted immigration to this country for the ostensible purpose of preventing the spread of COVID–19. The federal government began issuing the orders in March 2020 and

continued issuing them until April 2022, when officials decided they were no longer necessary.¹

If that seems reasonable enough, events soon took a turn. In a federal district court in Louisiana, a number of States argued that the government's decision to end the Title 42 orders violated the Administrative Procedure Act (APA), 5 U.S.C. § 551 *et seq.*, because agency officials had not provided advance notice of their decision or invited public comment.² The States did not seriously dispute that the public-health justification for the orders had lapsed. The States also understood that their lawsuit would only require the government to take certain additional procedural steps before ending the Title 42 orders. But the States apparently calculated that even a short, court-ordered extension of those decrees was worth the fight. Worth it because, in their judgment, a new and different crisis had emerged at the border and the federal government had done too little to address it.³ Keeping the Title 42 orders in place even temporarily was better than the alternative. In the end, the district court agreed with the States' APA arguments and entered a nationwide injunction that effectively required the government to enforce the Title 42 orders until and unless it complied with the statute's notice-and-comment procedures.⁴

Meanwhile, a thousand miles away, a group of asylum seekers filed a competing class-action lawsuit in a federal district court in Washington, D. C. This group argued that, from the start, the government lacked legal authority to issue its Title 42 orders. Ultimately, the D. C. district court agreed with the group's assessment and issued an equally sweeping form of relief—sometimes called “universal vacatur”—that purported to wipe the Title 42 orders off the books as if they never existed.⁵ So it is that the federal government found itself in an unenviable spot—bound by two inconsistent nationwide commands, one requiring it to enforce the Title 42 orders and another practically forbidding it from doing so.

¹ 87 Fed. Reg. 19944–19946, 19956 (2022).

² *Louisiana v. Centers for Disease Control & Prevention*, 603 F. Supp. 3d 406, 412 (WD La. 2022).

³ *Id.*, at 417.

⁴ *Id.*, at 441.

⁵ *Huisha-Huisha v. Mayorkas*, 642 F. Supp. 3d 1, 25 (2022).

If these head-spinning developments were not enough, more followed. Displeased with the D. C. district court's ruling, some of the States in the Louisiana case moved to intervene in the D. C. case. The States said they wanted to defend the Title 42 orders on appeal because the federal government was unlikely to do so with sufficient vigor. Ultimately, the court of appeals denied the States' motion to intervene as untimely.⁶ So, late in 2022, the States turned to this Court seeking two things. First, they asked for expedited review of the appellate court's order denying their motion to intervene. Second, they asked for a stay of the D. C. district court's decree vacating the Title 42 orders. The Court granted both requests. In doing so, the Court effectively extended the Title 42 orders indefinitely.⁷

Now, almost five months later, the Court puts a final twist on the tale. It vacates the appellate court's order denying the States' motion to intervene and remands with instructions to dismiss the motion as moot. Why the sudden about-face? Recently, Congress passed and the President signed into law a joint resolution declaring that the COVID-19 emergency is over.⁸ The Secretary of Health and Human Services, too, has issued his own directive announcing the end of the public-health emergency underlying the Title 42 orders.⁹ Apparently, these developments are enough to persuade the Court that the Title 42 orders the government wished to withdraw a year ago are now as good as gone and any dispute over them is moot.

I recite all this tortured procedural history not because I think the Court's decision today is wrong. Nearly five months ago, I argued that the Court erred when it granted expedited review and issued a stay. As I explained at the time, I do not discount the States' concerns about what is happening at the border, but "the current border crisis is not a COVID crisis."¹⁰ And the Court took a serious misstep when it effectively allowed nonparties to this case to manipulate our docket to prolong an emergency decree designed for one crisis in order to address an entirely

⁶ *Arizona v. Mayorkas*, 598 U. S. 1112, 1113 (2022) (GORSUCH, J., dissenting).

⁷ See *id.*, at 1114.

⁸ Pub. L. 118-3, 137 Stat. 6.

⁹ See U. S. Dept. of Health and Human Services, COVID-19 Public Health Emergency (PHE), <https://www.hhs.gov/coronavirus/covid-19-public-health-emergency/index.html>.

¹⁰ *Arizona*, 598 U. S., at 1114 (GORSUCH, J., dissenting).

different one.¹¹ Today's dismissal goes some way to correcting that error.

I lay out the history of this case only because it is so typical. Not just as an illustration of the quandaries that can follow when district courts award nationwide relief, a problem I have written about before.¹² Even more importantly, the history of this case illustrates the disruption we have experienced over the last three years in how our laws are made and our freedoms observed.

Since March 2020, we may have experienced the greatest intrusions on civil liberties in the peacetime history of this country. Executive officials across the country issued emergency decrees on a breathtaking scale. Governors and local leaders imposed lockdown orders forcing people to remain in their homes.¹³ They shuttered businesses and schools, public and private.¹⁴ They closed churches even as they allowed casinos and other favored businesses to carry on.¹⁵ They threatened violators not just with civil penalties but with criminal sanctions too.¹⁶ They surveilled church parking lots, recorded license plates, and issued notices warning that attendance at even outdoor services satisfying all state social-distancing and hygiene requirements could amount to

¹¹ *Id.*, at 1113–1114.

¹² *Department of Homeland Security v. New York*, 589 U.S. 1173, 1174 (2020) (opinion concurring in grant of stay).

¹³ See, e.g., *Republican National Committee v. Democratic National Committee*, 589 U.S. 423, 427 (2020) (Ginsburg, J., dissenting) (noting that the Governor of Wisconsin ordered residents “to stay at home . . . to slow the spread of the disease”); see generally The Council of State Governments, COVID-19 Resources for State Leaders: 2020–2021 Executive Orders (COVID-19 Resources for State Leaders) <https://web.csg.org/covid19/executive-orders/> (cataloging such orders issued throughout the country).

¹⁴ See, e.g., *Rossi v. Arch Ins. Co.*, 60 F. 4th 1189, 1192 (CA8 2023) (noting that “state and local governments” across the country issued “stay-at-home orders” that shuttered businesses); *Kentucky ex rel. Danville Christian Academy, Inc. v. Beshear*, 981 F. 3d 505, 507 (CA6 2020) (noting that the Governor of Kentucky prohibited “in-person instruction at all public and private elementary and secondary schools”); see generally COVID-19 Resources for State Leaders.

¹⁵ *Calvary Chapel Dayton Valley v. Sisolak*, 591 U.S. 1042, 1050 (2020) (GORSUCH, J., dissenting from denial of application for injunctive relief).

¹⁶ See, e.g., D. Burke, Police Arrest Florida Pastor for Holding Church Services Despite Stay-at-Home Order, CNN (Mar. 30, 2020), <https://www.cnn.com/2020/03/30/us/florida-pastor-arrested-river-church/index.html>.

criminal conduct.¹⁷ They divided cities and neighborhoods into color-coded zones, forced individuals to fight for their freedoms in court on emergency timetables, and then changed their color-coded schemes when defeat in court seemed imminent.¹⁸

Federal executive officials entered the act too. Not just with emergency immigration decrees. They deployed a public-health agency to regulate landlord-tenant relations nationwide.¹⁹ They used a workplace-safety agency to issue a vaccination mandate for most working Americans.²⁰ They threatened to fire noncompliant employees,²¹ and warned that service members who refused to vaccinate might face dishonorable discharge and confinement.²² Along the way, it seems federal officials may have pressured social-media companies to suppress information about pandemic policies with which they disagreed.²³

While executive officials issued new emergency decrees at a furious pace, state legislatures and Congress—the bodies normally responsible for adopting our laws—too often fell silent. Courts bound to protect our liberties addressed a few—but hardly all—of the intrusions upon them. In some cases, like this one, courts even allowed themselves to be used to perpetuate emergency public-health decrees for collateral purposes, itself a form of emergency-lawmaking-by-litigation.

Doubtless, many lessons can be learned from this chapter in our history, and hopefully serious efforts will be made to study it. One lesson might be this: Fear and the desire for safety are powerful forces. They can lead to a clamor for action—almost

¹⁷ *Roberts v. Neace*, 958 F. 3d 409, 412 (CA6 2020) (*per curiam*).

¹⁸ *Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 U.S. 14 (2020) (*per curiam*); see also *South Bay United Pentecostal Church v. Newsom*, 592 U.S. 1243, 1245 (2021) (statement of GORSUCH, J.).

¹⁹ *Alabama Assn. of Realtors v. Department of Health and Human Servs.*, 594 U.S. 758, 760 (2021) (*per curiam*).

²⁰ *National Federation of Independent Business v. OSHA*, 595 U.S. 109, 112–113 (2022) (*per curiam*).

²¹ See, e.g., K. Liptak & K. Collins, Biden Announces New Vaccine Mandates that Could Cover 100 Million Americans, CNN (Sept. 9, 2021), <https://www.cnn.com/2021/09/09/politics/joe-biden-covid-speech/index.html>.

²² *Austin v. U. S. Navy Seals*, 595 U.S. 1292, 1294 (2022) (ALITO, J., dissenting).

²³ See, e.g., S. Myers, Free Speech vs. Disinformation Comes to a Head, N. Y. Times (Feb. 9, 2023), <https://www.nytimes.com/2023/02/09/business/free-speech-social-media-lawsuit.html>.

any action—as long as someone does something to address a perceived threat. A leader or an expert who claims he can fix everything, if only we do exactly as he says, can prove an irresistible force. We do not need to confront a bayonet, we need only a nudge, before we willingly abandon the nicety of requiring laws to be adopted by our legislative representatives and accept rule by decree. Along the way, we will accede to the loss of many cherished civil liberties—the right to worship freely, to debate public policy without censorship, to gather with friends and family, or simply to leave our homes. We may even cheer on those who ask us to disregard our normal lawmaking processes and forfeit our personal freedoms. Of course, this is no new story. Even the ancients warned that democracies can degenerate toward autocracy in the face of fear.²⁴

But maybe we have learned another lesson too. The concentration of power in the hands of so few may be efficient and sometimes popular. But it does not tend toward sound government. However wise one person or his advisors may be, that is no substitute for the wisdom of the whole of the American people that can be tapped in the legislative process.²⁵ Decisions produced by those who indulge no criticism are rarely as good as those produced after robust and uncensored debate.²⁶ Decisions announced on the fly are rarely as wise as those that come after careful deliberation. Decisions made by a few often yield unintended consequences that may be avoided when more are consulted. Autocracies have always suffered these defects. Maybe, hopefully, we have relearned these lessons too.

In the 1970s, Congress studied the use of emergency decrees.²⁷ It observed that they can allow executive authorities to tap into extraordinary powers.²⁸ Congress also observed that emergency decrees have a habit of long outliving the crises that generate

²⁴ See, e.g., Aristotle's *Politics*, Bk. V, chs. 2, 4 (H. Rackham transl. 1959).

²⁵ See, e.g., *The Federalist* No. 10, pp. 80–84 (C. Rossiter ed. 1961) (J. Madison); *id.*, No. 35, at 215–216 (A. Hamilton); *id.*, No. 57, at 350–356 (J. Madison).

²⁶ Cf. *Whitney v. California*, 274 U. S. 357, 375 (1927) (Brandeis, J., concurring).

²⁷ Congressional Research Service, *National Emergency Powers* 7 (Nov. 19, 2021) (CRS) (describing congressional studies undertaken from 1972 to 1976 regarding emergency powers).

²⁸ *Id.*, at 8.

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them; some federal emergency proclamations, Congress noted, had remained in effect for years or decades after the emergency in question had passed.²⁹ At the same time, Congress recognized that quick unilateral executive action is sometimes necessary and permitted in our constitutional order.³⁰ In an effort to balance these considerations and ensure a more normal operation of our laws and a firmer protection of our liberties, Congress adopted a number of new guardrails in the National Emergencies Act.³¹

Despite that law, the number of declared emergencies has only grown in the ensuing years.³² And it is hard not to wonder whether, after nearly a half century and in light of our Nation's recent experience, another look is warranted. It is hard not to wonder, too, whether state legislatures might profitably reexamine the proper scope of emergency executive powers at the state level. At the very least, one can hope that the Judiciary will not soon again allow itself to be part of the problem by permitting litigants to manipulate our docket to perpetuate a decree designed for one emergency to address another. Make no mistake—decisive executive action is sometimes necessary and appropriate. But if emergency decrees promise to solve some problems, they threaten to generate others. And rule by indefinite emergency edict risks leaving all of us with a shell of a democracy and civil liberties just as hollow.

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Dismissal Under Rule 46

No. 22–938. *GEORGE WASHINGTON UNIVERSITY v. STAFFORD*. C. A. D. C. Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 56 F. 4th 50.

Certiorari Granted—Reversed and Remanded. (See *Calcutt v. FDIC*, 598 U. S. 623 (2023).)

Certiorari Granted—Vacated and Remanded

No. 21–1161. *AIELLO ET AL. v. UNITED STATES* (two judgments). C. A. 2d Cir. Certiorari granted, judgments vacated,

²⁹ *Id.*, at 7.

³⁰ *Id.*, at 1, 8–10.

³¹ 90 Stat. 1255 (codified at 50 U. S. C. §§ 1601–1651).

³² CRS 12 (identifying dozens of existing emergencies as of 2019).

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and case remanded for further consideration in light of *Percoco v. United States*, 598 U. S. 319 (2023), and *Ciminelli v. United States*, 598 U. S. 306 (2023). Reported below: 13 F. 4th 158 (second judgment) and 180 (first judgment).

No. 21–1169. *KALOYEROS v. UNITED STATES*. C. A. 2d Cir.; and

No. 21–1241. *BINDAY v. UNITED STATES*. C. A. 2d Cir. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Ciminelli v. United States*, 598 U. S. 306 (2023). Reported below: 13 F. 4th 158.

Certiorari Dismissed

No. 22–7040. *GORDON v. DOE, DESIGNATION SENTENCE COMPUTATION CENTER OFFICIAL, 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. 22–7056. *CAMERON v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. Sup. Ct. Va. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

No. 22–7141. *MCDONALD v. ILLINOIS*. App. Ct. Ill., 1st Dist. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

Miscellaneous Orders

No. 22A889 (22–638). *LA RICCIA ET VIR v. CLEVELAND CLINIC FOUNDATION ET AL.* C. A. 6th Cir. Application for writ of injunction, addressed to JUSTICE ALITO and referred to the Court, denied.

No. 22A921. *WOMEN OF COLOR FOR EQUAL JUSTICE ET AL. v. CITY OF NEW YORK, NEW YORK, ET AL.* C. A. 2d Cir. Application for stay, addressed to JUSTICE KAVANAUGH and referred to the Court, denied.

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No. D-3089. IN RE DISBARMENT OF TSIMPEDES. Disbarment entered. [For earlier order herein, see 598 U. S. 972.]

No. D-3095. IN RE DISBARMENT OF WALKER. Disbarment entered. [For earlier order herein, see 598 U. S. 1093.]

No. D-3096. IN RE DISBARMENT OF YODER. Disbarment entered. [For earlier order herein, see 598 U. S. 1093.]

No. D-3097. IN RE DISBARMENT OF MACHEN. Disbarment entered. [For earlier order herein, see 598 U. S. 10983.]

No. D-3099. IN RE DISBARMENT OF WILSON. Disbarment entered. [For earlier order herein, see 598 U. S. 1105.]

No. D-3100. IN RE DISBARMENT OF MCINTYRE. Disbarment entered. [For earlier order herein, see 598 U. S. 1105.]

No. D-3103. IN RE DISBARMENT OF BENEDICT. Disbarment entered. [For earlier order herein, see 598 U. S. 1144.]

No. D-3104. IN RE DISBARMENT OF HECHT. Disbarment entered. [For earlier order herein, see 598 U. S. 1144.]

No. D-3105. IN RE DISBARMENT OF BERG. Disbarment entered. [For earlier order herein, see 598 U. S. 1144.]

No. D-3106. IN RE HARRIS. It having been reported that Arthur L. Harris, Sr., of New Orleans, La., has died, the rule to show cause, issued on January 17, 2023, [598 U. S. 1144] is discharged.

No. D-3107. IN RE DISBARMENT OF SPRADLING. Disbarment entered. [For earlier order herein, see 598 U. S. 1144.]

No. D-3108. IN RE DISBARMENT OF ANDERSON. Disbarment entered. [For earlier order herein, see 598 U. S. 1256.]

No. D-3120. IN RE DISCIPLINE OF WATKINS. Donald Varnado Watkins, of Birmingham, Ala., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-3121. IN RE DISCIPLINE OF FABRIZIO. Steven Bernard Fabrizio, of Chevy Chase, Md., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days,

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requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. 22M105. SEALED APPELLANT *v.* UNITED STATES. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

No. 22M106. VILLA *v.* COMMISSIONER OF INTERNAL REVENUE. Motion for leave to file petition for writ of certiorari under seal denied.

No. 22M107. SEALED APPELLANT *v.* GARLAND, ATTORNEY GENERAL, ET AL. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record denied.

No. 22M108. SINE *v.* KOSMIDES. Motion for leave to file petition for writ of certiorari with supplemental appendix under seal granted.

No. 22–340. PULSIFER *v.* UNITED STATES. C. A. 8th Cir. [Certiorari granted, 598 U. S. 1187.] Motion of petitioner to dispense with printing joint appendix granted.

No. 22–6648. PLOURDE *v.* REDINGTON-FAIRVIEW GENERAL HOSPITAL ET AL. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* denied.

No. 22–7058. HELMSTETTER *v.* HERZOG, TRUSTEE, ET AL. C. A. 7th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until June 12, 2023, 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. 22–7416. IN RE PACK. Petition for writ of habeas corpus denied.

No. 22–7038. IN RE SHARIFI;

No. 22–7044. IN RE POWELL;

No. 22–7073. IN RE CLINTON; and

No. 22–7116. IN RE WRIGHT. Petitions for writs of mandamus denied.

Certiorari Denied

No. 22–472. ASSOCIATION DES ÉLÈVEURS DE CANANARDS ET D'OIES DU QUÉBEC ET AL. *v.* BONTA, ATTORNEY GENERAL OF

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CALIFORNIA. C. A. 9th Cir. Certiorari denied. Reported below: 33 F. 4th 1107.

No. 22-481. *MOORE v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 36 F. 4th 320.

No. 22-518. *PETROBRAS AMERICA INC. ET AL. v. TRANSCOR ASTRA GROUP S. A. ET AL.* Sup. Ct. Tex. Certiorari denied. Reported below: 650 S. W. 3d 462.

No. 22-639. *ARTHREX, INC. v. SMITH & NEPHEW, INC., ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 35 F. 4th 1328.

No. 22-733. *PACIFIC GAS & ELECTRIC Co. v. AD HOC COMMITTEE OF HOLDERS OF TRADE CLAIMS*. C. A. 9th Cir. Certiorari denied. Reported below: 46 F. 4th 1047.

No. 22-747. *PENNINGTON v. WEST VIRGINIA*. Sup. Ct. App. W. Va. Certiorari denied.

No. 22-751. *LIU ET AL. v. SECURITIES AND EXCHANGE COMMISSION*. C. A. 9th Cir. Certiorari denied.

No. 22-772. *ULTRA PETROLEUM CORP. ET AL. v. AD HOC COMMITTEE OF OPCO UNSECURED CREDITORS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 51 F. 4th 138.

No. 22-891. *ERICKSON ET AL. v. POWER ET AL.* Ct. App. Wash. Certiorari denied. Reported below: 21 Wash. App. 2d 1061.

No. 22-892. *WANG v. NEVADA SYSTEM OF HIGHER EDUCATION*. C. A. 9th Cir. Certiorari denied.

No. 22-898. *PAUL v. SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION ET AL.* Ct. App. S. C. Certiorari denied.

No. 22-901. *GARDINER v. ANDERSON*. Sup. Ct. Utah. Certiorari denied. Reported below: 2022 UT 42, 523 P. 3d 184.

No. 22-909. *KROGER L. P. I v. UNITED FOOD & COMMERCIAL WORKERS, LOCAL 1995*. C. A. 6th Cir. Certiorari denied. Reported below: 51 F. 4th 197.

No. 22-910. *JAVITCH BLOCK, LLC v. REDMAN*. C. A. 4th Cir. Certiorari denied.

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No. 22–911. *SNYDER v. CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION ET AL.* Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 22–917. *GRAY v. AUTOZONERS, LLC, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 22–925. *FALL LINE PATENTS, LLC v. UNIFIED PATENTS, LLC, FKA UNIFIED PATENTS, INC., ET AL.* C. A. Fed. Cir. Certiorari denied.

No. 22–954. *ZINMAN v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist., Div. 6. Certiorari denied.

No. 22–956. *JOHNSON v. BASTROP CENTRAL APPRAISAL DISTRICT.* Ct. App. Tex., 8th Dist. Certiorari denied. Reported below: 657 S. W. 3d 686.

No. 22–960. *KELLEY v. HOWDEN ET AL.* C. A. 11th Cir. Certiorari denied.

No. 22–980. *NOBLE v. TEXAS.* Ct. App. Tex., 5th Dist. Certiorari denied.

No. 22–986. *NYHAMMER v. BASTA, DIRECTOR, ILLINOIS DEPARTMENT ON AGING.* Sup. Ct. Ill. Certiorari denied. Reported below: 2022 IL 128354, 215 N. E. 3d 935.

No. 22–1000. *CASIANO v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 22–1023. *ADKINS v. AMERICAN SERVICE CENTER ASSOCIATES, LLC, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 22–6540. *WILLIAMS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 22–6661. *MORRIS v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied.

No. 22–6772. *BOWMAN v. STIRLING, COMMISSIONER, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 45 F. 4th 740.

No. 22–6774. *LEWIS v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 38 F. 4th 527.

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No. 22–6777. *SMITH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 22–6811. *A. B. v. WEST VIRGINIA*. Sup. Ct. App. W. Va. Certiorari denied. Reported below: 247 W. Va. 495, 881 S. E. 2d 406.

No. 22–7013. *PUCKETT ET UX. v. AIN JEEM, INC.* C. A. 11th Cir. Certiorari denied.

No. 22–7027. *BARNETT v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 383 N. C. 691, 881 S. E. 2d 320.

No. 22–7036. *CASSIDY v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 22–7039. *BROOKS v. AGATE RESOURCES, INC., ET AL.* C. A. 9th Cir. Certiorari denied.

No. 22–7042. *SERRANO v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 22–7047. *RIGWAN, AKA POWERS v. SOUTH BEACH BAYSIDE CONDOMINIUM ASSN. I, INC.* (two judgments). Sup. Ct. Fla. Certiorari denied.

No. 22–7049. *MARTINEZ v. LUCAS COUNTY JAIL*. C. A. 6th Cir. Certiorari denied.

No. 22–7050. *WEIGMAN v. WERTZ, AS TRUSTEE*. Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 22–7051. *LEWALLEN v. CROW*. C. A. 10th Cir. Certiorari denied.

No. 22–7054. *TRAVILLION v. SALAMON, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ROCKVIEW, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 22–7063. *LEONARD v. LEBLANC, SECRETARY, LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 22–7064. *BONNER v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

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No. 22–7070. *CLARK v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 276 A. 3d 266.

No. 22–7072. *SIMS v. FOX RIDGE APARTMENTS*. Ct. App. Mich. Certiorari denied.

No. 22–7078. *SEARCY v. CENTRAL INTELLIGENCE AGENCY ET AL.* C. A. 8th Cir. Certiorari denied.

No. 22–7083. *SEARCY v. UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI*. C. A. 8th Cir. Certiorari denied.

No. 22–7086. *FEREBEE v. MANIS, WARDEN, ET AL.* (two judgments). C. A. 4th Cir. Certiorari denied.

No. 22–7099. *SIMMONS v. BESHEAR ET AL.* C. A. 6th Cir. Certiorari denied.

No. 22–7115. *KIFOR v. MASSACHUSETTS ET AL.* Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 491 Mass. 1002, 198 N. E. 3d 456.

No. 22–7118. *CREECH v. OHIO DEPARTMENT OF REHABILITATION AND CORRECTION*. C. A. 6th Cir. Certiorari denied.

No. 22–7123. *CHAMBERS v. INDIANA ET AL.* C. A. 7th Cir. Certiorari denied.

No. 22–7128. *MCMAHON v. LOUISIANA*. Ct. App. La., 2d Cir. Certiorari denied. Reported below: 54,740 (La. App. 2 Cir. 9/21/22), 349 So. 3d 654.

No. 22–7185. *DONALDSON v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 22–7186. *MANN v. CLARK, WARDEN, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 22–7187. *WARD v. SOUTH CAROLINA*. Ct. App. S. C. Certiorari denied.

No. 22–7192. *PIZARRO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 22–7200. *SU QIN PAN v. GARLAND, ATTORNEY GENERAL*. C. A. 5th Cir. Certiorari denied.

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No. 22–7203. *K. Y. v. GARLAND, ATTORNEY GENERAL*. C. A. 11th Cir. Certiorari denied. Reported below: 43 F. 4th 1175.

No. 22–7210. *MCCALL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 56 F. 4th 1048.

No. 22–7240. *LUSBY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 22–7251. *SHRADER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 22–7277. *TONEY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 22–7303. *SMITH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 22–7308. *ALFREDO SOLIS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 22–7310. *MINNIS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 22–7312. *MITCHELL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 22–7313. *MOBERLY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 22–7329. *GILLMAN v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 354 So. 3d 1096.

No. 22–7330. *PEREZ-HERNANDEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7333. *JAH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 22–7335. *HOLGUIN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 51 F. 4th 841.

No. 22–7336. *DRAKE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7338. *LEMKE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

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No. 22–7342. *PENN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 22–7344. *SALAI v. PFEIFFER, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 22–7345. *ELMEZAYEN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 22–7349. *GOODIN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7350. *HIGUERA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 51 F. 4th 841.

No. 22–7351. *SCAGGS v. CIOLLI, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 22–7352. *AVILA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7354. *BEIER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 22–7361. *KELLY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7363. *VAHLKAMP v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 22–7366. *SMITH v. AKINTOLA*. C. A. 9th Cir. Certiorari denied.

No. 22–7367. *BAILEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 22–7371. *BUCHHEIM v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 22–7378. *COCHRAN v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied.

No. 22–7381. *LADSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 21–867. *MIDWEST AIR TRAFFIC CONTROL SERVICE, INC. v. BADILLA ET AL.* C. A. 2d Cir. Motions of Chamber of Commerce of the United States of America and Professional Services Council for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 8 F. 4th 105.

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No. 22–490. CHESTNUT, DEPUTY WARDEN *v.* ALLEN. C. A. 4th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 42 F. 4th 223.

No. 22–698. COHEN ET AL. *v.* APPLE INC. C. A. 9th Cir. Motion of City of Berkeley for leave to file brief as *amicus curiae* denied. Certiorari denied. Reported below: 46 F. 4th 1012.

No. 22–906. GRAYSON *v.* NO LABELS, INC., ET AL. C. A. 11th Cir. Motion of Professor David A. Logan for leave to file brief as *amicus curiae* denied. Certiorari denied.

Rehearing Denied

No. 21–1373. D. D., A MINOR, BY AND THROUGH HIS GUARDIAN AD LITEM, INGRAM *v.* LOS ANGELES UNIFIED SCHOOL DISTRICT, 598 U. S. 1230;

No. 22–612. SPIEGEL *v.* 1618 SHERIDAN ROAD CONDOMINIUM ASSN., INC., ET AL., 598 U. S. 1196;

No. 22–638. RICCIA ET VIR *v.* CLEVELAND CLINIC FOUNDATION ET AL., 598 U. S. 1196;

No. 22–667. CHEN BING *v.* BIDEN, PRESIDENT OF THE UNITED STATES, ET AL., 598 U. S. 1212;

No. 22–820. McLAUGHLIN *v.* GARLAND, ATTORNEY GENERAL, 598 U. S. 1222;

No. 22–6518. IN RE JENKINS, 598 U. S. 1211;

No. 22–6525. ARLINE *v.* CALIFORNIA, 598 U. S. 1214;

No. 22–6539. ROMERO *v.* ALLWELL FROM ABSOLUTE TOTAL CARE ET AL., 598 U. S. 1214;

No. 22–6588. IN RE JENKINS, 598 U. S. 1220; and

No. 22–6598. JIANG *v.* XU, 598 U. S. 1223. Petitions for rehearing denied.

No. 22–6206. HOLLAND *v.* FLORIDA, 598 U. S. 1229. Petition for rehearing denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. See 28 U. S. C. § 455(b)(3) and Code of Conduct for U. S. Judges, Canon 3C(1)(e) (prior government employment).

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Certiorari Granted—Vacated and Remanded

No. 21–1533. MENCIA-MEDINA *v.* GARLAND, ATTORNEY GENERAL. C. A. 8th Cir. Reported below: 6 F. 4th 846;

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No. 22–191. CASTANEDA-MARTINEZ *v.* GARLAND, ATTORNEY GENERAL; and MONCADA ET AL. *v.* GARLAND, ATTORNEY GENERAL. C. A. 11th Cir.;

No. 22–588. A. B. *v.* GARLAND, ATTORNEY GENERAL. C. A. 10th Cir.; and

No. 22–681. KUMAR *v.* GARLAND, ATTORNEY GENERAL. C. A. 5th Cir. Reported below: 52 F. 4th 957. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Santos-Zacaria v. Garland*, 598 U. S. 411 (2023).

Certiorari Dismissed

No. 22–7067. POWERS *v.* DONATHAN. 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 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. 22–7132. AUGUSTIN *v.* BRADLEY COUNTY SHERIFF’S OFFICE ET AL. Ct. App. Tenn. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 22–7215. WAZNEY *v.* SOUTH CAROLINA. Sup. Ct. S. C. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

Miscellaneous Orders

No. 22M109. CALHOUN *v.* UNITED STATES. Motion for leave to file petition for writ of certiorari under seal denied.

No. 22–500. GREAT LAKES INSURANCE SE *v.* RAIDERS RETREAT REALTY CO., LLC. C. A. 3d Cir. [Certiorari granted,

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598 U. S. 1195.] Motion of petitioner to dispense with printing joint appendix granted.

No. 22–6715. *BLEDSON v. ZUCKERBERG ET AL.* C. A. 9th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [598 U. S. 1242] denied.

No. 22–7060. *MC ALEXANDER v. D. G. YUENGLING & SON, INC., ET AL.* C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until June 20, 2023, 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. 22–7447. *IN RE MCCASTER*;

No. 22–7454. *IN RE SWINTON*; and

No. 22–7484. *IN RE CHAPMAN*. Petitions for writs of habeas corpus denied.

No. 22–7107. *IN RE JOHNSON ET AL.*; and

No. 22–7176. *IN RE GOODIN*. Petitions for writs of mandamus denied.

Certiorari Denied

No. 22–583. *GREEBEL v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 47 F. 4th 65.

No. 22–654. *HASANAJ v. DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 35 F. 4th 437.

No. 22–695. *DOE ET AL. v. REDDIT, INC.* C. A. 9th Cir. Certiorari denied. Reported below: 51 F. 4th 1137.

No. 22–785. *JONES v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 22–787. *TROY UNIVERSITY ET AL. v. FARMER*. Sup. Ct. N. C. Certiorari denied. Reported below: 382 N. C. 366, 879 S. E. 2d 124.

No. 22–822. *AVERY DENNISON CORP. v. ADASA INC.* C. A. Fed. Cir. Certiorari denied. Reported below: 55 F. 4th 900.

No. 22–872. *EVANS CREEK, LLC v. CITY OF RENO, NEVADA*. C. A. 9th Cir. Certiorari denied.

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No. 22–921. *CHERNER v. WESTCHESTER JEWISH COMMUNITY SERVICES, INC., ET AL.* C. A. 2d Cir. Certiorari denied.

No. 22–922. *WELTER v. MASSACHUSETTS BOARD OF REGISTRATION IN MEDICINE.* Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 490 Mass. 718, 196 N. E. 3d 312.

No. 22–923. *JEAN-BAPTISTE v. BOOZ ALLEN HAMILTON, INC.* C. A. D. C. Cir. Certiorari denied.

No. 22–928. *SWARTZ v. BOARD OF TRUSTEES OF UNIVERSITY OF PENNSYLVANIA ET AL.* C. A. 3d Cir. Certiorari denied.

No. 22–929. *BYD MOTORS INC. v. SODERHOLM SALES & LEASING, INC.* C. A. 9th Cir. Certiorari denied.

No. 22–931. *MWASSA v. PRESBYTERIAN HOMES AND SERVICES.* C. A. 8th Cir. Certiorari denied.

No. 22–934. *SUNDBY, TRUSTEE v. MARQUEE FUNDING GROUP, INC., ET AL.* C. A. 9th Cir. Certiorari denied.

No. 22–936. *BERNARD v. HODYL.* Ct. App. Colo. Certiorari denied.

No. 22–937. *VNG CORP. v. LANG VAN, INC.* C. A. 9th Cir. Certiorari denied. Reported below: 40 F. 4th 1034.

No. 22–941. *SAIED v. WORKERS' COMPENSATION APPEAL BOARD OF PENNSYLVANIA ET AL.* Commw. Ct. Pa. Certiorari denied. Reported below: 256 A. 3d 510.

No. 22–944. *YANKAH v. MOORE ET AL.* C. A. 4th Cir. Certiorari denied.

No. 22–963. *DOE v. SECURITIES AND EXCHANGE COMMISSION.* C. A. 2d Cir. Certiorari denied.

No. 22–964. *PRUITT v. BIDEN, PRESIDENT OF THE UNITED STATES, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 22–972. *WATKINS v. CITY OF CHICAGO, ILLINOIS.* C. A. 7th Cir. Certiorari denied.

No. 22–973. *URBANO v. GARLAND, ATTORNEY GENERAL.* C. A. 5th Cir. Certiorari denied.

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No. 22–984. *NYABWARI v. GARLAND, ATTORNEY GENERAL*.
C. A. 5th Cir. Certiorari denied.

No. 22–989. *DALTON v. ARIZONA*. Ct. App. Ariz. Certiorari
denied.

No. 22–998. *ALT’S DAIRY FARM, LLC v. NAU COUNTRY IN-
SURANCE CO.; and BACHMAN SUNNY HILL FRUIT FARMS, INC. v.
PRODUCERS AGRICULTURE INSURANCE CO.* (Reported below: 57
F. 4th 536). C. A. 6th Cir. Certiorari denied.

No. 22–1009. *KOLKOWSKI v. ASHTABULA AREA TEACHER’S
ASSN. ET AL.* Ct. App. Ohio, 11th App. Dist., Ashtabula County.
Certiorari denied. Reported below: 2022-Ohio-3112.

No. 22–1015. *BROWN v. UNITED STATES*. C. A. 9th Cir. Cer-
tiorari denied.

No. 22–1036. *CORMIER v. McDONOUGH, SECRETARY OF VET-
ERANS AFFAIRS*. C. A. 5th Cir. Certiorari denied.

No. 22–1037. *HOWARD CENTER v. AMERICAN FEDERATION OF
STATE, COUNTY AND MUNICIPAL EMPLOYEES LOCAL 1674 ET AL.*
Sup. Ct. Vt. Certiorari denied. Reported below: 2023 VT 6, 291
A. 3d 1265.

No. 22–1041. *BRUNNER v. MCMURRY ET AL.* C. A. 5th Cir.
Certiorari denied.

No. 22–1052. *HERMANN v. MCFARLAND ET AL.* C. A. 11th
Cir. Certiorari denied.

No. 22–1056. *THOMAS v. STATE BAR OF CALIFORNIA*. Sup. Ct.
Cal. Certiorari denied.

No. 22–1059. *GONZALEZ-BETANCOURT v. DIXON, SECRETARY,
FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir.
Certiorari denied.

No. 22–1064. *WRIGHT v. TEXAS*. Ct. Crim. App. Tex. Cer-
tiorari denied.

No. 22–6431. *JOHNSON v. ILLINOIS*. App. Ct. Ill., 3d Dist.
Certiorari denied.

No. 22–6587. *WHITE v. UNITED STATES*; and

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No. 22–6600. *BANKS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 22–6594. *FAYED v. SMITH, ACTING WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 22–6821. *MAMMONE v. JENKINS, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 49 F. 4th 1026.

No. 22–7066. *PFLUGER v. NICHOLAS, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT MUNCY, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 22–7077. *GAMBLE v. ALLSTATE INSURANCE CO.* C. A. 11th Cir. Certiorari denied.

No. 22–7081. *ABDULLAH v. TEXAS ET AL.*; and *ABDULLAH v. LANGE, SHERIFF, BELL COUNTY, TEXAS, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 22–7084. *LUTKER v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 22–7087. *HOFFMAN v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA*. C. A. 9th Cir. Certiorari denied.

No. 22–7093. *HARRIS v. TURNER, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 22–7095. *AVILA-FLORES v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 22–7102. *KOMATSU v. NTT DATA, INC., ET AL.* C. A. 2d Cir. Certiorari denied.

No. 22–7105. *ROBERTS v. BUFFALOE, SECRETARY, NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY*. C. A. 4th Cir. Certiorari denied.

No. 22–7110. *COLE v. MCMINIMEE, AS TRUSTEE OF THE DEREK WINDELL COLE TRUST*. Ct. App. Colo. Certiorari denied.

No. 22–7119. *CORSON v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 22–7131. *CURRINGTON v. BYNUM, SHERIFF, DALE COUNTY, ALABAMA, ET AL.* C. A. 11th Cir. Certiorari denied.

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No. 22–7135. *DRAIN v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 2022-Ohio-3697.

No. 22–7136. *FROMAN v. OHIO*. Ct. App. Ohio, 12th App. Dist., Warren County. Certiorari denied. Reported below: 2022-Ohio-2726.

No. 22–7140. *CERRON v. PERSONAL INVESTMENT INC.* Sup. Ct. Fla. Certiorari denied.

No. 22–7147. *WINTERS v. WRIGHT, JUDGE, SUPERIOR COURT OF ARIZONA, GILA COUNTY, ET AL.* Sup. Ct. Ariz. Certiorari denied.

No. 22–7158. *LUSTER v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 22–7175. *LUNA GOMEZ v. INTERNAL REVENUE SERVICE*. C. A. 4th Cir. Certiorari denied.

No. 22–7195. *McGAVITT v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 22–7225. *GOMEZ v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 22–7226. *GUTTU v. BUESGEN, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 22–7227. *GOUDY v. CALUORI*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 351 So. 3d 1109.

No. 22–7233. *THOMAS v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 14 Cal. 5th 327, 523 P. 3d 323.

No. 22–7255. *FAST v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied.

No. 22–7275. *JONES v. DELAWARE*. Sup. Ct. Del. Certiorari denied.

No. 22–7283. *LATRAY v. BLUDWORTH, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 22–7311. *ROSADO v. FLORIDA*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 355 So. 3d 931.

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No. 22–7326. *HAYES v. BROWN, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 22–7402. *ALVARADO v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. Sup. Ct. Fla. Certiorari denied.

No. 22–7407. *HAYES v. ILLINOIS*. App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 2022 IL App (4th) 210409, 217 N. E. 3d 327.

No. 22–7449. *SPURLING v. ARIZONA*. Ct. App. Ariz. Certiorari denied.

No. 22–805. *BG GULF COAST LNG, L. L. C., ET AL. v. SABINE-NECHES NAVIGATION DISTRICT OF JEFFERSON COUNTY, TEXAS*. C. A. 5th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 49 F. 4th 420.

Rehearing Denied

No. 22–701. *HERTERICH v. WISS ET AL.*, 598 U. S. 1232;

No. 22–6635. *WEATHERSPOON v. AMAZON*, 598 U. S. 1224;

No. 22–6676. *TABB, AS ADMINISTRATOR OF THE ESTATE OF FADELEY v. KIJAKAZI, ACTING COMMISSIONER OF SOCIAL SECURITY*, 598 U. S. 1224;

No. 22–6734. *IN RE HEMPFLING ET UX.*, 598 U. S. 1243;

No. 22–6743. *GRANT v. KIJAKAZI, ACTING COMMISSIONER OF SOCIAL SECURITY*, 598 U. S. 1235;

No. 22–6765. *REAL v. PERRY*, 598 U. S. 1248; and

No. 22–6999. *MAKI v. TEXAS*, 598 U. S. 1250. Petitions for rehearing denied.

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Dismissal Under Rule 46

No. 22–7180. *BOOKER v. TENNESSEE*. Sup. Ct. Tenn. Certiorari dismissed under this Court’s Rule 46. Reported below: 656 S. W. 3d 49.

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Certiorari Granted—Vacated and Remanded

No. 22–160. *FAIR v. CONTINENTAL RESOURCES ET AL.* Sup. Ct. Neb. Motions of National Taxpayers Union Foundation,

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AARP et al., Cato Institute et al., and PioneerLegal, LLC, for leave to file briefs of *amici curiae* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Tyler v. Hennepin County*, 598 U.S. 631 (2023). Reported below: 311 Neb. 184, 971 N. W. 2d 313.

No. 22–237. NIEVEEN *v.* TAX 106 ET AL. Sup. Ct. Neb. Motion of New England Legal Foundation for leave to file brief as *amicus curiae* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Tyler v. Hennepin County*, 598 U.S. 631 (2023). Reported below: 311 Neb. 574, 974 N. W. 2d 15.

Certiorari Dismissed

No. 22–7177. GORDON *v.* TRIPP, WARDEN. C. A. 8th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 22–7199. BURCH *v.* NATIONSTAR MORTGAGE HOLDINGS, INC. Ct. App. Tex., 2d Dist. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U.S. 1 (1992) (*per curiam*).

No. 22–7293. TAAL *v.* CRONIN, COMMISSIONER, ET AL. C. A. 1st Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

Miscellaneous Orders

No. D–3109. IN RE DISBARMENT OF JORDAN. Disbarment entered. [For earlier order herein, see 598 U.S. 1256.]

No. 22M110. BROOKS *v.* JOHNSTON ET AL.; and

No. 22M111. WANG *v.* DELPHIN-RITTMON ET AL. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 22–7532. IN RE GARD; and

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No. 22–7561. *IN RE VIGLIOTTI*. Petitions for writs of habeas corpus denied.

No. 22–7152. *IN RE FELIX*. Petition for writ of mandamus denied.

No. 22–7212. *IN RE ROBERTS*. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of mandamus dismissed. See this Court’s Rule 39.8.

No. 22–7242. *IN RE JONES*. Petition for writ of prohibition denied.

Certiorari Granted

No. 22–704. *VIDAL, UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR, UNITED STATES PATENT AND TRADEMARK OFFICE v. ELSTER*. C. A. Fed. Cir. Certiorari granted. Reported below: 26 F. 4th 1328.

Certiorari Denied

No. 22–502. *SPRING VALLEY PRODUCE, INC., ET AL. v. FOREST ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 47 F. 4th 1229.

No. 22–685. *WILKERSON ET AL. v. UNITED STATES*; and
No. 22–6653. *MONTGOMERY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 22–687. *GOULDING v. SECURITIES AND EXCHANGE COMMISSION*. C. A. 7th Cir. Certiorari denied. Reported below: 40 F. 4th 558.

No. 22–703. *AMERICAN PETROLEUM INSTITUTE ET AL. v. ENVIRONMENTAL DEFENSE CENTER ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 36 F. 4th 850.

No. 22–804. *LENNAR CAROLINAS, LLC v. DAMICO ET AL.* Sup. Ct. S. C. Certiorari denied. Reported below: 437 S. C. 596, 879 S. E. 2d 746.

No. 22–949. *VASHISHT-ROTA v. HAGEN, JUSTICE, SUPREME COURT OF UTAH, ET AL.* Sup. Ct. Utah. Certiorari denied.

No. 22–965. *HEEWON LEE v. BANK OF AMERICA, N. A., ET AL.* C. A. 1st Cir. Certiorari denied.

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No. 22–990. *HARRY ET AL. v. KCG AMERICAS LLC ET AL.* C. A. 9th Cir. Certiorari denied.

No. 22–1020. *H&M HENNES & MAURITZ, L. P. v. UNICOLORS, INC.* C. A. 9th Cir. Certiorari denied. Reported below: 52 F. 4th 1054.

No. 22–1043. *RUPP v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

No. 22–1046. *KELLY v. UNIVERSITY OF FLORIDA BOARD OF TRUSTEES ET AL.* Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 356 So. 3d 782.

No. 22–1047. *LEAF, NKA RING v. LEAF.* Ct. App. Ohio, 5th App. Dist., Delaware County. Certiorari denied. Reported below: 2022-Ohio-3301.

No. 22–1058. *ROSEMAN v. WELLS FARGO BANK, N. A.* C. A. 6th Cir. Certiorari denied.

No. 22–1065. *GOSNEY v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 22–1099. *CLARKE v. FINE HOUSING, INC.* Sup. Ct. S. C. Certiorari denied. Reported below: 438 S. C. 174, 882 S. E. 2d 763.

No. 22–1105. *CIVELLI ET AL. v. JPMORGAN CHASE SECURITIES, L. L. C., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 57 F. 4th 484.

No. 22–6243. *BERRY ET UX. v. WELLS FARGO BANK, N. A., ET AL.* C. A. 5th Cir. Certiorari denied.

No. 22–6336. *TATE v. UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION LOCAL 8363.* C. A. 5th Cir. Certiorari denied.

No. 22–6503. *IFEDIBA v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 46 F. 4th 1225.

No. 22–6731. *WRIGHT v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 22–6739. *PHILLIPS v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied.

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No. 22–6865. *REINOEHL v. CENTERS FOR DISEASE CONTROL AND PREVENTION ET AL.* C. A. 7th Cir. Certiorari denied.

No. 22–6895. *LEAVELL-KEATON v. ALABAMA.* Ct. Crim. App. Ala. Certiorari denied.

No. 22–6909. *FAUBER v. DAVIS, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 43 F. 4th 987.

No. 22–6975. *KIMBRELL v. BANK OF AMERICA, N. A.* C. A. 7th Cir. Certiorari denied.

No. 22–7134. *WHITAKER v. OHIO.* Sup. Ct. Ohio. Certiorari denied. Reported below: 169 Ohio St. 3d 647, 2022-Ohio-2840, 207 N. E. 3d 677.

No. 22–7150. *GREEN v. FOX CORP.* C. A. 2d Cir. Certiorari denied.

No. 22–7151. *GREEN v. ABC ENTERTAINMENT INC.* C. A. 2d Cir. Certiorari denied.

No. 22–7159. *SIMMONS v. WALCZAK, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 22–7160. *RIOS v. NEW JERSEY.* Super. Ct. N. J., App. Div. Certiorari denied.

No. 22–7161. *ESTRADA v. CALIFORNIA.* Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 22–7164. *BERNARD v. MICHIGAN.* Ct. App. Mich. Certiorari denied.

No. 22–7166. *WARNICK v. HARPE, DIRECTOR, OKLAHOMA DEPARTMENT OF CORRECTIONS.* C. A. 10th Cir. Certiorari denied.

No. 22–7168. *WHETSTONE v. FRALEY & SCHILLING TRUCKING Co.* C. A. 3d Cir. Certiorari denied.

No. 22–7169. *TEEVAN v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 22–7170. *WILSON v. BULLARD, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied.

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No. 22–7173. *GASTON v. NORTH CAROLINA*. C. A. 4th Cir. Certiorari denied.

No. 22–7174. *HOUSEHOLDER v. ZAKEN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GREENE, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 22–7188. *RAMBO v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 22–7191. *HAMMOCK v. WATTS ET AL.* C. A. 4th Cir. Certiorari denied.

No. 22–7196. *PRELLE v. CHIEF EXECUTIVE OFFICER OF NEW JERSEY ET AL.* C. A. 3d Cir. Certiorari denied.

No. 22–7198. *BLAKE v. HONG ET AL.* C. A. 10th Cir. Certiorari denied.

No. 22–7202. *RUSSOMANNO v. SUNOVION PHARMACEUTICALS ET AL.* C. A. 3d Cir. Certiorari denied.

No. 22–7206. *HOOD v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 22–7208. *ROCK v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 280 A. 3d 7.

No. 22–7213. *ROTH v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 350 So. 3d 1271.

No. 22–7214. *BACILIO v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 22–7246. *MILLER v. PEP BOYS - MANNY, MOE & JACK OF DELAWARE, INC., ET AL.* C. A. 6th Cir. Certiorari denied.

No. 22–7248. *VIVAS v. GARLAND, ATTORNEY GENERAL, ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 22–7252. *MCCAY v. GENOVESE, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 22–7254. *ALCOSER v. TEXAS*. Ct. App. Tex., 7th Dist. Certiorari denied.

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No. 22–7318. *LANCASTER v. WILLIAMS, WARDEN*. C. A. 4th Cir. Certiorari denied.

No. 22–7325. *BROWN v. CITY OF NEW YORK, NEW YORK, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 22–7368. *MAY v. ARKANSAS*. Sup. Ct. Ark. Certiorari denied. Reported below: 2022 Ark. 216, 655 S. W. 3d 74.

No. 22–7370. *DINGLE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 22–7379. *GRUSHKO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 50 F. 4th 1.

No. 22–7380. *GILL v. TBG FOOD ACQUISITION CORP.* C. A. 4th Cir. Certiorari denied.

No. 22–7385. *BROWN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 22–7389. *BANKS v. WINGFIELD, ACTING WARDEN*. C. A. 4th Cir. Certiorari denied.

No. 22–7390. *TURNER, AKA BRANHAM v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 22–7391. *STEGEMANN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 22–7396. *WILFORD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 22–7401. *HUDSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 22–7404. *JARAMILLO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7414. *MOORE v. UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA*. C. A. 4th Cir. Certiorari denied.

No. 22–7417. *BOND v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 56 F. 4th 381.

No. 22–7418. *ARAYA v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

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No. 22–7421. *McDOWELL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 22–7431. *HILL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 22–7432. *GLOVER v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 291 A. 3d 703.

No. 22–7435. *SMITH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 22–7437. *MILLER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 22–7439. *OSORIO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7440. *ENGLAND v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 22–7442. *VASQUEZ-RIJO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 22–7444. *GONZALEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7452. *STEWART v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7455. *WHEELER v. UNITED STATES*; and *SOSEBEE v. UNITED STATES* (Reported below: 59 F. 4th 151). C. A. 5th Cir. Certiorari denied.

No. 22–7459. *CHURCH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7461. *DAYE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 22–7462. *BOWMAN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 22–7464. *HALL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 22–7468. *MBANEFO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

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No. 22–7480. *SILAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7494. *WYCHE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 22–7497. *CANTIZANO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 22–7498. *RODRIGUEZ v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 22–7505. *ARMAJO v. HILL, ATTORNEY GENERAL OF WYOMING, ET AL.* C. A. 10th Cir. Certiorari denied.

No. 22–962. *JAIN ET VIR v. BARKER ET AL.* C. A. 11th Cir. Certiorari before judgment denied.

No. 22–7398 (22A1011). *TISIUS v. VANDERGRIFF, WARDEN*. C. A. 8th Cir. Application for stay of execution of sentence of death, presented to JUSTICE KAVANAUGH, and by him referred to the Court, denied. Certiorari denied. Reported below: 55 F. 4th 1153.

No. 22–7451. *RIVERA v. UNITED STATES*. C. A. 11th Cir. Certiorari before judgment denied.

No. 22–7625 (22A1016). *TISIUS v. VANDERGRIFF, 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.

Rehearing Denied

No. 22–758. *VASHISHT-ROTA v. HOWELL MANAGEMENT SERVICES, LLC*, 598 U. S. 1245;

No. 22–6376. *JOSEPH v. SOUTH CAROLINA*, 598 U. S. 1174;

No. 22–6529. *HAVENS v. LEONG ET AL.*, 598 U. S. 1214;

No. 22–6530. *HAVENS v. LEONG ET AL.*, 598 U. S. 1214;

No. 22–6620. *ADAMS v. BEUSCH ET AL.*, 598 U. S. 1224;

No. 22–6685. *HAVENS v. LEONG ET AL.*, 598 U. S. 1234; and

No. 22–6773. *ADIMORA-NWEKE v. MCCRAW, DIRECTOR OF THE TEXAS DEPARTMENT OF PUBLIC SAFETY, ET AL.*, 598 U. S. 1248. Petitions for rehearing denied.

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No. 22–177. *TOTH v. UNITED STATES*, 598 U. S. 1153. Petition for rehearing denied. JUSTICE GORSUCH would grant the petition for rehearing.

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Certiorari Denied

No. 22–7699 (22A1045). *TISIUS v. VANDERGRIFF, 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.

No. 22–7700 (22A1046). *TISIUS v. VANDERGRIFF, WARDEN*. C. A. 8th Cir. 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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