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OCTOBER 2, 2023, THROUGH APRIL 9, 2024

Page Proof Pending Publication

REBECCA A. WOMELDORF

REPORTER OF DECISIONS



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Affirmed for Absence of Quorum

No. 22–7743. MACTRUONG, aka TRUONG *v.* STITT ET AL. C. A. 10th Cir. Because the Court lacks a quorum, 28 U. S. C. § 1, and since the qualified Justices are of the opinion that the case cannot be heard and determined at the next Term of the Court, the judgment is affirmed under 28 U. S. C. § 2109, which provides that under these circumstances “the court shall enter its order affirming the judgment of the court from which the case was brought for review with the same effect as upon affirmance by an equally divided court.” JUSTICE THOMAS, JUSTICE ALITO, JUSTICE GORSUCH, JUSTICE KAVANAUGH, and JUSTICE BARRETT took no part in the consideration or decision of this petition.

No. 22–7800. MACTRUONG, aka TRUONG *v.* DEWINE, GOVERNOR OF OHIO, ET AL. C. A. 6th Cir. Because the Court lacks a quorum, 28 U. S. C. § 1, and since the qualified Justices are of the opinion that the case cannot be heard and determined at the next Term of the Court, the judgment is affirmed under 28 U. S. C. § 2109, which provides that under these circumstances “the court shall enter its order affirming the judgment of the court from which the case was brought for review with the same effect as upon affirmance by an equally divided court.” THE CHIEF JUSTICE, JUSTICE THOMAS, JUSTICE ALITO, JUSTICE GORSUCH, JUSTICE KAVANAUGH, and JUSTICE BARRETT took no part in the consideration or decision of this petition.

Certiorari Granted—Vacated and Remanded

No. 22–1236. AYALA CHAPA *v.* GARLAND, ATTORNEY GENERAL. C. A. 5th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Santos-Zacaria v. Garland*, 598 U. S. 411 (2023). Reported below: 60 F. 4th 901.

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No. 22–7229. *OVANTE v. ARIZONA*. Super. Ct. Ariz., Maricopa County. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Cruz v. Arizona*, 598 U. S. 17 (2023).

Certiorari Dismissed

No. 22–7488. *ADAMS v. DAVIS 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. 22–7522. *SPENCER v. GASPER, DIRECTOR, MICHIGAN STATE POLICE*. C. A. 6th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

No. 22–7573. *KISSNER v. MACAULEY, WARDEN*. C. A. 6th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 22–7718. *BLEDSON v. TOWNES*. Ct. App. Cal., 3d App. 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. 22–7887. *DUNIGAN v. JOHNSON, WARDEN, ET AL.* C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance

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

No. 23–5092. *BROWN v. PENNSYLVANIA ET AL.* C. A. 3d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 23–5204. *DAVIS v. CARGILE, PROSECUTOR, PULASKI COUNTY PROSECUTOR’S OFFICE, 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. 23–5317. *BRESSI v. BRENNEN 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. 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. 23A96. *KLEIN v. LOUISIANA OFFICE OF DISCIPLINARY COUNSEL.* Sup. Ct. La. Application for stay, addressed to JUSTICE KAGAN and referred to the Court, denied.

No. 23A99. *D’OLIVIO v. HUTSON.* Ct. App. Tex., 5th Dist. Application for stay, addressed to JUSTICE THOMAS and referred to the Court, denied.

No. 23A112. *BOYAJIAN v. UNITED STATES.* C. A. 9th Cir. Application for stay, addressed to JUSTICE JACKSON and referred to the Court, denied.

No. 23A128. *TINGLE v. FLORIDA DEPARTMENT OF HEALTH.* Cir. Ct. Fla., Miami-Dade County. Application for injunction, addressed to JUSTICE JACKSON and referred to the Court, denied.

No. 23A196. *CORDOVA v. LOUISIANA STATE UNIVERSITY AGRICULTURAL AND MECHANICAL COLLEGE BOARD OF SUPERVISORS ET AL.* C. A. 5th Cir. Application for stay, addressed to JUSTICE SOTOMAYOR and referred to the Court, denied.

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No. D-3094. *IN RE DISBARMENT OF ARIF*. Disbarment entered. [For earlier order herein, see 598 U. S. 1093.]

No. D-3102. *IN RE DISBARMENT OF GOMEZ*. Disbarment entered. [For earlier order herein, see 598 U. S. 1105.]

No. D-3109. *IN RE DISBARMENT OF JORDAN*, 598 U. S. 1317. Motion for reconsideration of disbarment denied.

No. D-3122. *IN RE DISCIPLINE OF MEETTOOK*. Kiran Nargis Thara Meettook, of New York, N. Y., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring her to show cause why she should not be disbarred from the practice of law in this Court.

No. D-3123. *IN RE DISCIPLINE OF PILLA*. Mary Lee Pilla, of Novelty, Ohio, is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring her to show cause why she should not be disbarred from the practice of law in this Court.

No. D-3124. *IN RE DISCIPLINE OF HUMPHREY*. Christopher Craig Humphrey, of Saratoga Springs, N. Y., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. 23M1. *GREEN v. WASHINGTON DEPARTMENT OF SOCIAL AND HEALTH SERVICES ET AL.*;

No. 23M2. *PEREZ v. WALT DISNEY CO.*; and

No. 23M9. *MARTIN v. MARTIN*. Motions for leave to proceed as veterans denied.

No. 23M3. *J. M. F. v. NEW JERSEY DEPARTMENT OF TREASURY, DIVISION OF PENSIONS AND BENEFITS*;

No. 23M8. *INGRAM v. UNITED STATES*; and

No. 23M20. *JONES v. SCHUYLER, ACTING WARDEN*. Motions for leave to file petitions for writs of certiorari with supplemental appendixes under seal granted.

No. 23M4. *ZDUNSKI v. ERIE 2-CHAUTAUGUA-CATTARAUGUS BOCES ET AL.*;

No. 23M7. *MAKOZY v. UNITED STATES*;

No. 23M10. *BEHROOZI v. JEREMIAH ET AL.*;

No. 23M11. *CRAWFORD v. ILLINOIS*;

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No. 23M12. *BOLTON v. DIXON*, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS;

No. 23M14. *BERKA v. WEDGEWOOD MANOR HOMEOWNERS ASSN.*;

No. 23M17. *DAVIS v. BANKERS LIFE & CASUALTY CO.*

No. 23M18. *ANDRESEN v. JACKSON ET AL.*;

No. 23M21. *HOSIER v. VANDERGRIFF*, WARDEN; and

No. 23M24. *EDWARDS v. UNITED STATES*. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 23M5. *VILLA v. COMMISSIONER OF INTERNAL REVENUE*;

No. 23M6. *SMITH ET AL. v. SANDERS*, GOVERNOR OF ARKANSAS, ET AL.;

No. 23M13. *CALHOUN v. UNITED STATES*;

No. 23M19. *MARTIN v. UNITED STATES*; and *TAROVISKY ET AL. v. UNITED STATES*; and

No. 23M23. *JORDAN v. UNITED STATES*. Motions for leave to file petitions for writs of certiorari under seal with redacted copies for the public record granted.

No. 23M15. *DOE v. OLSON*. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record denied.

No. 23M16. *GREEN v. U. S. BANK N. A.* Motion for leave to file petition for writ of certiorari before judgment under seal denied.

No. 23M22. *BRYANT v. DELAWARE COUNTY TREASURER ET AL.* Motion for leave to file petition for writ of certiorari with declaration of indigency under seal denied.

No. 65, Orig. *TEXAS v. NEW MEXICO*. Motion of the River Master for fees and expenses granted, and the River Master is awarded a total of \$8,796.96, for the period July 1, 2022, through June 30, 2023, to be paid equally by the parties. [For earlier order herein, see, *e.g.*, 598 U. S. 906.]

No. 22–324. *O’CONNOR-RATCLIFF ET AL. v. GARNIER ET AL.* C. A. 9th Cir. [Certiorari granted, 598 U. S. 1258.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 22–340. *PULSIFER v. UNITED STATES*. C. A. 8th Cir. [Certiorari granted, 598 U. S. 1187.] Motion of petitioner for

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leave to proceed further herein *in forma pauperis* and for appointment of counsel granted. J. Robert Black, of Omaha, Neb., is appointed to serve as counsel for petitioner in this case.

No. 22–585. CULLEY ET AL. *v.* MARSHALL, ATTORNEY GENERAL OF ALABAMA, ET AL. C. A. 11th Cir. [Certiorari granted, 598 U. S. 1243.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 22–611. LINDKE *v.* FREED. C. A. 6th Cir. [Certiorari granted, 598 U. S. 1258.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 22–886. BLENHEIM CAPITAL HOLDINGS LTD. ET AL. *v.* LOCKHEED MARTIN CORP. ET AL. C. A. 4th Cir.; and

No. 22–957. DERMODY *v.* MASSACHUSETTS EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES; and MONDOR ET AL. *v.* MASSACHUSETTS EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES. Sup. Jud. Ct. Mass. The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

No. 22–6389. BROWN *v.* UNITED STATES. C. A. 3d Cir.; and

No. 22–6640. JACKSON *v.* UNITED STATES. C. A. 11th Cir. [Certiorari granted, 598 U. S. 1280.] Motion of petitioners for divided argument granted.

No. 22–7109. IN RE LAND. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [598 U. S. 1258] denied.

No. 22–7212. IN RE ROBERTS. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [598 U. S. 1318] denied.

No. 22–7215. WAZNEY *v.* SOUTH CAROLINA. Sup. Ct. S. C. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [598 U. S. 1310] denied.

No. 22–7403. ECCARIUS *v.* MENDOCINO COUNTY SOCIAL SERVICES. C. A. 9th Cir.;

No. 22–7446. KULICK *v.* STUBBA ET AL. C. A. 9th Cir.;

No. 22–7448. SWINDELL *v.* CACI NSS, INC., FKA L–3 NATIONAL SECURITY SOLUTIONS, INC., ET AL. C. A. 4th Cir.;

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No. 22–7503. DAVIS *v.* PORSCHE CARS OF NORTH AMERICA ET AL. Ct. App. Cal., 4th App. Dist., Div. 2;

No. 22–7556. KULICK *v.* SOON-SHIONG ET AL. C. A. 9th Cir.;

No. 22–7594. JENKINS *v.* UNITED STATES ET AL. C. A. D. C. Cir.;

No. 22–7634. HEADMAN *v.* HEADMAN, AKA BROMLEY. Ct. App. Utah;

No. 22–7652. JONES *v.* DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir.;

No. 22–7748. WEBB *v.* KIMMEL ET AL. C. A. 4th Cir.;

No. 22–7811. GRIFFIN *v.* AMERICAN ZURICH INSURANCE CO. ET AL. C. A. 5th Cir.;

No. 22–7860. CVJETICANIN *v.* UNITED STATES. C. A. 3d Cir.;

No. 23–5053. STEVENS *v.* TOWN OF SNOW HILL, NORTH CAROLINA, ET AL. C. A. 4th Cir.;

No. 23–5056. RAYMOND *v.* JPMORGAN CHASE BANK. C. A. 5th Cir.;

No. 23–5069. MCGEE *v.* DEJOY, POSTMASTER GENERAL, ET AL. C. A. 9th Cir.;

No. 23–5169. MOGAN *v.* SACKS, RICKETTS & CASE LLP ET AL. C. A. 9th Cir.; and

No. 23–5327. IN RE RADCLIFF. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until October 23, 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. 23–9. ASTRAZENECA UK LTD. ET AL. *v.* ATCHLEY ET AL. The Solicitor General is invited to file a brief in this case expressing the views of the United States. JUSTICE ALITO took no part in the consideration of this petition.

No. 22–7762. IN RE ELLISON;

No. 22–7897. IN RE WALLS;

No. 23–5157. IN RE WHITAKER;

No. 23–5231. IN RE NAVARRO-MARTIN;

No. 23–5287. IN RE HAAKE;

No. 23–5312. IN RE SMITH;

No. 23–5394. IN RE LEWIS; and

No. 23–5395. IN RE LEWIS. Petitions for writs of habeas corpus denied.

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No. 23–5247. *IN RE JACKSON*. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of habeas corpus dismissed. See this Court’s Rule 39.8.

No. 22–1136. *IN RE MAWHINNEY*;

No. 22–7434. *IN RE KUNA-JACOB*;

No. 23–49. *IN RE AYERS ET AL.*;

No. 23–5117. *IN RE SIMMS*;

No. 23–5144. *IN RE MARTIN*;

No. 23–5175. *IN RE DARST*;

No. 23–5218. *IN RE CURRY*; and

No. 23–5232. *IN RE PETERSON*. Petitions for writs of mandamus denied.

No. 22–1126. *IN RE HARTMAN*. Petition for writ of mandamus denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 22–7591. *IN RE STINSON*. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of mandamus dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

No. 23–5029. *IN RE HEDRICK*. Motion of petitioner for leave to proceed *in forma pauperis* denied, petition for writ of mandamus dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

No. 23–5128. *IN RE STINSON*. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of mandamus dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed

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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. 23–5182. IN RE LUSSY. 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. THE CHIEF JUSTICE took no part in the consideration or decision of this motion and this petition.

No. 22–7648. IN RE WINDSOR; and

No. 23–5077. IN RE BOYAJIAN; and

No. 23–5262. IN RE HARMON. Petitions for writs of mandamus and/or prohibition denied.

No. 23–5118. IN RE BRADDOCK. Petition for writ of prohibition denied.

No. 22–7850. IN RE WINDING. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of prohibition dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

Certiorari Denied

No. 22–393. NETCHOICE, LLC, DBA NETCHOICE, ET AL. *v.* MOODY, ATTORNEY GENERAL OF FLORIDA, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 34 F. 4th 1196.

No. 22–465. GEORGIA-PACIFIC CONSUMER PRODUCTS LP ET AL. *v.* INTERNATIONAL PAPER CO. ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 32 F. 4th 534.

No. 22–731. BRIENZA *v.* CITY OF PEACHTREE, GEORGIA, ET AL. C. A. 11th Cir. Certiorari denied.

No. 22–739. KAGAN ET AL. *v.* CITY OF LOS ANGELES, CALIFORNIA, ET AL. C. A. 9th Cir. Certiorari denied.

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No. 22–756. *LINTHICUM ET AL. v. SMITH*. C. A. 5th Cir. Certiorari denied.

No. 22–809. *TEXAS STATE LULAC ET AL. v. TORRES, MEDINA COUNTY ELECTIONS ADMINISTRATOR, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 52 F. 4th 248.

No. 22–848. *FOX v. CAMPBELL ET UX*. C. A. 6th Cir. Certiorari denied. Reported below: 47 F. 4th 468.

No. 22–869. *SIGNET BUILDERS, INC. v. LUNA VANEGAS*. C. A. 7th Cir. Certiorari denied. Reported below: 46 F. 4th 636.

No. 22–873. *INGENIO, INC., ET AL. v. CLICK-TO-CALL TECHNOLOGIES LP*. C. A. Fed. Cir. Certiorari denied. Reported below: 45 F. 4th 1363.

No. 22–893. *LIBERTARIAN PARTY OF NEW YORK ET AL. v. NEW YORK STATE BOARD OF ELECTIONS ET AL.* C. A. 2d Cir. Certiorari denied.

No. 22–894. *MEISNER, OAKLAND COUNTY TREASURER, ET AL. v. SINCLAIR*. C. A. 6th Cir. Certiorari denied.

No. 22–926. *U. S. BANK N. A. v. WINDSTREAM HOLDINGS, INC., ET AL.* C. A. 2d Cir. Certiorari denied.

No. 22–939. *FRESE v. FORMELLA, ATTORNEY GENERAL OF NEW HAMPSHIRE*. C. A. 1st Cir. Certiorari denied. Reported below: 53 F. 4th 1.

No. 22–943. *VERDUN ET AL. v. CITY OF SAN DIEGO, CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 51 F. 4th 1033.

No. 22–945. *DAVIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 53 F. 4th 833.

No. 22–955. *SAUK-SUIATTLE INDIAN TRIBE v. CITY OF SEATTLE, WASHINGTON*. C. A. 9th Cir. Certiorari denied. Reported below: 56 F. 4th 1179.

No. 22–958. *PUKKE ET AL. v. FEDERAL TRADE COMMISSION ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 53 F. 4th 80.

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No. 22–959. *CARSWELL, INDIVIDUALLY AND AS DEPENDENT ADMINISTRATOR OF AND ON BEHALF OF THE ESTATE OF LYNCH, ET AL. v. CAMP ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 54 F. 4th 307.

No. 22–969. *CITY OF SANTA MARIA, CALIFORNIA, ET AL. v. SAN LUIS OBISPO COASTKEEPER ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 49 F. 4th 1242.

No. 22–978. *JACKSON v. OHIO.* Sup. Ct. Ohio. Certiorari denied. Reported below: 2022-Ohio-4365.

No. 22–992. *DENTON v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 22–1005. *EMILY ET AL. v. WELTERS.* Sup. Ct. Minn. Certiorari denied. Reported below: 982 N. W. 2d 457.

No. 22–1006. *PRIME INSURANCE CO. v. WRIGHT.* C. A. 7th Cir. Certiorari denied. Reported below: 57 F. 4th 597.

No. 22–1013. *J. R. v. NORTH CAROLINA.* Sup. Ct. N. C. Certiorari denied. Reported below: 383 N. C. 273, 881 S. E. 2d 522.

No. 22–1016. *CARDONE CAPITAL, LLC, ET AL. v. PINO.* C. A. 9th Cir. Certiorari denied. Reported below: 55 F. 4th 1253.

No. 22–1026. *RAMIREZ-HIDROGO v. GARLAND, ATTORNEY GENERAL.* C. A. 5th Cir. Certiorari denied.

No. 22–1027. *DUTRA GROUP, INC., ET AL. v. ZARADNIK ET AL.* C. A. 9th Cir. Certiorari denied.

No. 22–1033. *MAZO ET AL. v. WAY, NEW JERSEY SECRETARY OF STATE, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 54 F. 4th 124.

No. 22–1042. *ANDERSEN v. BRITISH AIRWAYS PLC ET AL.* C. A. 2d Cir. Certiorari denied.

No. 22–1045. *SNYDER v. CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION ET AL.* C. A. 9th Cir. Certiorari denied.

No. 22–1051. *SIMON ET UX. v. JANKE ET AL.* Ct. App. Wash. Certiorari denied. Reported below: 22 Wash. App. 2d 1018.

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No. 22–1053. *ABKCO MUSIC, INC., ET AL. v. SAGAN ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 50 F. 4th 309.

No. 22–1061. *ANDRY v. LAWYER DISCIPLINARY COMMITTEE OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA.* C. A. 5th Cir. Certiorari denied. Reported below: 59 F. 4th 203.

No. 22–1067. *JOHNSON v. DOBBINS ET AL.* C. A. 6th Cir. Certiorari denied.

No. 22–1068. *KIRKMAN v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 22–1069. *BENEFIT STRATEGIES WEST, INC., ET AL. v. NAUMANN ET AL.* Ct. App. Ariz. Certiorari denied. Reported below: 253 Ariz. 176, 510 P. 3d 513.

No. 22–1070. *STELLE v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist., Div. 2. Certiorari denied.

No. 22–1071. *WASHINGTON ALLIANCE OF TECHNOLOGY WORKERS v. DEPARTMENT OF HOMELAND SECURITY ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 50 F. 4th 164.

No. 22–1072. *SAXON v. AMERITAS LIFE INSURANCE CORP.* Ct. App. D. C. Certiorari denied. Reported below: 283 A. 3d 86.

No. 22–1077. *PEREIRA v. O’NEAL.* Ct. App. Ga. Certiorari denied.

No. 22–1083. *CHANDLER, CHAIRMAN AND COMMISSIONER OF KENTUCKY PUBLIC SERVICE COMMISSION, ET AL. v. FORESIGHT COAL SALES, LLC.* C. A. 6th Cir. Certiorari denied. Reported below: 60 F. 4th 288.

No. 22–1084. *WALKER ET AL. v. DOMINION VOTING SYSTEMS, INC., ET AL.* C. A. 10th Cir. Certiorari denied.

No. 22–1087. *BRUCE v. CITY AND COUNTY OF DENVER, COLORADO, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 57 F. 4th 738.

No. 22–1089. *FOSTER v. FOSTER.* Sup. Ct. Mich. Certiorari denied. Reported below: 509 Mich. 109, 983 N. W. 2d 373.

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No. 22–1090. *TARPEY v. WYOMING*. Sup. Ct. Wyo. Certiorari denied. Reported below: 2023 WY 14, 523 P. 3d 916.

No. 22–1091. *ZOOK v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 22–1092. *UKPONG v. INTERNATIONAL LEADERSHIP OF TEXAS ET AL.* C. A. 5th Cir. Certiorari denied.

No. 22–1094. *LI v. LI*. Ct. App. Ga. Certiorari denied.

No. 22–1100. *KARUPAIYAN v. TOWNSHIP OF WOODBRIDGE, NEW JERSEY, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 22–1101. *CUNNINGHAM v. MERIT SYSTEMS PROTECTION BOARD*. C. A. Fed. Cir. Certiorari denied.

No. 22–1102. *ACQUISITION 362, LLC, DBA STRATEGIC IMPORT SUPPLY v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied. Reported below: 59 F. 4th 1247.

No. 22–1104. *TALBOT v. JOHNSON ET AL.* C. A. 9th Cir. Certiorari denied.

No. 22–1106. *BRANNBERG ET AL. v. COLORADO STATE BOARD OF EDUCATION ET AL.* Sup. Ct. Colo. Certiorari denied. Reported below: 525 P. 3d 290.

No. 22–1110. *DREILING v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied.

No. 22–1111. *MARINOS-ARSENIS v. HORIZON BLUE CROSS BLUE SHIELD OF NEW JERSEY*. C. A. 3d Cir. Certiorari denied.

No. 22–1113. *JESSOP v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 22–1114. *HARRIS v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 22–1115. *TAGUNICAR v. CALIFORNIA*. App. Div., Super. Ct. Cal., County of San Mateo. Certiorari denied.

No. 22–1117. *FREEMAN ET AL. v. HSBC HOLDINGS PLC ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 57 F. 4th 66.

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No. 22–1119. *M. B. v. D. L.* Super. Ct. N. J., App. Div. Certiorari denied.

No. 22–1121. *SELVAM v. UNITED STATES ET AL.* C. A. 2d Cir. Certiorari denied.

No. 22–1122. *LORENZO v. AUSTIN, SECRETARY OF DEFENSE.* C. A. 9th Cir. Certiorari denied.

No. 22–1127. *SAWICKY v. SYKES, BENEFICIARY OF REAL, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 22–1128. *JONES v. CAMPBELL UNIVERSITY ET AL.* C. A. 4th Cir. Certiorari denied.

No. 22–1129. *BONAB v. GINN.* Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 22–1131. *BLALOCK v. UNION PACIFIC RAILROAD CO.* C. A. 5th Cir. Certiorari denied.

No. 22–1132. *SINE v. KOSMIDES.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 199 App. Div. 3d 415, 153 N. Y. S. 3d 848.

No. 22–1133. *MARTIN ET AL. v. SANDOVAL COUNTY, NEW MEXICO, ET AL.* Sup. Ct. N. M. Certiorari denied.

No. 22–1134. *SIYU YANG ET AL. v. UNIVERSITY OF ROCHESTER ET AL.* Ct. App. N. Y. Certiorari denied. Reported below: 39 N. Y. 3d 1060, 203 N. E. 3d 632.

No. 22–1135. *CENTER FOR MEDICAL PROGRESS ET AL. v. NATIONAL ABORTION FEDERATION*; and

No. 22–1161. *COOLEY ET AL. v. NATIONAL ABORTION FEDERATION.* C. A. 9th Cir. Certiorari denied.

No. 22–1137. *CONFERENCE OF PRESIDENTS OF MAJOR ITALIAN AMERICAN ORGANIZATIONS, INC., ET AL. v. CITY OF PHILADELPHIA, PENNSYLVANIA, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 22–1140. *OFFOR v. MERCY MEDICAL CENTER ET AL.* C. A. 2d Cir. Certiorari denied.

No. 22–1141. *PISNER v. RUBINSTEIN ET AL.* C. A. 4th Cir. Certiorari denied.

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No. 22–1143. *SWEET v. DOUGLAS COUNTY BOARD OF COMMISSIONERS*. Ct. App. Colo. Certiorari denied.

No. 22–1144. *JAFRI v. SIGNAL FUNDING, LLC, ET AL.* C. A. 7th Cir. Certiorari denied.

No. 22–1145. *SOSA v. MARTIN COUNTY, FLORIDA, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 57 F. 4th 1297.

No. 22–1146. *MYNARCIK v. WV 23 JUMPSTART, LLC*. Ct. App. Cal., 3d App. Dist. Certiorari denied. Reported below: 85 Cal. App. 5th 596, 301 Cal. Rptr. 3d 402.

No. 22–1147. *MERRITT v. PLANNED PARENTHOOD FEDERATION OF AMERICA, INC., ET AL.*;

No. 22–1159. *NEWMAN v. PLANNED PARENTHOOD FEDERATION OF AMERICA, INC., ET AL.*; and

No. 22–1160. *RHOMBERG v. PLANNED PARENTHOOD FEDERATION OF AMERICA, INC., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 51 F. 4th 1125.

No. 22–1149. *PACIFIC CARLTON DEVELOPMENT CORP. ET AL. v. NEW YORK STATE URBAN DEVELOPMENT CORPORATION, DBA EMPIRE STATE DEVELOPMENT CORPORATION*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 206 App. Div. 3d 931, 171 N. Y. S. 3d 522.

No. 22–1152. *AZMAT v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 22–1153. *MENDEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–1154. *WINGLET TECHNOLOGY, LLC, ET AL. v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied.

No. 22–1156. *SINCLAIR, MOTHER OF ANDERSON, DECEASED v. CITY OF SEATTLE, WASHINGTON*. C. A. 9th Cir. Certiorari denied. Reported below: 61 F. 4th 674.

No. 22–1162. *LAWRENCE v. UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN*. C. A. 6th Cir. Certiorari denied.

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No. 22–1163. *DREAD v. MARYLAND STATE POLICE*. C. A. 4th Cir. Certiorari denied.

No. 22–1164. *ERDE v. IRSFELD, IRSFELD & YOUNGER, LLP*. C. A. 9th Cir. Certiorari denied.

No. 22–1167. *BOND, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF BOND, ET AL. v. SILK*. C. A. 9th Cir. Certiorari denied. Reported below: 65 F. 4th 445.

No. 22–1169. *EXPEDIA GROUP, INC., ET AL. v. DEL VALLE ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 56 F. 4th 1265.

No. 22–1171. *LEBLANC ET AL. v. CRITTINDON ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 37 F. 4th 177.

No. 22–1172. *WORTHEN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 60 F. 4th 1066.

No. 22–1173. *MENDOZA VASQUEZ v. GARLAND, ATTORNEY GENERAL*. C. A. 5th Cir. Certiorari denied.

No. 22–1174. *ERWINE v. CHURCHILL COUNTY, NEVADA, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 22–1176. *JEAN-BAPTISTE v. DEPARTMENT OF JUSTICE ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 22–1177. *LEE v. NEW YORK*. App. Term, Sup. Ct. N. Y., 9th and 10th Jud. Dists. Certiorari denied. Reported below: 77 App. Div. 3d 127, 176 N. Y. S. 3d 757.

No. 22–1179. *PURI v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 22–1180. *SHIRE U. S., INC., ET AL. v. BLACKBURN*. C. A. 11th Cir. Certiorari denied.

No. 22–1181. *EVENFLO CO., INC. v. XAVIER ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 54 F. 4th 28.

No. 22–1182. *WALKER ET AL. v. U. S. BANK N. A. ET AL.* C. A. 11th Cir. Certiorari denied.

No. 22–1183. *WALKER ET AL. v. OZMENT ET AL.* C. A. 11th Cir. Certiorari denied.

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No. 22–1184. *WALKER ET AL. v. MITTELBERG ET AL.* C. A. 11th Cir. Certiorari denied.

No. 22–1185. *SCOTT v. GEORGIA*. Ct. App. Ga. Certiorari denied. Reported below: 365 Ga. App. 191, 877 S. E. 2d 852.

No. 22–1186. *CITIZENS FOR CONSTITUTIONAL INTEGRITY ET AL. v. UNITED STATES ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 57 F. 4th 750.

No. 22–1187. *KELLER-McINTYRE v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist., Div. 4. Certiorari denied.

No. 22–1188. *SMITH v. TERRY*. C. A. 5th Cir. Certiorari denied.

No. 22–1189. *BOGAN v. DENTON COUNTY DISTRICT ATTORNEY OFFICE ET AL.* C. A. 5th Cir. Certiorari denied.

No. 22–1191. *GEARING ET AL. v. CITY OF HALF MOON BAY, CALIFORNIA*. C. A. 9th Cir. Certiorari denied. Reported below: 54 F. 4th 1144.

No. 22–1192. *HEADSTREAM TECHNOLOGIES, LLC v. FEDEX EXPRESS*. C. A. 6th Cir. Certiorari denied.

No. 22–1193. *THUL v. HAALAND, SECRETARY OF THE INTERIOR, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 22–1194. *JONES v. HAWAII MEDICAL BOARD ET AL.* Int. Ct. App. Haw. Certiorari denied. Reported below: 152 Haw. 25, 519 P. 3d 767.

No. 22–1195. *ROBINSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 62 F. 4th 318.

No. 22–1196. *GEFT OUTDOOR, L. L. C. v. MONROE COUNTY, INDIANA, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 62 F. 4th 321.

No. 22–1197. *FRANK v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 22–1198. *FLARITY v. ARGONAUT INSURANCE CO. ET AL.*; and *FLARITY v. ROBERTS ET AL.* C. A. 9th Cir. Certiorari denied.

No. 22–1201. *CREAGHAN v. AUSTIN, SECRETARY OF DEFENSE, ET AL.* C. A. D. C. Cir. Certiorari denied.

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No. 22–1203. *FOWLER v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 22–1204. *MUHR v. BRASWELL*; and *MUHR v. LEE*. Ct. App. Colo. Certiorari denied.

No. 22–1205. *SKATTUM v. COLLOMY*. Sup. Jud. Ct. Me. Certiorari denied.

No. 22–1206. *KYUNG CHANG INDUSTRY USA, INC., DBA KCI USA v. EIGHTH JUDICIAL DISTRICT COURT OF NEVADA, CLARK COUNTY, ET AL.* Sup. Ct. Nev. Certiorari denied. Reported below: 139 Nev. 46, 525 P. 3d 836.

No. 22–1207. *COLUMBIA FALLS ALUMINUM Co., LLC v. ATLANTIC RICHFIELD Co.* C. A. 9th Cir. Certiorari denied.

No. 22–1208. *NEWELL-DAVIS ET AL. v. PHILLIPS, SECRETARY OF THE LOUISIANA DEPARTMENT OF HEALTH, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 22–1210. *COLGATE-PALMOLIVE Co. ET AL. v. MCCUTCHEON, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 62 F. 4th 674.

No. 22–1211. *GUZMAN v. STURGIS ET AL.* C. A. 5th Cir. Certiorari denied.

No. 22–1212. *LINDSEY v. MAX. F. ADLER, M. D., P. A., FKA PARK CITIES DERMATOLOGY CENTER, AKA COPPELL DERMATOLOGY CENTER, ET AL.* Ct. App. Tex., 5th Dist. Certiorari denied.

No. 22–1213. *GONZALEZ v. BLUE CROSS BLUE SHIELD ASSN. ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 62 F. 4th 891.

No. 22–1214. *SYED v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 22–1220. *KILLIAN v. VIDAL, DIRECTOR, UNITED STATES PATENT AND TRADEMARK OFFICE*. C. A. Fed. Cir. Certiorari denied. Reported below: 45 F. 4th 1373.

No. 22–1221. *STEWART v. MAYORKAS, SECRETARY OF HOMELAND SECURITY, ET AL.* C. A. 9th Cir. Certiorari denied.

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No. 22–1223. *GABRIEL ET AL. v. OUTLAW ET AL.* C. A. 5th Cir. Certiorari denied.

No. 22–1224. *RALSTON ET AL. v. SAN MATEO COUNTY, CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 22–1227. *LANE v. ILLINOIS ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION.* Sup. Ct. Ill. Certiorari denied.

No. 22–1228. *TRIPODI ET AL. v. NORTH COVENTRY TOWNSHIP, PENNSYLVANIA.* Commw. Ct. Pa. Certiorari denied. Reported below: 286 A. 3d 396.

No. 22–1229. *WARD ET AL. v. CROSS KEYS BANK ET AL.* C. A. 5th Cir. Certiorari denied.

No. 22–1230. *FJORD ET AL. v. AMERICAN AIRLINES GROUP, INC., ET AL.* C. A. 2d Cir. Certiorari denied.

No. 22–1231. *HEAL v. WELLS FARGO, N. A., AS TRUSTEE FOR WAMU MORTGAGE PASS-THROUGH CERTIFICATES SERVICES 2006–PR2 TRUST, ET AL.* C. A. 1st Cir. Certiorari denied.

No. 22–1232. *HOLLAND v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 4th Cir. Certiorari denied.

No. 22–1235. *OGBOLU v. TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK ET AL.* C. A. 2d Cir. Certiorari denied.

No. 22–1237. *DALY ET AL. v. CHECHOWITZ ET AL.* App. Ct. Mass. Certiorari denied. Reported below: 102 Mass. App. 1107, 203 N. E. 3d 1178.

No. 22–1242. *MCCLELLAND v. CHAPMAN.* Ct. App. Colo. Certiorari denied.

No. 22–1243. *HIEU MINH LE v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 59 F. 4th 958.

No. 22–1244. *JOSEPH v. McDONOUGH, SECRETARY OF VETERANS AFFAIRS.* C. A. 6th Cir. Certiorari denied.

No. 22–1245. *RISTOW v. PETERSON ET AL.* C. A. 8th Cir. Certiorari denied.

No. 22–1247. *WHITE v. VANCE COUNTY SHERIFF ET AL.* C. A. 4th Cir. Certiorari denied.

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No. 22–1249. *FOREMOST TITLE & ESCROW SERVICES, LLC v. FCOA, LLC*. C. A. 11th Cir. Certiorari denied. Reported below: 57 F. 4th 939.

No. 22–1250. *CHIEN ET AL. v. JARRETT ET AL.* Sup. Jud. Ct. Me. Certiorari denied.

No. 22–1251. *KINSELLA v. BUREAU OF OCEAN ENERGY MANAGEMENT ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 22–1252. *DONGMEI LI v. CONNECTICUT ET AL.* C. A. 2d Cir. Certiorari denied.

No. 22–6557. *HOUCK v. LIFESTORE BANK ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 41 F. 4th 266.

No. 22–6778. *CHARETTE, AKA CRITT v. MINNESOTA*. Sup. Ct. Minn. Certiorari denied.

No. 22–6825. *EDMONDS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 22–6873. *DOMINGUEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–6881. *CLARK v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 46 F. 4th 404.

No. 22–6897. *HERNANDEZ-CORREA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–6902. *HARBIN v. UNITED STATES* (Reported below: 56 F. 4th 843); and *MASSMANN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 22–6910. *FIELDS v. CONRAD ET AL.* C. A. 11th Cir. Certiorari denied.

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

No. 22–6955. *COLE v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

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

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

No. 22–7031. *DIEHL v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 22–7058. *HELMSTETTER v. HERZOG, TRUSTEE, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 44 F. 4th 676.

No. 22–7098. *TURNER v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 22–7113. *PATSALIS v. THORNELL, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, REHABILITATION AND REENTRY, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 47 F. 4th 1092.

No. 22–7114. *ORTIZ-CASTILLO v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 22–7157. *STEVENS v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

No. 22–7179. *AJUALIP-PABLO v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 22–7183. *ORDONEZ-MENDOZA v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 22–7189. *HICKS v. AMES, SUPERINTENDENT, MOUNT OLIVE CORRECTIONAL COMPLEX.* C. A. 4th Cir. Certiorari denied.

No. 22–7193. *TREVINO v. U. S. BANK N. A., AS TRUSTEE.* App. Ct. Conn. Certiorari denied. Reported below: 215 Conn. App. 901, 281 A. 3d 28.

No. 22–7204. *WILSON v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 22–7205. *VALDIVIA-GONZALEZ v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 22–7207. *MARTINEZ-SAUCEDO v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

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No. 22–7209. *MACIAS-TORRES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7218. *TOMAS-ANTONIO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7220. *JUAREZ-MEDELLIN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7224. *ENCARNACION-PASCUAL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

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

No. 22–7237. *GRZYWINSKI v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 57 F. 4th 237.

No. 22–7243. *BONILLA-DIAZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 22–7258. *FRASER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7259. *CEJUDO-MANCINAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7260. *ESCOBEDO-DUENAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7270. *McKoy v. ISHEE, SECRETARY, NORTH CAROLINA DEPARTMENT OF ADULT CORRECTION*. C. A. 4th Cir. Certiorari denied.

No. 22–7276. *BAKER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7287. *TOVAR-ZAMARRIPA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7301. *ARANDA v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 22–7316. *PEREZ-MENDOZA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7319. *SALAZAR-HERNANDEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

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No. 22–7320. *GONZALES v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 22–7337. *JOHNSON v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied.

No. 22–7359. *BAKER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 22–7373. *MIRANDA-GUERRERO v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 14 Cal. 5th 1, 519 P. 3d 1004.

No. 22–7374. *MCCOY v. UNITED STATES*; and
No. 23–5012. *NIX v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 58 F. 4th 72.

No. 22–7377. *MORA-RODRIGUEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7382. *SALES v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 22–7387. *AIELLO v. COLLIER ET AL.* Ct. App. Tex., 13th Dist. Certiorari denied.

No. 22–7388. *DIRKANS v. ILLINOIS*. App. Ct. Ill., 3d Dist. Certiorari denied.

No. 22–7392. *CLARK v. PRATT*. C. A. 9th Cir. Certiorari denied.

No. 22–7393. *THOMPSON v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. Sup. Ct. Va. Certiorari denied.

No. 22–7395. *TAYLOR v. OHIO*. Ct. App. Ohio, 2d App. Dist., Montgomery County. Certiorari denied. Reported below: 2022-Ohio-3579.

No. 22–7399. *MURPHY v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 22–7405. *HANDFIELD v. SALAMON, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ROCKVIEW, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 22–7406. *HENRY v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 352 So. 3d 874.

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No. 22–7408. *HAMMERSLEY v. WISCONSIN*. Ct. App. Wis. Certiorari denied.

No. 22–7410. *PALOMO v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 22–7411. *SIMS v. BUTTIGIEG ET AL.* Ct. App. Ind. Certiorari denied. Reported below: 194 N. E. 3d 80.

No. 22–7420. *MORQUECHO-SANCHEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7422. *GUNN v. NEW YORK*. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 211 App. Div. 3d 1635, 178 N. Y. S. 3d 727.

No. 22–7423. *MARQUEZ-CALZADILLA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7426. *HATT v. WASHINGTON*. Ct. App. Wash. Certiorari denied. Reported below: 24 Wash. App. 2d 1020.

No. 22–7428. *JAMISON v. STUART-LIPPMAN AND ASSOCIATES, INC., ET AL.* C. A. 6th Cir. Certiorari denied.

No. 22–7429. *SANTANA DELACRUZ, AKA VERGARA v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 22–7430. *DEBORA D. v. JOHN D. ET AL.* Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 22–7433. *GARCIA v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 22–7443. *RENO v. BROOMFIELD, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 46 F. 4th 821.

No. 22–7445. *SHUNMUGAM v. REDEVELOPMENT AUTHORITY OF THE CITY OF BETHLEHEM, PENNSYLVANIA*. Commw. Ct. Pa. Certiorari denied. Reported below: 288 A. 3d 141.

No. 22–7450. *SYKES v. NEW YORK CITY HOUSING AUTHORITY*. C. A. 2d Cir. Certiorari denied.

No. 22–7457. *BUCKNER v. PORTER ET AL.* C. A. 4th Cir. Certiorari denied.

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No. 22–7460. *DIXON v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 22–7463. *KOSSIE v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 22–7465. *JOGAAK v. SULLIVAN, WARDEN*. Sup. Ct. S. D. Certiorari denied.

No. 22–7469. *HERNAN HERNANDEZ v. GODWIN, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 22–7475. *HYATT v. LUKAS ET AL.* C. A. 7th Cir. Certiorari denied.

No. 22–7477. *MANNING v. ST. PAUL ET AL.* C. A. 3d Cir. Certiorari denied.

No. 22–7478. *CRAWFORD v. CORRIGAN ET AL.* C. A. 4th Cir. Certiorari denied.

No. 22–7479. *CHAIRES-AVILA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7482. *MENZIES v. POWELL, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 52 F. 4th 1178.

No. 22–7483. *ALKHAYER v. NASHUA-OXFORD-BAY ASSOCIATES, L. P., DBA BAY RIDGE AT NASHUA*. 9th Cir. Ct. N. H., Dist. Div.-Nashua. Certiorari denied.

No. 22–7489. *ACOSTA v. WILSON ET AL.* C. A. 10th Cir. Certiorari denied.

No. 22–7491. *OCASIO v. NOETH, SUPERINTENDENT, ATTICA CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 22–7493. *DOTSON v. FEDERAL BUREAU OF PRISONS ET AL.* C. A. 8th Cir. Certiorari denied.

No. 22–7495. *GILL v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 22–7496. *FREDERICK v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 22–7499. *THORPE v. CIPPARULO ET AL.* Super. Ct. N. J., App. Div. Certiorari denied.

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No. 22–7501. *CARIL v. WASHINGTON*. Ct. App. Wash. Certiorari denied. Reported below: 23 Wash. App. 2d 416, 515 P. 3d 1036.

No. 22–7504. *XINGFEI LUO v. CZODOR*. Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 22–7506. *LEDET v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 2022–00474 (La. 9/7/22), 345 So. 3d 429.

No. 22–7509. *THOMPSON v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 22–7510. *THOMAS v. FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES ET AL.* C. A. 11th Cir. Certiorari denied.

No. 22–7511. *TUREM v. FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES ET AL.* Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 357 So. 3d 1208.

No. 22–7513. *MITCHELL v. STONE ET AL.* C. A. 4th Cir. Certiorari denied.

No. 22–7515. *ANDRADE-MORENO v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 22–7518. *IRON ROAD v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 22–7521. *SKRDLA v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied.

No. 22–7524. *MACK v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 22–7528. *GARCIA v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 59 F. 4th 1059.

No. 22–7530. *CHAMBERS v. DEPARTMENT OF THE TREASURY.* C. A. 5th Cir. Certiorari denied.

No. 22–7534. *RAMSEY v. RUNION, DIRECTOR, VIRGINIA CENTER FOR BEHAVIORAL REHABILITATION.* C. A. 4th Cir. Certiorari denied.

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No. 22–7535. *BOOTH v. ALLEN ET AL.* C. A. 11th Cir. Certiorari denied.

No. 22–7536. *SIEVERS v. FLORIDA.* Sup. Ct. Fla. Certiorari denied. Reported below: 355 So. 3d 871.

No. 22–7538. *SOUTO DIAZ v. IRWIN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FOREST, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 22–7542. *JOHNSON v. TEXAS.* Ct. App. Tex., 14th Dist. Certiorari denied.

No. 22–7545. *LAROCHE-ST. FLEUR v. BOARD OF BAR OVERSEERS OF THE SUPREME JUDICIAL COURT OF MASSACHUSETTS ET AL.* Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 490 Mass. 1020, 196 N. E. 3d 752.

No. 22–7546. *ROBERSON v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 22–7547. *ASHLEY v. BOAYUE ET AL.* C. A. 6th Cir. Certiorari denied.

No. 22–7550. *NOVILLA v. DEPARTMENT OF AGRICULTURE.* C. A. Fed. Cir. Certiorari denied.

No. 22–7551. *NORRIS v. STONEBREAKER, WARDEN.* C. A. 4th Cir. Certiorari denied.

No. 22–7555. *MOBLEY v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 22–7558. *VIGIL v. MIDAS INTERNATIONAL CORP. ET AL.* Sup. Ct. Nev. Certiorari denied. Reported below: 139 Nev. —, 523 P. 3d 557.

No. 22–7560. *WYATT v. WOOD ET AL.* C. A. 11th Cir. Certiorari denied.

No. 22–7564. *WILSON v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 22–7568. *FREITAS v. SUPERIOR COURT OF CALIFORNIA, ALAMEDA COUNTY, ET AL.* Sup. Ct. Cal. Certiorari denied.

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No. 22–7572. *DOUTHERD v. UNITED PARCEL SERVICE, INC., ET AL.* C. A. 9th Cir. Certiorari denied.

No. 22–7574. *AHMED v. SHOOP, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 22–7576. *MAYE v. OCEAN TAX DEED INVESTMENT, LLC.* Sup. Ct. Fla. Certiorari denied.

No. 22–7577. *EALY v. RADTKE, WARDEN.* C. A. 7th Cir. Certiorari denied.

No. 22–7579. *SCHNEIDER v. FLORIDA.* Sup. Ct. Fla. Certiorari denied.

No. 22–7580. *BERMUDEZ v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 22–7583. *BUCKNER v. CARSTO ET AL.* C. A. 4th Cir. Certiorari denied.

No. 22–7589. *SAXTON v. FORSHEY, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 22–7590. *OWENS v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

No. 22–7592. *WOODHAM v. SCHEFFER.* Sup. Ct. N. H. Certiorari denied.

No. 22–7596. *NARULA v. SUPERIOR COURT OF CALIFORNIA, ORANGE COUNTY, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 22–7600. *COOPER v. MISSISSIPPI.* Sup. Ct. Miss. Certiorari denied.

No. 22–7601. *HALL v. TWITTER, INC.* C. A. 1st Cir. Certiorari denied.

No. 22–7603. *SNYDER v. KRIEGER, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 22–7604. *SINGH v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 22–7607. *VEROGNA v. JOHNSTONE ET AL.* C. A. 1st Cir. Certiorari denied.

No. 22–7610. *MARAGH v. ROOSEVELT ISLAND OPERATING CORP. ET AL.* C. A. 2d Cir. Certiorari denied.

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No. 22–7611. *CUNNINGHAM v. QUINN ET VIR.* C. A. 6th Cir. Certiorari denied.

No. 22–7612. *SANDY v. BACA GRANDE PROPERTY OWNERS ASSN.* Dist. Ct. Colo., Saguache County. Certiorari denied.

No. 22–7615. *MANNING v. MISSISSIPPI.* Sup. Ct. Miss. Certiorari denied.

No. 22–7619. *ANDERSON v. ARAMARK CORRECTIONAL SERVICES, LLC.* C. A. 6th Cir. Certiorari denied.

No. 22–7622. *BOGARIN v. MARTINEZ, ACTING WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 22–7624. *SMITH v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied.

No. 22–7632. *GARRETT v. OHIO.* Sup. Ct. Ohio. Certiorari denied. Reported below: 171 Ohio St. 3d 139, 2022-Ohio-4218, 216 N. E. 3d 569.

No. 22–7633. *CANALES-CANCEL v. KIJAKAZI, ACTING COMMISSIONER OF SOCIAL SECURITY.* C. A. 1st Cir. Certiorari denied.

No. 22–7636. *MANRIQUEZ-GUTIERREZ v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 22–7639. *VERSER v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2022 IL App (1st) 192224–U.

No. 22–7640. *WIGGINS v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 22–7642. *ANGEL TORREZ v. CALIFORNIA.* Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 22–7643. *WEBB v. BUTLER ET AL.* C. A. 4th Cir. Certiorari denied.

No. 22–7644. *REYNA v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 22–7645. *O'BRIEN v. PRETI, FLAHERTY, BELIVEAU & PACHIOS, LLP, ET AL.* C. A. 1st Cir. Certiorari denied.

No. 22–7647. *NEVAREZ-ZAMUDIO v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

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No. 22–7651. *ALPHONSIS v. GARNICA, DEPUTY, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 22–7653. *GALLEGOS-HERNANDEZ v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 22–7654. *CABALLERO v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 22–7657. *FORT v. DEPARTMENT OF LABOR ET AL.* C. A. 11th Cir. Certiorari denied.

No. 22–7660. *BUFORD v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 54 F. 4th 1066.

No. 22–7663. *WALDON v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied.

No. 22–7665. *BROWN v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 22–7666. *SANDY v. BACA GRANDE PROPERTY OWNERS ASSN.* Certiorari denied.

No. 22–7668. *HAMIDI v. IQBAL ET AL.* Ct. App. Cal., 2d App. Dist., Div. 6. Certiorari denied.

No. 22–7669. *GABOUREL v. UNITED STATES.* C. A. 10th Cir. Certiorari denied.

No. 22–7672. *WINSTON v. NEBRASKA.* Ct. App. Neb. Certiorari denied. Reported below: 31 Neb. App. —.

No. 22–7674. *WALDON v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 22–7675. *IVERY v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 22–7676. *LUGO-BARCENAS v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 57 F. 4th 633.

No. 22–7677. *AKPORE v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

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No. 22–7678. *PEEL v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 22–7679. *GABRIEL v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 22–7681. *HARRIMAN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 22–7682. *GAYLE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 22–7683. *ALFRED v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 60 F. 4th 979.

No. 22–7684. *DOUGLAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7685. *KARTAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 55 F. 4th 1245.

No. 22–7686. *DORADO v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 22–7687. *JONES v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 22–7688. *SMARTT v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 58 F. 4th 358.

No. 22–7689. *ROMERO TORRES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7690. *FLUCKES v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 22–7691. *FESLER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 22–7693. *MUNOZ v. ARIZONA*. Ct. App. Ariz. Certiorari denied.

No. 22–7694. *MASEK v. ISONTA, ATTORNEY GENERAL OF CALIFORNIA, ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 22–7695. *KELLY v. PENNSYLVANIA OFFICE OF DISCIPLINARY COUNSEL*. Sup. Ct. Pa. Certiorari denied.

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No. 22–7696. *PARKER v. KIJAKAZI, ACTING COMMISSIONER OF SOCIAL SECURITY*. C. A. 10th Cir. Certiorari denied.

No. 22–7698. *DAVIS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 60 F. 4th 1151.

No. 22–7701. *PENA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 58 F. 4th 613.

No. 22–7703. *KRAFFT v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 22–7704. *MARSHALL v. WELLS FARGO & CO. ET AL.* C. A. 8th Cir. Certiorari denied.

No. 22–7705. *KWONG v. CHESWOLD (TL), LLC, ET AL.* App. Ct. Conn. Certiorari denied. Reported below: 211 Conn. App. 905, 272 A. 3d 271.

No. 22–7707. *WILLIAMS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7708. *COLLINS v. WARDEN, UNITED STATES PENITENTIARY, VICTORVILLE*. C. A. 9th Cir. Certiorari denied.

No. 22–7710. *WALKER v. HOUSER, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT BENNER TOWNSHIP, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 22–7711. *EBERT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 61 F. 4th 394.

No. 22–7712. *XAVIER v. THOMPSON, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ALBION, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 22–7713. *ARAUJO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7714. *LECCO v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 22–7715. *WYATT v. KIJAKAZI, ACTING COMMISSIONER OF SOCIAL SECURITY*. C. A. 6th Cir. Certiorari denied.

No. 22–7716. *MOORE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

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No. 22–7717. *BERNARD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7719. *BUTTERCASE v. DAVIS ET AL.* Sup. Ct. Neb. Certiorari denied. Reported below: 313 Neb. 1, 982 N. W. 2d 240.

No. 22–7720. *DAVIS v. UNIVERSITY OF MARYLAND ET AL.* App. Ct. Md. Certiorari denied.

No. 22–7721. *WHITTMAN v. PRIME AUTOTECH, INC., ET AL.* Sup. Ct. Va. Certiorari denied.

No. 22–7722. *VEGA-LA TORRES v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 22–7723. *HARRIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7724. *ANDRADE-MORENO, AKA MORENO v. KWARTING ET AL.* C. A. 5th Cir. Certiorari denied.

No. 22–7725. *GREEN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7726. *WEBSTER v. THURSTON, ARKANSAS SECRETARY OF STATE*. C. A. 8th Cir. Certiorari denied.

No. 22–7727. *WEBSTER v. WITHERS*. C. A. 8th Cir. Certiorari denied.

No. 22–7729. *SEARS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 22–7730. *SALAZAR v. SALAZAR, AS TRUSTEE*. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 22–7731. *JONES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7732. *CERRON v. PERSONAL INVESTMENT INC.* Sup. Ct. Fla. Certiorari denied.

No. 22–7733. *SALTI v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 59 F. 4th 1050.

No. 22–7734. *ALEXANDER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

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No. 22–7735. *WOODSTOCK v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 357 So. 3d 675.

No. 22–7737. *HINES v. NELSON*. Sup. Ct. S. D. Certiorari denied.

No. 22–7738. *RIVERA v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 22–7739. *SWINTON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 22–7740. *MCINTYRE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 22–7741. *ALVAREZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 22–7742. *TAYLOR v. CALIFORNIA*. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 22–7744. *BARTUNEK v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 22–7745. *WALKER v. MONTANA*. Sup. Ct. Mont. Certiorari denied. Reported below: — Mont. —, 526 P. 3d 1103.

No. 22–7746. *WEBSTER v. INSTITUTE OF VIROLOGY*. C. A. 8th Cir. Certiorari denied.

No. 22–7747. *WILSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7749. *O'BRYANT v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 22–7751. *BICKFORD v. MARYLAND*. App. Ct. Md. Certiorari denied.

No. 22–7752. *TAYLOR v. BIRD, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 22–7753. *DOE, FEMALE JUVENILE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 58 F. 4th 1148.

No. 22–7754. *HUNT v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

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No. 22–7755. *WILLIAMS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 22–7758. *HUNLEY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 22–7759. *DOUGLAS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 22–7760. *MARTIN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 22–7763. *STUKER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 22–7765. *LANK v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 22–7766. *RAMIREZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 22–7767. *RICKS v. HOOPER, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 22–7770. *JORDAN v. PIERRE ET AL.* C. A. 2d Cir. Certiorari denied.

No. 22–7771. *JOHNSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7772. *JACKSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 22–7773. *SOCA-FERNANDEZ ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 22–7774. *ARMSTRONG v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 22–7775. *SMITH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 22–7776. *WALKER v. SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES*. Sup. Ct. S. C. Certiorari denied.

No. 22–7777. *WALKER v. CASTRIOTTA ET AL.* Sup. Ct. S. C. Certiorari denied.

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No. 22–7778. *UEDING v. COLORADO DEPARTMENT OF CORRECTIONS ET AL.* C. A. 10th Cir. Certiorari denied.

No. 22–7779. *ZOHN WANG KUB YANG v. CROMWELL, WARDEN.* C. A. 7th Cir. Certiorari denied.

No. 22–7780. *ENTLER v. JACKSON ET AL.* Ct. App. Wash. Certiorari denied. Reported below: 23 Wash. App. 2d 1031.

No. 22–7781. *HINES v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 62 F. 4th 1087.

No. 22–7782. *MORGAN v. PRIME WIMBLEDON SPE, LLC, ET AL.* Ct. App. Ore. Certiorari denied.

No. 22–7784. *IVEY v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 60 F. 4th 99.

No. 22–7785. *TUCKER v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 60 F. 4th 879.

No. 22–7786. *LEI YIN v. BIOGEN INC.* C. A. 1st Cir. Certiorari denied.

No. 22–7787. *BANGO v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied.

No. 22–7788. *BASKERVILLE v. MCCONAHAY, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 22–7789. *MANNING v. NOGAN, ADMINISTRATOR, EAST JERSEY STATE PRISON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 22–7790. *RAY v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied.

No. 22–7791. *DOWNS v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 61 F. 4th 1306.

No. 22–7792. *TURMAN v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 22–7793. *VLADIMIROV v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

No. 22–7795. *EZEANI v. ZUCHOWSKI, DIRECTOR, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, VERMONT SERVICE CENTER.* C. A. 2d Cir. Certiorari denied.

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No. 22–7796. ALFREDO PEREZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 22–7797. DASS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 22–7798. SHAFIQUE *v.* EQUITY RESIDENTIAL MANAGEMENT, L. L. C. C. A. D. C. Cir. Certiorari denied.

No. 22–7799. SMITH *v.* THOMPSON, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ALBION, ET AL. C. A. 3d Cir. Certiorari denied.

No. 22–7801. PRICE *v.* MACOMBER, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION. C. A. 9th Cir. Certiorari denied.

No. 22–7803. OLIPHANT *v.* MONTANA. Sup. Ct. Mont. Certiorari denied. Reported below: 411 Mont. 250, 525 P. 3d 1214.

No. 22–7804. SIMMONDS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 62 F. 4th 961.

No. 22–7806. WERKMEISTER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 62 F. 4th 465.

No. 22–7808. GOMEZ *v.* SULLIVAN, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 22–7809. JENNINGS *v.* DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied. Reported below: 55 F. 4th 1277.

No. 22–7810. NIX *v.* MAJOR LEAGUE BASEBALL, OFFICE OF THE COMMISSIONER OF BASEBALL, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 62 F. 4th 920.

No. 22–7812. CISNEROS *v.* ALLEN, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 22–7813. MCKENZIE *v.* KENTUCKY COMMISSION ON HUMAN RIGHTS. Ct. App. Ky. Certiorari denied.

No. 22–7814. PREECE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 22–7815. STANLEY *v.* BITER, WARDEN. C. A. 9th Cir. Certiorari denied.

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No. 22–7816. *JIDEANI v. HILTON WORLDWIDE HOLDINGS, INC.* Ct. App. D. C. Certiorari denied.

No. 22–7817. *WILLIAMS v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied.

No. 22–7818. *COHEN v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 63 F. 4th 250.

No. 22–7819. *BAUTISTA-SCHEUBER v. FLOREN.* Sup. Ct. Mont. Certiorari denied.

No. 22–7820. *ANNAMALAI v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 22–7821. *PEEPLS v. UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK.* C. A. 2d Cir. Certiorari denied.

No. 22–7822. *POWELL v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 22–7823. *KUBBE v. UTAH.* Ct. App. Utah. Certiorari denied.

No. 22–7824. *MEDINA v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 22–7825. *SIDDIQUI v. GARLAND, ATTORNEY GENERAL.* C. A. 8th Cir. Certiorari denied.

No. 22–7826. *WATSON v. UNITED STATES.* C. A. 2d Cir. Certiorari denied.

No. 22–7827. *ANDERSON v. WAKEFIELD, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SMITHFIELD, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 22–7828. *RUSSELL v. COVELLO, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 22–7829. *PLATTE v. SCHROEDER, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 22–7830. *NICHOLSON v. NAGY, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 22–7831. *McRAE v. MYERS ET AL.* C. A. 7th Cir. Certiorari denied.

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No. 22–7832. *TROY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 64 F. 4th 177.

No. 22–7833. *EZELL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7834. *ELLIS v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 22–7835. *CORDOVA v. CAMACHO*. Ct. App. Cal., 2d App. Dist., Div. 8. Certiorari denied.

No. 22–7836. *JULIEN v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 22–7837. *DELGADO-ADAME v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7838. *SMITH v. JEHOVAH’S WITNESSES ORGANIZATION ET AL.* C. A. 4th Cir. Certiorari denied.

No. 22–7839. *TIRADO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 22–7840. *SHOULDERS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7841. *BUCKNER v. MARTELL, WARDEN*. C. A. 4th Cir. Certiorari denied.

No. 22–7842. *LEWIS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 22–7843. *MASLOVAR v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7844. *JAMES v. HARRIS, SECRETARY, FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 22–7845. *COLEMAN v. MINNEAPOLIS PUBLIC SCHOOLS*. C. A. 8th Cir. Certiorari denied.

No. 22–7846. *COLLINS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 22–7848. *LAWSON v. LAWSON*. Ct. App. Ga. Certiorari denied.

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No. 22–7849. *ALEXANDER v. ELY ET AL.* C. A. 4th Cir. Certiorari denied.

No. 22–7852. *QUEZADA-LARA v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 22–7853. *CONCEPCION-GULIAM v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 62 F. 4th 26.

No. 22–7854. *ARMENTA-LOPEZ v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 22–7856. *HALE v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 22–7857. *SINGH v. CALIFORNIA.* Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 22–7858. *AVILES v. KOWALSKI.* Sup. Ct. Mont. Certiorari denied.

No. 22–7859. *SUMPTER v. KANSAS.* C. A. 10th Cir. Certiorari denied. Reported below: 61 F. 4th 729.

No. 22–7861. *DANIELS v. CULPEPPER ET AL.* C. A. 11th Cir. Certiorari denied.

No. 22–7862. *VELIZ v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 22–7863. *CASTELAN-SAUCEDO v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 22–7864. *HUBBARD v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

No. 22–7865. *RECINOS v. KREIDLER ET AL.* Sup. Ct. Wash. Certiorari denied.

No. 22–7866. *WALLS v. FLORIDA.* Sup. Ct. Fla. Certiorari denied.

No. 22–7867. *POLK v. UNITED STATES*; and

No. 23–5031. *HILL v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 63 F. 4th 335.

No. 22–7868. *BROVIAK v. FLORIDA.* Sup. Ct. Fla. Certiorari denied.

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No. 22–7869. *WYSINGER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 64 F. 4th 207.

No. 22–7870. *SPARKS v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 22–7873. *AGUINA v. CHOONG-DAE KANG ET AL.* C. A. 9th Cir. Certiorari denied.

No. 22–7874. *PILAND ET UX. v. MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES ET AL.* Ct. App. Mich. Certiorari denied.

No. 22–7875. *REYES-CARRILLO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7876. *ARRINGTON v. STREET ET AL.* C. A. 8th Cir. Certiorari denied.

No. 22–7877. *COGGINS v. TATUM, WARDEN*. Sup. Ct. Ga. Certiorari denied.

No. 22–7878. *SMART v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 60 F. 4th 1084.

No. 22–7879. *ROBINSON v. CALIFORNIA*. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 22–7880. *LEWIS v. NEBRASKA*. Sup. Ct. Neb. Certiorari denied. Reported below: 313 Neb. 879, 986 N. W. 2d 739.

No. 22–7881. *HENRY v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 22–7882. *DELGADO-PEREZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7883. *CROSS v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 2022 IL 127907, 215 N. E. 3d 953.

No. 22–7884. *MARSHALL v. EDUCATIONAL CREDIT MANAGEMENT GROUP ET AL.* C. A. 8th Cir. Certiorari denied.

No. 22–7885. *WHITTEN v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied.

No. 22–7886. *JACKSON v. DUGGAN, MAYOR OF THE CITY OF DETROIT, ET AL.* Ct. App. Mich. Certiorari denied.

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No. 22–7888. THOMAS, NKA AMEN EL *v.* MINNESOTA. Ct. App. Minn. Certiorari denied.

No. 22–7889. LAWSON *v.* IRWIN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FOREST, ET AL. C. A. 3d Cir. Certiorari denied.

No. 22–7890. OCHOA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 58 F. 4th 556.

No. 22–7891. LITTLEFIELD *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 22–7892. JEFFERSON *v.* STATE BAR OF GEORGIA ET AL. C. A. 11th Cir. Certiorari denied.

No. 22–7893. GRUEZO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 66 F. 4th 1284.

No. 22–7895. MERRICK *v.* THORNELL, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, REHABILITATION AND REENTRY, ET AL. C. A. 9th Cir. Certiorari denied.

No. 22–7896. MENDOZA-NAJERA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 22–7898. LAWRENCE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 22–7899. LOPEZ-CRISTOBAL *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 22–7900. WRIGHT *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 22–7901. HOWARD *v.* BAKER, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 22–7902. NAVARRETE DE LA CERDA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 22–7903. HOFFMAN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 22–7905. UPSHAW *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist., Div. 5. Certiorari denied.

No. 22–7906. McDONALD *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

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No. 22–7907. *MOORE v. MORRISON, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 23–1. *CLOPPER v. PRESIDENT AND FELLOWS OF HARVARD COLLEGE ET AL.* C. A. 1st Cir. Certiorari denied.

No. 23–2. *SPRUELL v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 23–4. *MINEMYER v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 10th Cir. Certiorari denied.

No. 23–5. *POWELL v. RIVELLO, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HUNTINGDON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–8. *HUNT v. NATIONSTAR MORTGAGE ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–10. *BRYSK ET AL. v. HERSKOVITZ ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–15. *SPRINGBOARDS TO EDUCATION, INC. v. IDEA PUBLIC SCHOOLS*. C. A. 5th Cir. Certiorari denied. Reported below: 62 F. 4th 174.

No. 23–16. *RIETSCHIN v. RIETSCHIN*. Ct. App. Wash. Certiorari denied.

No. 23–17. *RIZK v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–19. *BIRD INDUSTRIES, INC., ET AL. v. TRIBAL BUSINESS COUNCIL OF THE THREE AFFILIATED TRIBES OF THE FORT BERTHOLD INDIAN RESERVATION*. C. A. 8th Cir. Certiorari denied.

No. 23–20. *AHMADI v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 23–23. *AFEWORK v. BABBITT ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–24. *GRIST MILL CAPITAL, LLC v. UNIVERSITAS EDUCATION, LLC, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 23–25. *WARD v. CHAFIN ET AL.* C. A. 11th Cir. Certiorari denied.

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No. 23–28. *TOWNSEND v. NEW JERSEY TRANSIT*. C. A. 3d Cir. Certiorari denied.

No. 23–33. *LOPEZ v. COURT OF APPEAL OF CALIFORNIA, FOURTH APPELLATE DISTRICT, DIVISION THREE, ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 23–34. *UWASOMBA v. BANK OF AMERICA ET AL.* C. A. 4th Cir. Certiorari denied.

No. 23–35. *CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA, ET AL. v. KIROLA, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED*. C. A. 9th Cir. Certiorari denied.

No. 23–36. *LATTIN v. UNITED STATES*. C. A. Armed Forces. Certiorari denied. Reported below: 83 M. J. 192.

No. 23–37. *CARDENAS v. SALADEN ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–38. *NEWBOLD ET AL. v. KINDER MORGAN SNG OPERATOR, L. L. C., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 65 F. 4th 175.

No. 23–39. *ABDULLAH v. PAXTON, ATTORNEY GENERAL OF TEXAS, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 65 F. 4th 204.

No. 23–40. *BELLAY v. SHUE ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–41. *BORGES ET AL. v. COUNTY OF MENDOCINO, CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 23–42. *PASCAL v. CONCENTRA, INC.* C. A. 9th Cir. Certiorari denied.

No. 23–43. *HUNT v. DEUTSCHE BANK TRUST Co.* Ct. App. Ga. Certiorari denied.

No. 23–45. *SHIELDS v. UNITED STATES*. C. A. Armed Forces. Certiorari denied. Reported below: 83 M. J. 226.

No. 23–52. *REYES v. GARLAND, ATTORNEY GENERAL*. C. A. 4th Cir. Certiorari denied.

No. 23–53. *BATES v. CITY OF SAN JOSE, CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied.

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No. 23–54. *SCOTT v. FORCHT BANK, N. A.* Ct. App. Ky. Certiorari denied.

No. 23–55. *CORDOVA v. LOUISIANA STATE UNIVERSITY AND AGRICULTURAL AND MECHANICAL COLLEGE BOARD OF SUPERVISORS ET AL.* C. A. 5th Cir. Certiorari denied.

No. 23–56. *SOLACHE GALARZA v. GARLAND, ATTORNEY GENERAL.* C. A. 5th Cir. Certiorari denied.

No. 23–57. *CABRERA ET AL. v. LOZANO ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–58. *CHAGOLLA ET UX. v. CLUFF, MARICOPA COUNTY SHERIFF’S OFFICE, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–63. *SAN DIEGO COUNTY CREDIT UNION v. CITIZENS EQUITY FIRST CREDIT UNION.* C. A. 9th Cir. Certiorari denied. Reported below: 65 F. 4th 1012.

No. 23–64. *PHILLIPS v. UNITED STATES ET AL.*; and

No. 23–5238. *SCOTT v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 63 F. 4th 335.

No. 23–65. *MOLINA ET AL. v. BMO HARRIS BANK ET AL.* Ct. App. Ariz. Certiorari denied.

No. 23–66. *KING v. UNITED STATES.* C. A. Armed Forces. Certiorari denied. Reported below: 83 M. J. 115.

No. 23–67. *SPRINGBOARDS TO EDUCATION, INC. v. MCALLEN INDEPENDENT SCHOOL DISTRICT.* C. A. 5th Cir. Certiorari denied. Reported below: 62 F. 4th 174.

No. 23–68. *SPRINGBOARDS TO EDUCATION, INC. v. MISSION INDEPENDENT SCHOOL DISTRICT.* C. A. 5th Cir. Certiorari denied.

No. 23–70. *TRAFFIC TECH, INC., ET AL. v. C. H. ROBINSON WORLDWIDE, INC.* C. A. 8th Cir. Certiorari denied. Reported below: 60 F. 4th 1144.

No. 23–72. *SANTUCCI v. COMMANDANT, UNITED STATES DISCIPLINARY BARRACKS, FORT LEAVENWORTH.* C. A. 10th Cir. Certiorari denied. Reported below: 66 F. 4th 844.

No. 23–73. *HUBER v. BIDEN, PRESIDENT OF THE UNITED STATES, ET AL.* C. A. 9th Cir. Certiorari denied.

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No. 23–80. *LAYDON, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED v. COOPERATIEVE RABOBANK U. A. ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 55 F. 4th 86.

No. 23–81. *MCCALL v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 353 So. 3d 1171.

No. 23–82. *JOYNER v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 23–84. *HOWARD v. CARTER*. C. A. 2d Cir. Certiorari denied.

No. 23–88. *BROWN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 23–89. *REINOEHL v. WHITMER, GOVERNOR OF MICHIGAN, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–90. *SHAOMIN SUI v. FEDEX GROUND PACKAGE SYSTEM, INC.* C. A. 4th Cir. Certiorari denied.

No. 23–91. *FORNESS v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 23–93. *ROGERS v. JARRETT ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 63 F. 4th 971.

No. 23–109. *WOLF v. CARPENTER, HAZLEWOOD, DELGADO & BOLEN, LLP*. C. A. 9th Cir. Certiorari denied.

No. 23–111. *UNITED STATES EX REL. BECK v. ST. JOSEPH HEALTH SYSTEM ET AL.* C. A. 5th Cir. Certiorari denied.

No. 23–114. *FINIZIE v. McDONOUGH, SECRETARY OF VETERANS AFFAIRS*. C. A. 3d Cir. Certiorari denied.

No. 23–119. *SHOUP v. INDIANA*. Ct. App. Ind. Certiorari denied. Reported below: 201 N. E. 3d 629.

No. 23–121. *SHIN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–123. *FLATTEN ET AL. v. SMITH ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–128. *WENDT-WEST v. HAWAII DEPARTMENT OF EDUCATION ET AL.* C. A. 9th Cir. Certiorari denied.

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No. 23–131. *FALKBUILT LTD. ET AL. v. DIRTT ENVIRONMENTAL SOLUTIONS, INC., ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 65 F. 4th 547.

No. 23–139. *UNITED STATES EX REL. MARTIN ET AL. v. HATHAWAY ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 63 F. 4th 1043.

No. 23–159. *PEREZ v. CITY OF MIAMI, CODE ENFORCEMENT BOARD.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied.

No. 23–163. *BLUE FLAME MEDICAL LLC v. CHAIN BRIDGE BANK, N. A., ET AL.* C. A. 4th Cir. Certiorari denied.

No. 23–176. *COX ET AL. v. HELENA CHEMICAL Co.* Sup. Ct. Tex. Certiorari denied. Reported below: 664 S. W. 3d 66.

No. 23–181. *HARRISON v. SOUTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES ET AL.* C. A. 4th Cir. Certiorari denied.

No. 23–5001. *HEMPHILL v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–5002. *HAUSCHILD v. ILLINOIS.* App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 2022 IL App (2d) 131040–UC.

No. 23–5003. *BANISTER v. KANSAS.* Ct. App. Kan. Certiorari denied. Reported below: 62 Kan. App. 2d lvii, 511 P. 3d 988.

No. 23–5004. *RANDLE v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–5005. *DANIEL v. T&M PROTECTION RESOURCES, LLC.* C. A. 2d Cir. Certiorari denied.

No. 23–5006. *BLAKE v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–5007. *BENSON, ON BEHALF OF MINOR CHILD K. C., ET AL. v. FORT MILL SCHOOLS/YORK COUNTY DISTRICT 4 ET AL.* C. A. 4th Cir. Certiorari denied.

No. 23–5008. *BIEN v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

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No. 23–5009. *JORDAN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 23–5010. *LINVILLE v. ARIZONA*. Ct. App. Ariz. Certiorari denied.

No. 23–5013. *JURY v. OHIO*. Ct. App. Ohio, 6th App. Dist., Erie County. Certiorari denied. Reported below: 2022-Ohio-4419, 203 N. E. 3d 222.

No. 23–5015. *KENT v. JENNINGS, ATTORNEY GENERAL OF DELAWARE, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–5016. *LIMBRICK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5018. *SPAULDING v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 23–5019. *JIN ET AL. v. VELASQUEZ ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5020. *DELGADO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–5022. *RAMIREZ-RIVERA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5023. *THOMAS v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 2022–01613 (La. 3/28/23), 358 So. 3d 498.

No. 23–5024. *LINK v. TEXAS*. Ct. App. Tex., 12th Dist. Certiorari denied.

No. 23–5025. *SUNDBERG v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied. Reported below: 88 Cal. App. 5th 441, 304 Cal. Rptr. 3d 741.

No. 23–5026. *DUNBAR v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–5027. *GONZALEZ PEREZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5028. *ST. GEORGE v. E. E.* Ct. App. Colo. Certiorari denied.

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No. 23–5030. *FREEMAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 56 F. 4th 1024.

No. 23–5032. *WHITFIELD v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–5033. *MORALES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–5035. *LUX-TUM v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5037. *MARTINEZ v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 23–5040. *BEVERLY v. NEWPORT BEACH POLICE DEPARTMENT ET AL.* Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 23–5041. *JACKSON v. HUMANA*. C. A. 7th Cir. Certiorari denied.

No. 23–5042. *ROBINSON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 23–5043. *CEASER v. HOOPER, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 23–5044. *BELSER v. MICHIGAN*. Cir. Ct. Wayne County, Mich. Certiorari denied.

No. 23–5045. *SANTOS DIAZ v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 66 F. 4th 435.

No. 23–5046. *BROWN v. WILLIAMS, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5047. *TORRES v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 23–5049. *SINGLETON v. ECKSTEIN, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 23–5050. *KNIGHT v. BIDEN, PRESIDENT OF THE UNITED STATES, ET AL.* C. A. D. C. Cir. Certiorari denied.

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No. 23–5051. *VALLES v. GARLAND, ATTORNEY GENERAL, ET AL.* C. A. 10th Cir. Certiorari denied.

No. 23–5052. *STOKES v. NEW YORK.* Ct. App. N. Y. Certiorari denied.

No. 23–5054. *KOLOSHA v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied.

No. 23–5055. *DE JESUS-TORRES v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 64 F. 4th 33.

No. 23–5057. *WERLING v. CIRCUIT COURT OF WISCONSIN, ROCK COUNTY.* Ct. App. Wis. Certiorari denied.

No. 23–5058. *SIMENTAL-MURILLO v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–5059. *HARDAWAY v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

No. 23–5060. *MCCORD v. BRIDGES, WARDEN.* C. A. 10th Cir. Certiorari denied.

No. 23–5061. *CARDWELL v. ARIZONA.* Ct. App. Ariz. Certiorari denied.

No. 23–5062. *MARTINEZ-RUBIO v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–5063. *COX v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 54 F. 4th 502.

No. 23–5064. *DAVALL v. MONTGOMERY, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 23–5066. *REYES v. ILLINOIS.* App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 2022 IL App (4th) 210541–U.

No. 23–5067. *DIAZ v. MADDEN, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5068. *PETERSON v. NOGAN, ADMINISTRATOR, EAST JERSEY STATE PRISON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–5070. *MCKAIG v. ARKANSAS.* C. A. 8th Cir. Certiorari denied.

No. 23–5071. *BUCKNER v. MARTELL, WARDEN.* C. A. 4th Cir. Certiorari denied.

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No. 23–5073. *ROBINSON v. GUAJARDO*. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 23–5074. *VALLES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5075. *PETTY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 23–5076. *LINEHAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 56 F. 4th 693.

No. 23–5078. *PAGE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 604 F. 4th 1151.

No. 23–5079. *PERCHEZ-HERNANDEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5080. *TATE v. HOOPER, WARDEN*. Sup. Ct. La. Certiorari denied. Reported below: 2022–00222 (La. 2/7/23), 354 So. 3d 670.

No. 23–5081. *LOVELL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–5082. *RICHTER v. TRUITT, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 23–5083. *CALFEE v. TEXAS*. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 23–5084. *LOZANO v. GARLAND, ATTORNEY GENERAL*. C. A. 11th Cir. Certiorari denied.

No. 23–5085. *WILLIAMS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5086. *SACHS v. FINANCIAL INDUSTRY REGULATORY AUTHORITY*. C. A. 1st Cir. Certiorari denied.

No. 23–5087. *MICHAEL R. v. CONNECTICUT*. Sup. Ct. Conn. Certiorari denied. Reported below: 346 Conn. 432, 291 A. 3d 567.

No. 23–5088. *HALL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–5091. *ARMENGU v. HILDEBRAND, WARDEN*. C. A. 6th Cir. Certiorari denied.

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No. 23–5093. *ARJONA v. CALIFORNIA*. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 23–5094. *POITRA v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 60 F. 4th 1098.

No. 23–5095. *MAYNOR v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–5096. *DAVIS v. MARIANO ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–5097. *AUTEN v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 23–5098. *DEERE v. CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION EMPLOYEES ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5099. *JOLLY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–5101. *WADE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5102. *ONAMUTI v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 23–5103. *TATE v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 2022–00321 (La. 2/7/23), 354 So. 3d 677.

No. 23–5104. *AIKING-TAYLOR v. SERANG*. Sup. Ct. Mont. Certiorari denied. Reported below: — Mont. —, 525 P. 3d 346.

No. 23–5106. *FREITAS v. SUPERIOR COURT OF CALIFORNIA, ALAMEDA COUNTY, ET AL.* Ct. App. Cal., 1st App. Dist., Div. 5. Certiorari denied.

No. 23–5107. *JORDAN v. FLY*; and *JORDAN v. POMEROY*. C. A. 4th Cir. Certiorari denied.

No. 23–5108. *MCGUIRE v. TENNESSEE ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–5110. *SILVA v. DISTRICT COURT OF MASSACHUSETTS, DUKES COUNTY*. C. A. 1st Cir. Certiorari denied.

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No. 23–5111. *WEBSTER ET AL. v. SUPERIOR COURT OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO, ET AL.* Ct. App. Cal., 1st App. Dist., Div. 4. Certiorari denied.

No. 23–5112. *ROBERTSON v. PENNSYLVANIA.* Super. Ct. Pa. Certiorari denied. Reported below: 284 A. 3d 922.

No. 23–5113. *MAXWELL v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 61 F. 4th 549.

No. 23–5114. *TATE v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 23–5116. *ADAMS v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

No. 23–5120. *THOMAS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–5121. *RIVERS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–5122. *WALKER v. ROBEY, WARDEN, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–5123. *ABADI v. TARGET CORP.* C. A. 3d Cir. Certiorari denied.

No. 23–5124. *CARGILL, AKA SCOTT, AKA TUCKER v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 23–5126. *SHAH v. AMERICAN AIRLINES, INC., ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–5127. *BROWN v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* Sup. Ct. Fla. Certiorari denied.

No. 23–5129. *WARD v. RAMSEY COUNTY, MINNESOTA.* Ct. App. Minn. Certiorari denied.

No. 23–5130. *HICKCOX v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–5131. *GARRIS v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

No. 23–5132. *GONZALEZ v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 68 F. 4th 699.

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No. 23–5133. *WATKINS v. CHAPMAN*, ACTING WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 57 F. 4th 576.

No. 23–5134. *ALLEN v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 2022–01404 (La. 4/12/23), 359 So. 3d 16.

No. 23–5135. *BURGOS-VALENCIA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–5136. *QUINTANA v. WIRTHLIN ET AL.* C. A. 10th Cir. Certiorari denied.

No. 23–5137. *STOCKSTILL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5138. *RAMOS-URIAS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–5139. *ALVAREZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 60 F. 4th 554.

No. 23–5140. *CASTILLO v. MARTINEZ*, WARDEN, ET AL. Dist. Ct. N. M., Bernalillo County. Certiorari denied.

No. 23–5141. *HOLGUIN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5142. *COUNTS v. MAINE*. C. A. 1st Cir. Certiorari denied.

No. 23–5143. *KOCONTES v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied. Reported below: 86 Cal. App. 5th 787, 302 Cal. Rptr. 3d 664.

No. 23–5146. *ROSALES MARTINEZ v. IOWA*. Ct. App. Iowa. Certiorari denied. Reported below: 990 N. W. 2d 816.

No. 23–5148. *EDMOND v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–5150. *LIGHT v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 23–5151. *BERGER v. WOOD COUNTY SHERIFF’S DEPARTMENT ET AL.* C. A. 7th Cir. Certiorari denied.

No. 23–5152. *MALDONADO v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 292 A. 3d 1111.

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No. 23–5153. *COWAN v. ABBOTT, GOVERNOR OF TEXAS, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 23–5154. *SMITH v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

No. 23–5155. *VANTASSEL v. THOMPSON, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ALBION, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–5156. *ALLISON v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied. Reported below: 666 S. W. 3d 750.

No. 23–5158. *WALLACE v. THORNELL, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, REHABILITATION AND REENTRY, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5159. *HOLLIS v. UNITED STATES.* C. A. 10th Cir. Certiorari denied.

No. 23–5160. *HOUSTON v. LOUISIANA.* Sup. Ct. La. Certiorari denied. Reported below: 2022–01403 (La. 3/28/23), 358 So. 3d 42.

No. 23–5161. *FUNK v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied.

No. 23–5162. *GRIFFIN v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 23–5163. *FORMICA v. VIRGINIA.* Sup. Ct. Va. Certiorari denied.

No. 23–5164. *ADZEMOVIC v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 23–5165. *ZHANG v. COUNTY OF LOS ANGELES, CALIFORNIA, ET AL.* Ct. App. Cal., 2d App. Dist., Div. 1. Certiorari denied.

No. 23–5167. *SUAREZ v. UNITED STATES.* C. A. 2d Cir. Certiorari denied.

No. 23–5168. *SILVERSMITH v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 23–5170. *JORDAN, AKA MERCER v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

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No. 23–5172. *DELEON-JUAREZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–5174. *HOUFF v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–5176. *SMITH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–5177. *RAGAN-ARMSTRONG v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–5178. *ROBEY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 62 F. 4th 465.

No. 23–5179. *BECIROVIC v. VIDAL, UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR, UNITED STATES PATENT AND TRADEMARK OFFICE*. C. A. Fed. Cir. Certiorari denied.

No. 23–5180. *ETIENNE v. EDMARK, WARDEN*. C. A. 1st Cir. Certiorari denied.

No. 23–5181. *VENTURA-RECINOS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5185. *HOWARD v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 66 F. 4th 33.

No. 23–5186. *MACDONALD v. LAMBREW ET AL.* Sup. Jud. Ct. Me. Certiorari denied.

No. 23–5187. *SEPULVEDA-ARREOLA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5188. *ROY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5189. *STEELE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 23–5190. *MOLLETT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–5191. *MC SHAN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–5192. *DOAN v. CALIFORNIA*. Ct. App. Cal., 6th App. Dist. Certiorari denied.

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No. 23–5193. *FAIRBOURN v. MORDEN, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied.

No. 23–5194. *GREEN v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 67 F. 4th 657.

No. 23–5195. *WOOD v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 23–5196. *MASSEY v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied. Reported below: 667 S. W. 3d 784.

No. 23–5197. *PARTAIN v. HALLMARK ET AL.* C. A. 5th Cir. Certiorari denied.

No. 23–5198. *POTTS v. UNITED STATES.* C. A. 3d Cir. Certiorari denied.

No. 23–5199. *PEOPLES v. GARMAN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ROCKVIEW, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–5200. *RINCON MEDINA v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist., Div. 6. Certiorari denied.

No. 23–5201. *VALENZUELA v. ARIAS, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 23–5203. *CARPENTER v. WISCONSIN.* Ct. App. Wis. Certiorari denied.

No. 23–5205. *LESANE v. UNITED STATES.* C. A. 2d Cir. Certiorari denied.

No. 23–5206. *CASTANEDA v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 23–5208. *BOUDREAU v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 58 F. 4th 26.

No. 23–5210. *ZAPATA-REYES v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–5211. *COOK v. MARTIN, WARDEN, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 23–5212. *STEPHENSON v. PAYNE, DIRECTOR, ARKANSAS DIVISION OF CORRECTION.* C. A. 8th Cir. Certiorari denied.

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No. 23–5213. *GRANT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–5214. *KEY v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 348 So. 3d 691.

No. 23–5215. *WRIGHT v. UNION PACIFIC RAILROAD CO.* C. A. 5th Cir. Certiorari denied.

No. 23–5216. *MACDONALD v. DUDDY ET AL.* (two judgments). C. A. 1st Cir. Certiorari denied.

No. 23–5217. *MACDONALD v. MAINE*. Sup. Jud. Ct. Me. Certiorari denied.

No. 23–5219. *WILSON, AKA PARKER v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 23–5220. *HARKINS v. CITIZENS BANK*. C. A. 2d Cir. Certiorari denied.

No. 23–5221. *BETERO-CARRILLO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5223. *RIOS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 23–5224. *SCOTT v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2022 IL App (1st) 210097–U.

No. 23–5225. *SAPP v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5226. *TURNER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5227. *ROMAN v. ILLINOIS*. App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 2022 IL App (4th) 200414–U.

No. 23–5229. *HERNANDEZ ROMAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5230. *POPPO v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2022 IL App (1st) 191217–U.

No. 23–5233. *SANDERS v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

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No. 23–5235. *LALES-NUNEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5237. *LAWS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–5239. *HUGHES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–5240. *COOPER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5241. *MCLEAN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 23–5242. *WU v. PUBLIC EMPLOYMENT RELATIONS BOARD ET AL.* Ct. App. Cal., 3d App. Dist. Certiorari denied. Reported below: 87 Cal. App. 5th 715, 303 Cal. Rptr. 3d 693.

No. 23–5245. *APARICIO-MARTINEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5246. *ABADI v. CAESARS ENTERTAINMENT, INC.* C. A. 9th Cir. Certiorari denied.

No. 23–5248. *GACHO v. BAKER, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 23–5249. *GREEN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5252. *FULLER v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 23–5254. *SERRANO-MUNOZ v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 23–5256. *COOPER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5257. *RIOS-EDEZA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–5258. *McLENDON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5259. *HILYARD v. WYOMING*. Sup. Ct. Wyo. Certiorari denied. Reported below: 2023 WY 13, 523 P. 3d 936.

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No. 23–5260. *HARCROW v. HARCROW ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–5261. *FLORES-SALCIDO v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–5263. *WILSON v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–5264. *DE LA ROSA-DE LA CERDA v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–5265. *MILLER v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–5266. *STEVENS v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

No. 23–5270. *LEWIS v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 23–5272. *WOODHAM v. HANKS, COMMISSIONER, NEW HAMPSHIRE DEPARTMENT OF CORRECTIONS, ET AL.* Sup. Ct. N. H. Certiorari denied.

No. 23–5273. *BARTON v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–5274. *MILK v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 66 F. 4th 1121.

No. 23–5276. *MARTINEZ v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–5280. *GRIFFIN v. ECKERT, SUPERINTENDENT, WENDE CORRECTIONAL FACILITY.* C. A. 2d Cir. Certiorari denied.

No. 23–5281. *HOLMES v. BOWEN, WARDEN.* Sup. Ct. Ga. Certiorari denied.

No. 23–5283. *HEARNS v. TRAHUNE ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5284. *LEE v. MARYLAND.* App. Ct. Md. Certiorari denied.

No. 23–5285. *GEBRESELAASSIE v. MATTESON, WARDEN.* C. A. 9th Cir. Certiorari denied.

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No. 23–5288. *HYMAS v. DEPARTMENT OF THE INTERIOR ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5290. *CLARK v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 23–5292. *PATINO RESTREPO v. UNITED STATES.* C. A. 2d Cir. Certiorari denied.

No. 23–5295. *CARRASCO-GARCIA v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–5296. *MARIN-TORRES v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 23–5298. *CATARINO v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied. Reported below: 14 Cal. 5th 748, 529 P. 3d 60.

No. 23–5299. *SIMS v. GRAY, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 23–5302. *REDERICK v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 65 F. 4th 961.

No. 23–5303. *GERMEIL v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 23–5305. *VAUGHN v. NEBRASKA.* Sup. Ct. Neb. Certiorari denied. Reported below: 314 Neb. 167, 989 N. W. 2d 378.

No. 23–5308. *MANSHIP v. BEALS, COMMISSIONER.* Sup. Ct. Va. Certiorari denied.

No. 23–5309. *CARLOS v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 23–5314. *CRAWFORD v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–5319. *RIGGINS v. HOLLIBAUGH, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SOMERSET, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–5320. *MAGEE v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–5322. *WEATHERS v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

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No. 23–5324. *BEITER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5326. *SMITH v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA*. C. A. 9th Cir. Certiorari denied.

No. 23–5334. *IGLESIAS-VILLEGAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 71 F. 4th 357.

No. 23–5339. *REMARQUE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–5340. *HURST v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5342. *COOLEY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 63 F. 4th 1173.

No. 23–5344. *ABADI v. CITY OF NEW YORK, NEW YORK*. C. A. 2d Cir. Certiorari denied.

No. 23–5345. *ROBLEDO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–5346. *FARMER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 23–5348. *BREAL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5351. *RAMIREZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5353. *MODUGUMUDI v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 23–5356. *JAMES v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 23–5361. *SLABON v. SANCHEZ ET AL.* C. A. 7th Cir. Certiorari denied.

No. 23–5362. *BEALE v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied.

No. 23–5363. *BISHOP v. GEORGIA*. Ct. App. Ga. Certiorari denied.

No. 23–5366. *DEEPHOUSE v. WYOMING*. Sup. Ct. Wyo. Certiorari denied. Reported below: 2023 WY 37, 527 P. 3d 1261.

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No. 23–5371. *TOMPSON v. NEW HAMPSHIRE*. Sup. Ct. N. H. Certiorari denied.

No. 23–5374. *ROBERTS v. SAMUEL*. C. A. 9th Cir. Certiorari denied.

No. 23–5388. *LYLES v. SOUTH CAROLINA*. Sup. Ct. S. C. Certiorari denied.

No. 23–5393. *TAYLOR v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 2023 IL 128316, 220 N. E. 3d 1034.

No. 23–5406. *PORTER v. USAA CASUALTY INSURANCE CO.* C. A. 7th Cir. Certiorari denied.

No. 23–5416. *HOLLINGSWORTH v. THORNELL, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, REHABILITATION AND RE-ENTRY, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5418. *CATHERWOOD v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–5420. *WANZO v. PFEIFFER, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 23–5458. *CONLEY v. WELLS, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 22–1066. *CAREDX INC. ET AL. v. NATERA, INC., ET AL.* C. A. Fed. Cir. Certiorari denied. JUSTICE KAVANAUGH would grant the petition for writ of certiorari. Reported below: 40 F. 4th 1371.

No. 22–1093. *SPELL ET AL. v. EDWARDS ET AL.* C. A. 5th Cir. Motion of Alabama Center for Law and Liberty for leave to file brief as *amicus curiae* denied. Certiorari denied.

No. 22–1095. *COMMUNITY HOUSING IMPROVEMENT PROGRAM ET AL. v. CITY OF NEW YORK, NEW YORK, ET AL.* C. A. 2d Cir. Motion of Alexander Gallo for leave to file brief as *amicus curiae* out of time denied. Certiorari denied. Reported below: 59 F. 4th 540.

No. 22–1138. *EASTMAN v. THOMPSON, CHAIRMAN OF THE UNITED STATES HOUSE SELECT COMMITTEE TO INVESTIGATE*

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THE JANUARY 6TH ATTACK ON THE UNITED STATES CAPITOL, ET AL. C. A. 9th Cir. Certiorari denied. JUSTICE THOMAS took no part in the consideration or decision of this petition.

No. 22–1168. CENTER FOR MEDICAL PROGRESS ET AL. *v.* PLANNED PARENTHOOD FEDERATION OF AMERICA ET AL. C. A. 9th Cir. Motion of Foundation for Moral Law for leave to file brief as *amicus curiae* denied. Certiorari denied. Reported below: 51 F. 4th 1125.

No. 22–1226. IDAHO *v.* DORFF. Sup. Ct. Idaho. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 171 Idaho 818, 526 P. 3d 988.

No. 22–7641. WYATT *v.* HARPE, DIRECTOR, OKLAHOMA DEPARTMENT OF CORRECTIONS. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition.

No. 22–7768. AYYAD *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 22–7805. BREWER *v.* WRAY, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION, ET AL. C. A. D. C. Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 23–59. CLARK *v.* GARLAND, ATTORNEY GENERAL, ET AL. C. A. D. C. Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition.

No. 23–117. CASTRO *v.* TRUMP. C. A. 11th Cir. Certiorari before judgment denied.

No. 23–5011. SHARMA *v.* CIRCOSTA, CHAIR, NORTH CAROLINA STATE BOARD OF ELECTIONS, ET AL. C. A. 4th Cir. Certiorari before judgment denied.

No. 23–5017. SMITH *v.* INDIANA PAROLE BOARD ET AL. C. A. 7th Cir. Certiorari before judgment denied.

No. 23–5021. SMITH *v.* GALIPEAU ET AL. C. A. 7th Cir. Certiorari before judgment denied.

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No. 23–5048. *HOUSTON v. HIGHLAND CARE CENTER, INC.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 23–5125. *LEWIS v. UNITED STATES.* C. A. 11th Cir. Certiorari before judgment denied.

No. 23–5183. *HERSCHAFT v. NEW YORK CITY CAMPAIGN FINANCE BOARD.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 23–5184. *MACDONALD v. SUTTON, JUDGE, DISTRICT COURT OF MAINE, ET AL.* C. A. 1st Cir. Certiorari before judgment denied.

No. 23–5202. *ABADI ET AL. v. TRANSPORTATION SECURITY ADMINISTRATION.* C. A. D. C. Cir. Certiorari denied. JUSTICE JACKSON took no part in the consideration or decision of this petition. See 28 U. S. C. § 455 and Code of Conduct for U. S. Judges, Canon 3C (prior judicial service).

No. 23–5228. *WILLIAMS v. UNITED STATES.* C. A. 11th Cir. Certiorari 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). Reported below: 63 F. 4th 908.

No. 23–5291. *JOHNSTON v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. JUSTICE BARRETT took no part in the consideration or decision of this petition.

No. 23–5653 (23A262). *ZACK v. FLORIDA.* Sup. Ct. Fla. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.

No. 23–5667 (23A276). *ZACK v. DESANTIS, GOVERNOR OF FLORIDA, ET AL.* C. A. 11th Cir. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.

Rehearing Denied

No. 22–6769. *FAST v. FLORIDA*, 598 U. S. 1216;

No. 22–7087. *HOFFMAN v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA*, 598 U. S. 1314;

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No. 22–7090. *GALLARDO v. UNITED STATES*, 598 U. S. 1261;
No. 22–7206. *HOOD v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 598 U. S. 1321;

No. 22–7214. *BACILIO v. TEXAS*, 598 U. S. 1321;

No. 22–7250. *WASHINGTON v. UNIVERSITY OF TEXAS MEDICAL BRANCH ET AL.*, 599 U. S. 905;

No. 22–7296. *THOMAS v. UNITED STATES*, 598 U. S. 1287; and

No. 22–7413. *FLEMMING v. TENNESSEE*, 599 U. S. 915. Petitions for rehearing denied.

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Dismissal Under Rule 46

No. 22–321. *SLOCKISH ET AL. v. DEPARTMENT OF TRANSPORTATION ET AL.* C. A. 9th Cir. Certiorari dismissed under this Court's Rule 46.

Certiorari Dismissed

No. 23–5316. *BRESSI v. MCCLOUD ET AL.*; and

No. 23–5318. *BRESSI v. GEMBIC ET AL.* C. A. 3d Cir. Motions of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

No. 23–5325. *ADAMS v. MERIT SYSTEMS PROTECTION BOARD.* C. A. Fed. Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 23–5328. *ADAMS v. MERIT SYSTEMS PROTECTION BOARD.* C. A. Fed. Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 23–5329. *ADAMS v. MERIT SYSTEMS PROTECTION BOARD.* C. A. Fed. Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

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No. 23–5330. ADAMS *v.* MERIT SYSTEMS PROTECTION BOARD. C. A. Fed. Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 23–5337. BROWN *v.* STATE CORRECTIONAL INSTITUTION AT SOMERSET, ADMINISTRATION OFFICE, ET AL. C. A. 3d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 23–5467. ANDREWS *v.* RAMOS, WARDEN. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 23–5544. LEONOR *v.* NEBRASKA. Sup. Ct. Neb. 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: 314 Neb. —.

Miscellaneous Orders

No. 23A16. STALCUP *v.* DEPARTMENT OF DEFENSE. C. A. 1st Cir. Application for stay, addressed to JUSTICE THOMAS and referred to the Court, denied.

No. 23A139. SHARMA *v.* CIRCOSTA, CHAIR, NORTH CAROLINA STATE BOARD OF ELECTIONS, ET AL. C. A. 4th Cir. Application for injunction, addressed to JUSTICE THOMAS and referred to the Court, denied.

No. 23A152. LAJEUNESSE *v.* KARBERG, WARDEN. Application for bail, addressed to JUSTICE JACKSON and referred to the Court, denied.

No. 23A197. BRADFORD *v.* UNITED STATES. Application for bail, addressed to JUSTICE JACKSON and referred to the Court, denied.

No. 23A210. BOCHRA *v.* DEPARTMENT OF EDUCATION ET AL. C. A. 7th Cir. Application for injunction, addressed to JUSTICE GORSUCH and referred to the Court, denied.

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No. 23A230. *GAZZOLA ET AL. v. HOCHFUL, GOVERNOR OF NEW YORK, ET AL.* C. A. 7th Cir. Application for stay, addressed to JUSTICE THOMAS and referred to the Court, denied.

No. 23A308. *NASSER v. MURPHY.* C. A. 5th Cir. Application to vacate stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, granted. The October 6, 2023, order of the United States District Court for the Western District of Texas, case No. 1:23-cv-1170, is vacated. JUSTICE SOTOMAYOR, JUSTICE KAGAN, and JUSTICE JACKSON would deny the application.

No. D-3110. *IN RE DISBARMENT OF MOATS.* Disbarment entered. [For earlier order herein, see 598 U. S. 1256.]

No. D-3111. *IN RE DISBARMENT OF SALDANA TIER.* Disbarment entered. [For earlier order herein, see 598 U. S. 1256.]

No. D-3112. *IN RE DISBARMENT OF BOYER.* Disbarment entered. [For earlier order herein, see 598 U. S. 1256.]

No. D-3113. *IN RE DISBARMENT OF INFURNA.* Disbarment entered. [For earlier order herein, see 598 U. S. 1256.]

No. D-3114. *IN RE DISBARMENT OF NELSON.* Disbarment entered. [For earlier order herein, see 598 U. S. 1257.]

No. D-3115. *IN RE DISBARMENT OF GILLIAM.* Disbarment entered. [For earlier order herein, see 598 U. S. 1257.]

No. D-3116. *IN RE DISBARMENT OF FLECHAS.* Disbarment entered. [For earlier order herein, see 598 U. S. 1257.]

No. D-3117. *IN RE DISBARMENT OF LOVE.* Disbarment entered. [For earlier order herein, see 598 U. S. 1257.]

No. D-3118. *IN RE DISBARMENT OF SILBIGER.* Disbarment entered. [For earlier order herein, see 598 U. S. 1257.]

No. D-3119. *IN RE DISBARMENT OF COHEN.* Disbarment entered. [For earlier order herein, see 598 U. S. 1278.]

No. D-3121. *IN RE DISBARMENT OF FABRIZIO.* Disbarment entered. [For earlier order herein, see 598 U. S. 1031.]

No. 23M25. *BRUMFIELD v. MCCOMAS*; and

No. 23M26. *MCCLUSKEY EL v. CELEBRITY CRUISES, INC.* Motions to direct the Clerk to file petitions for writ of certiorari out of time denied.

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No. 22–277. MOODY, ATTORNEY GENERAL OF FLORIDA, ET AL. *v.* NETCHOICE, LLC, DBA NETCHOICE, ET AL. C. A. 11th Cir.; and

No. 22–555. NETCHOICE, LLC, DBA NETCHOICE, ET AL. *v.* PAXTON, ATTORNEY GENERAL OF TEXAS. C. A. 5th Cir. [Certiorari granted, 600 U.S. 970.] The following briefing schedule is adopted: Respondents in No. 22–277 and petitioners in No. 22–555 shall file opening briefs on the merits on or before Thursday, November 30, 2023, and the briefs are to bear a light blue cover. Any brief for an *amicus curiae* in support or in support of neither party shall be filed on or before Thursday, December 7, 2023, and the brief shall bear a light green cover. Petitioners in No. 22–277 and respondents in No. 22–555 shall file response briefs on the merits on or before Tuesday, January 16, 2024, and the briefs are to bear a light red cover. Any brief for an *amicus curiae* in support shall be filed on or before Tuesday, January 23, 2024, and the brief shall bear a dark green cover. Reply briefs are to be filed in compliance with this Court’s Rule 25.3, and the briefs are to bear a yellow cover. An *amicus curiae* shall file only a single brief in these cases.

No. 23–5255. SWINTON *v.* LIVINGSTON COUNTY, NEW YORK, ET AL. C. A. 2d Cir.; and

No. 23–5311. HOLMES *v.* GRANUAILE, LLC, ET AL. C. A. 4th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until October 31, 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. 23–5561. IN RE SHUMPERT; and

No. 23–5590. IN RE WILLIAMS. Petitions for writs of habeas corpus denied.

Certiorari Denied

No. 22–977. BRUNS ET VIR *v.* USAA ET AL. C. A. D. C. Cir. Certiorari denied.

No. 22–1048. BLACKBURN ET UX. *v.* DARE COUNTY, NORTH CAROLINA, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 58 F. 4th 807.

No. 22–1055. ELBAZ, AKA GREEN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 52 F. 4th 593.

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No. 22–1082. *LARRABEE v. DEL TORO, SECRETARY OF THE NAVY, ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 45 F. 4th 81.

No. 22–1112. *AVAIL VAPOR, LLC, ET AL. v. FOOD AND DRUG ADMINISTRATION.* C. A. 4th Cir. Certiorari denied. Reported below: 55 F. 4th 409.

No. 22–1118. *ADAMS ET AL. v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 59 F. 4th 1349.

No. 22–1158. *MAGASSA v. MAYORKAS, SECRETARY OF HOMELAND SECURITY, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 52 F. 4th 1156.

No. 22–1240. *TASHMAN v. ADVANCE AUTO PARTS, INC.* C. A. 8th Cir. Certiorari denied. Reported below: 63 F. 4th 1147.

No. 22–1248. *MISSOURI ET AL. v. BIDEN, PRESIDENT OF THE UNITED STATES, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 52 F. 4th 362.

No. 22–7286. *ALEXANDER v. DOE ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 57 F. 4th 667.

No. 22–7474. *CUTHBERTSON v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

No. 22–7539. *GALLMAN v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 57 F. 4th 122.

No. 22–7671. *PALACIOS v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 22–7904. *DEMONT v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 23–11. *DUBIN v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII; DUBIN v. OFFICE OF DISCIPLINARY COUNSEL ET AL.; and DUBIN ET AL. v. SUPREME COURT OF HAWAII ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–12. *KOWAL v. FERNDAL AREA SCHOOL DISTRICT ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–18. *BERNHARDT, PERSONALLY AND AS THE ADMINISTRATRIX OF THE ESTATE OF WISE, ET AL. v. HSBC HOLDINGS*

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PLC ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 47 F. 4th 856.

No. 23–30. ARGENT TRUST CO. ET AL. *v.* HARRISON. C. A. 10th Cir. Certiorari denied. Reported below: 59 F. 4th 1090.

No. 23–76. KARUPAIYAN *v.* INFOSYS BPM ET AL. C. A. 3d Cir. Certiorari denied.

No. 23–77. KARUPAIYAN *v.* TATA CONSULTANCY SERVICES ET AL. C. A. 3d Cir. Certiorari denied.

No. 23–78. KARUPAIYAN *v.* VAISSIE ET AL. C. A. 3d Cir. Certiorari denied.

No. 23–83. BERNARD *v.* HODYL. Ct. App. Colo. Certiorari denied.

No. 23–85. GIEHL *v.* BANK OF AMERICA. Sup. Ct. Fla. Certiorari denied.

No. 23–86. CHAMBERLIN *v.* HARTOG, BAER & HAND, APC, ET AL. C. A. 9th Cir. Certiorari denied.

No. 23–87. CRAIG *v.* SOLORZANO. Sup. Jud. Ct. Me. Certiorari denied.

No. 23–92. HOGANSON *v.* COLORADO. Ct. App. Colo. Certiorari denied.

No. 23–96. FULTON, COUNTY, PENNSYLVANIA, ET AL. *v.* SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA ET AL. Sup. Ct. Pa. Certiorari denied. Reported below: — Pa. —, 292 A. 3d 974.

No. 23–99. ADELSON *v.* OCWEN LOAN SERVICING, LLC, NKA PHH MORTGAGE CORP., ET AL. C. A. 6th Cir. Certiorari denied.

No. 23–100. CLEMENS *v.* O'HARA. C. A. 1st Cir. Certiorari denied.

No. 23–102. CARRERA *v.* FORSBERG. C. A. 9th Cir. Certiorari denied.

No. 23–104. WATSON *v.* CONNECTICUT ET AL. C. A. 2d Cir. Certiorari denied.

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No. 23–105. *THORPE v. TOWNSHIP OF SALISBURY, PENNSYLVANIA, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–110. *ITUAH, BY HER GUARDIAN MCKAY v. AUSTIN STATE HOSPITAL ET AL.* C. A. 5th Cir. Certiorari denied.

No. 23–112. *MC ELROY v. CITY OF CORVALLIS, OREGON.* Ct. App. Ore. Certiorari denied.

No. 23–113. *POHL v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied.

No. 23–116. *CALDWELL v. ANTHONY ET AL.* Sup. Ct. R. I. Certiorari denied. Reported below: 285 A. 3d 734.

No. 23–118. *O'DWYER v. CARTER ET AL.* C. A. 5th Cir. Certiorari denied.

No. 23–127. *COOPERMAN v. SOCIAL SECURITY ADMINISTRATION.* C. A. Fed. Cir. Certiorari denied.

No. 23–129. *TARDY v. CORRECTIONS CORPORATION OF AMERICA, NKA CORECIVIC, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 57 F. 4th 567.

No. 23–132. *POLLICK v. TROZZOLILLO.* Super. Ct. Pa. Certiorari denied.

No. 23–136. *BROWN v. GARLAND, ATTORNEY GENERAL.* C. A. 11th Cir. Certiorari denied.

No. 23–137. *CREWS v. McDONOUGH, SECRETARY OF VETERANS AFFAIRS.* C. A. Fed. Cir. Certiorari denied. Reported below: 63 F. 4th 37.

No. 23–143. *MINNESOTA AUTOMOBILE DEALERS ASSN. v. MINNESOTA POLLUTION CONTROL AGENCY.* Ct. App. Minn. Certiorari denied. Reported below: 986 N. W. 2d 225.

No. 23–144. *MARCIANO v. ADAMS, MAYOR OF THE CITY OF NEW YORK, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 23–145. *SHKLYAR v. CARBOLINE Co.* C. A. 8th Cir. Certiorari denied.

No. 23–149. *SABINE RIVER AUTHORITY, LOUISIANA v. BONIN ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 65 F. 4th 249.

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No. 23–162. *WINCHEL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–172. *POLLICK v. TROZZOLILLO*. Super. Ct. Pa. Certiorari denied. Reported below: 289 A. 3d 52.

No. 23–180. *LABORIN-LEDES v. GARLAND, ATTORNEY GENERAL*. C. A. 9th Cir. Certiorari denied.

No. 23–188. *DUMAS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–190. *BONDYOPADHYAY v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied.

No. 23–206. *BURNS v. IOWA*. Sup. Ct. Iowa. Certiorari denied. Reported below: 988 N. W. 2d 352.

No. 23–214. *MURRAY v. SAFIR LAW P. L. C.* C. A. 6th Cir. Certiorari denied.

No. 23–228. *McKENNA v. SONY PICTURES ENTERTAINMENT, INC., ET AL.* Ct. App. Cal., 2d App. Dist., Div. 5. Certiorari denied.

No. 23–230. *PERSONALIZED MEDIA COMMUNICATION, LLC v. APPLE INC.* C. A. Fed. Cir. Certiorari denied. Reported below: 57 F. 4th 1346.

No. 23–5039. *CREECH v. RICHARDSON, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 59 F. 4th 372.

No. 23–5222. *ALI v. MINEHART, JUDGE, ET AL.* Sup. Ct. Pa. Certiorari denied.

No. 23–5234. *JENKINS v. TENGOWSKI*. Super. Ct. Pa. Certiorari denied.

No. 23–5250. *FRANKLIN v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 23–5251. *GUIDA v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 23–5253. *HOBALLAH v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

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No. 23–5267. *LUNN v. CITY OF DETROIT, MICHIGAN, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–5268. *BAKAMBIA v. SCHNELL ET AL.* C. A. 8th Cir. Certiorari denied.

No. 23–5269. *CHRISTO EL, AKA JONES v. MILLER ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–5271. *VILLARREAL v. CALIFORNIA.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 23–5278. *BELCHER v. WILLIAMS, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 23–5279. *ANNABEL v. NOVAK ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–5282. *HEARNS v. WHISNAND ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5286. *GREEN v. SMITH, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–5289. *CRAIN v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–5293. *DAVISON v. WHITTEN, WARDEN.* C. A. 10th Cir. Certiorari denied.

No. 23–5294. *WADE v. TEXAS.* Ct. App. Tex., 2d Dist. Certiorari denied.

No. 23–5297. *KONE v. MILBURN, SUPERINTENDENT, SPRING CREEK CORRECTIONAL CENTER.* C. A. 9th Cir. Certiorari denied.

No. 23–5300. *RAMOS v. RANKINS.* C. A. 10th Cir. Certiorari denied.

No. 23–5301. *WEST v. ULLOA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5306. *HOLBERT v. TEXAS.* Ct. App. Tex., 7th Dist. Certiorari denied. Reported below: 665 S. W. 3d 120.

No. 23–5307. *CROWDER v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

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No. 23–5313. *ROQUE v. BUFFALOE, SECRETARY, NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY*. C. A. 4th Cir. Certiorari denied.

No. 23–5315. *REDFEARN v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 23–5321. *REAVES v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 23–5323. *COLLINS v. JEFFREYS ET AL.* C. A. 7th Cir. Certiorari denied.

No. 23–5336. *WALKER v. LAMB, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 23–5343. *HALFHILL v. WASHINGTON*. Ct. App. Wash. Certiorari denied. Reported below: 23 Wash. App. 2d 1020.

No. 23–5350. *RAMSEY v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 23–5357. *SMITH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–5359. *BURKE v. DEML, COMMISSIONER, VERMONT DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 23–5360. *MCCOY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 70 F. 4th 498.

No. 23–5365. *TAYLOR v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 62 F. 4th 146.

No. 23–5368. *REYNOLDS v. ELLER, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 23–5377. *GAINES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–5378. *CAPOZZI v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 23–5379. *WILLS v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 2021–00106 (La. 6/17/23), 361 So. 3d 965.

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No. 23–5382. *GRAHAM v. McDONOUGH, SECRETARY OF VETERANS AFFAIRS*. C. A. 3d Cir. Certiorari denied.

No. 23–5384. *JOHNSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5386. *PARKER v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied.

No. 23–5389. *RODRIGUEZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5390. *CHOPRA v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 67 F. 4th 913.

No. 23–5391. *MAGUINA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5392. *FERNANDEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–5396. *CLARK v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 23–5398. *LEDFORD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–5401. *CHRISTMAS v. WEDD ET AL.* C. A. 5th Cir. Certiorari denied.

No. 23–5403. *MOREIRA BRAVO v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 56 F. 4th 568.

No. 23–5405. *PETERSEN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5407. *ASKEW v. BAILEY, SHERIFF, BERRIEN COUNTY, MICHIGAN*. C. A. 6th Cir. Certiorari denied.

No. 23–5409. *FRATUS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 23–5412. *SHRUM v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 59 F. 4th 968.

No. 23–5419. *WILLIAMS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 23–5424. *VACA v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

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No. 23–5425. *ROSASEN v. ROSASEN*. C. A. 9th Cir. Certiorari denied.

No. 23–5426. *ROBERTSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 68 F. 4th 855.

No. 23–5428. *GASTELUM VALENZUELA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5430. *BROWN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5432. *VAUGHN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5433. *ONONUJU v. VIRGINIA HOUSING DEVELOPMENT AUTHORITY ET AL.* C. A. 4th Cir. Certiorari denied.

No. 23–5434. *MONCRIEFFE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5435. *WEBB v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5437. *SANUSI v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5439. *HUFFMAN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 23–5440. *GLUKHOY v. CALIFORNIA*. Ct. App. Cal., 3d App. Dist. Certiorari denied. Reported below: 77 Cal. App. 5th 576, 292 Cal. Rptr. 3d 623.

No. 23–5442. *JOHNSON v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist., Div. 1. Certiorari denied.

No. 23–5445. *BAZEMORE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 23–5449. *ROJAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5450. *GARCIA-GUTIERREZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5451. *RIOS-HERNANDEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

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No. 23–5453. *RAMIREZ-URBINA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5456. *GILCREASE v. LOUISIANA*. Ct. App. La., 2d Cir. Certiorari denied. Reported below: 54,905 (La. App. 2 Cir. 11/30/22), 352 So. 3d 153.

No. 23–5461. *GIDDINGS v. KNUDSEN ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5462. *SOLORZANO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 65 F. 4th 245.

No. 23–5466. *ALEXANDER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–5469. *SPENCER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–5473. *SALAZAR v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 69 F. 4th 474.

No. 23–5475. *ZAHN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 63 F. 4th 699.

No. 23–5477. *BUTLER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5478. *MONICAL v. NOFZIGER ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5483. *BLAKE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5484. *WHEELER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5486. *GONZALEZ-GONZALEZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5487. *HERNANDEZ-MENDEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5488. *TOUSANT v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–5490. *ELLER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

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No. 23–5497. *WOODS v. DISTRICT ATTORNEY OF PHILADELPHIA, PENNSYLVANIA, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–5499. *DEL CID BRAN v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

No. 23–5503. *ALVARADO v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–5504. *LAKES v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

No. 23–5506. *GATA v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 23–5507. *GREEN v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

No. 23–5509. *WHITE v. PHILLIPS, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 66 F. 4th 615.

No. 23–5511. *ELHAGE v. UNITED STATES.* C. A. 2d Cir. Certiorari denied.

No. 23–5512. *MENDOZA-GOMEZ v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 69 F. 4th 273.

No. 23–5514. *DILLARD v. WYOMING.* Sup. Ct. Wyo. Certiorari denied. Reported below: 2023 WY 73, 533 P. 3d 179.

No. 23–5515. *MEYER v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 63 F. 4th 1024.

No. 23–5517. *COX v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

No. 23–5518. *GAMBLE v. UNITED STATES.* C. A. 2d Cir. Certiorari denied.

No. 23–5519. *CORTEZ FIERROS v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 23–5522. *GUERRA v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–5523. *JONES v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied.

No. 23–5526. *RODRIGUEZ-MENDEZ v. UNITED STATES.* C. A. 3d Cir. Certiorari denied.

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No. 23–5531. *CRABTREE v. OREGON BOARD OF PAROLE AND POST-PRISON SUPERVISION*. Ct. App. Ore. Certiorari denied. Reported below: 323 Ore. App. 322, 522 P. 3d 566.

No. 23–5535. *LANE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–5537. *BEAN v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 23–5539. *THOMPSON v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 64 F. 4th 412.

No. 23–5540. *RINALDI v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 23–5547. *HAHN v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 359 So. 3d 712.

No. 23–5550. *JONES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5554. *HICKMAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5555. *GARCIA-ALEMAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5560. *RUFFIN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–5569. *GUTIERREZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–5573. *TINNEN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–5574. *WRIGHT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–5578. *PAW v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 23–5583. *LOPEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 70 F. 4th 325.

No. 23–5586. *LEON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

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No. 23–5587. *CARRINGTON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 22–1125. *BLANKENSHIP v. NBCUNIVERSAL, LLC, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 60 F. 4th 744.

JUSTICE THOMAS, concurring in the denial of certiorari.

“The common law of libel at the time the First and Fourteenth Amendments were ratified did not require public figures to satisfy any kind of heightened liability standard as a condition of recovering damages.” *McKee v. Cosby*, 586 U. S. 1172, 1176 (2019) (THOMAS, J., concurring in denial of certiorari). To be sure, the law was not static; “[i]n the first decades after the adoption of the Constitution,” the rule that “truth or good motives was no defense” to libel “was changed by judicial decision, statute or constitution in most States.” *Beauharnais v. Illinois*, 343 U. S. 250, 254 (1952). But from the founding until 1964, the law of defamation was “almost exclusively the business of state courts and legislatures.” *Gertz v. Robert Welch, Inc.*, 418 U. S. 323, 369–370 (1974) (White, J., dissenting).

The Court usurped control over libel law and imposed its own elevated standard in *New York Times Co. v. Sullivan*, 376 U. S. 254 (1964). It decreed that the Constitution required “a federal rule that prohibits a public official from recovering damages for a defamatory falsehood relating to his official conduct unless he proves that the statement was made with ‘actual malice’—that is, with knowledge that it was false or with reckless disregard of whether it was false or not.” *Id.*, at 279–280. The Court did not base this “actual malice” rule in the original meaning of the First Amendment. It limited its analysis of the historical record to a loose inference from opposition surrounding the Sedition Act of 1798, see *McKee*, 586 U. S., at 1181–1182 (opinion of THOMAS, J.), and primarily justified its constitutional rule by noting that 20th century state-court decisions and “the consensus of scholarly opinion apparently favor[ed] the rule,” *New York Times*, 376 U. S., at 280, and n. 20.

I continue to adhere to my view that we should reconsider the actual-malice standard. See *Counterman v. Colorado*, 600 U. S. 66, 105 (2023) (dissenting opinion); *Coral Ridge Ministries Media, Inc. v. Southern Poverty Law Center*, 597 U. S. 911, 912 (2022) (dissenting from denial of certiorari); *Berisha v. Lawson*, 594 U. S. 953, 955 (2021) (same); *McKee*, 586 U. S., at 1182 (opinion of THOMAS, J.).

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“*New York Times* and the Court’s decisions extending it were policy-driven decisions masquerading as constitutional law.” *Id.*, at 1173. The decisions have “no relation to the text, history, or structure of the Constitution.” *Tah v. Global Witness Publishing, Inc.*, 991 F. 3d 231, 251 (CA DC 2021) (Silberman, J., dissenting in part). And the actual-malice standard comes at a heavy cost, allowing media organizations and interest groups “to cast false aspersions on public figures with near impunity.” *Id.*, at 254. The Court cannot justify continuing to impose a rule of its own creation when it has not “even inquired whether the First or Fourteenth Amendment, as originally understood, encompasses an actual-malice standard.” *Coral Ridge Ministries*, 597 U. S., at 913 (opinion of THOMAS, J.) (internal quotation marks omitted).

Petitioner Don Blankenship asks us to revisit *New York Times*. I agree with the Court’s decision not to take up that question in this case because it appears that Blankenship’s claims are independently subject to an actual-malice standard as a matter of state law. See *State ex rel. Suriano v. Gaughan*, 198 W. Va. 339, 356, 480 S. E. 2d 548, 565 (1996). In an appropriate case, however, we should reconsider *New York Times* and our other decisions displacing state defamation law.

No. 23–79. *KARUPAIYAN v. SOLOMON ET AL.* C. A. 3d Cir. Certiorari before judgment denied.

No. 23–5524. *JONES ET AL. v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. JUSTICE BARRETT took no part in the consideration or decision of this petition. Reported below: 56 F. 4th 455.

No. 23–5584. *ROGERS v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 520 Fed. Appx. 727.

No. 23–5740. *MURPHY v. TEXAS.* Ct. Crim. App. Tex. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Certiorari denied.

Rehearing Denied

No. 22–6930. *HACKNEY v. MICHIGAN*, 598 U. S. 1283. Petition for rehearing denied.

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Dismissal Under Rule 46

No. 22–7706. TAYLOR *v.* TANNER, ACTING WARDEN. C. A. 6th Cir. Certiorari dismissed under this Court’s Rule 46.

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Certiorari Granted

No. 22–529. CANTERO ET AL., INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED *v.* BANK OF AMERICA, N. A. C. A. 2d Cir. Certiorari granted. Reported below: 49 F. 4th 121.

No. 22–1025. GONZALEZ *v.* TREVINO ET AL. C. A. 5th Cir. Certiorari granted. Reported below: 42 F. 4th 487.

No. 22–1079. TRUCK INSURANCE EXCHANGE *v.* KAISER GYPSUM CO., INC., ET AL. C. A. 4th Cir. Certiorari granted. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 60 F. 4th 73.

No. 22–1219. RELENTLESS, INC., ET AL. *v.* DEPARTMENT OF COMMERCE ET AL. C. A. 1st Cir. Motion of Advancing American Freedom, Inc., et al. for leave to file brief as *amici curiae* denied. Certiorari granted limited to Question 1 presented by the petition. The Clerk is directed to establish a briefing schedule that will allow this case to be argued in tandem with No. 22–451, *Loper Bright Enterprises et al. v. Raimondo, Secretary of Commerce, et al.*, in the January 2024 argument session. Reported below: 62 F. 4th 621.

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Certiorari Dismissed

No. 23–5335. YOUNG BOK SONG *v.* PARKER ET AL. C. A. 6th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 23–5372. DAVIS *v.* DOUGLAS 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. 23A302. GARLAND, ATTORNEY GENERAL, ET AL. *v.* BLACK-HAWK MANUFACTURING GROUP, INC., ET AL. Application to va-

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cate injunction, presented to JUSTICE ALITO, and by him referred to the Court, granted. The September 14, 2023, order of the United States District Court for the Northern District of Texas, case No. 4:22-cv-691, is vacated.

No. 23M27. *CROOK v. SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT ET AL.* Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 23-5367. *WU v. TWIN RIVERS UNIFIED SCHOOL DISTRICT*. Ct. App. Cal., 3d App. Dist.; and

No. 23-5381. *HARPER v. ADAMS ET AL.* C. A. 11th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until November 6, 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.

Certiorari Denied

No. 22-1148. *NORTH CAROLINA FARM BUREAU FEDERATION, INC. v. PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS, INC.*; and

No. 22-1150. *STEIN, ATTORNEY GENERAL OF NORTH CAROLINA, ET AL. v. PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS, INC., ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 60 F. 4th 815.

No. 22-7629. *NUNEZ v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 23-106. *NOWICKI ET AL. v. CROWN FINANCIAL CORP.* Super. Ct. Pa. Certiorari denied. Reported below: 284 A. 3d 957.

No. 23-122. *WILMINGTON TRUST, N. A., ET AL. v. HENRY, ON BEHALF OF THE BSC VENTURES HOLDING, INC. EMPLOYEE STOCK OWNERSHIP PLAN.* C. A. 3d Cir. Certiorari denied. Reported below: 72 F. 4th 499.

No. 23-126. *BLESSETT v. ABBOTT, GOVERNOR OF TEXAS, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 23-134. *KLOSSNER v. IADU TABLE MOUND MHP, LLC, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 65 F. 4th 349.

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No. 23–141. MARTIN, INDIVIDUALLY AND AS ADMINISTRATOR TO THE ESTATE OF KING *v.* BEXAR COUNTY, TEXAS, ET AL. C. A. Fed. Cir. Certiorari denied.

No. 23–148. SR CONSTRUCTION, INC. *v.* RE PALM SPRINGS II, LLC, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 65 F. 4th 752.

No. 23–150. HARPER *v.* NORTH CAROLINA. Ct. App. N. C. Certiorari denied. Reported below: 285 N. C. App. 507, 877 S. E. 2d 771.

No. 23–151. RYNN ET AL. *v.* UHS OF PHOENIX, LLC, ET AL. Ct. App. Ariz. Certiorari denied.

No. 23–153. RYNN, NEXT FRIEND AND PARENT OF M. R., A MINOR *v.* LUJAN, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS THE DIRECTOR OF THE ARIZONA DEPARTMENT OF CHILD SAFETY, ET AL. C. A. 9th Cir. Certiorari denied.

No. 23–164. DOE *v.* RODGERS, AS SENIOR ADVISER IN DIVISION OF PRACTITIONER DATA BANKS, ET AL. C. A. D. C. Cir. Certiorari denied.

No. 23–182. TINDALL *v.* DEPARTMENT OF LABOR, ADMINISTRATIVE REVIEW BOARD. C. A. 11th Cir. Certiorari denied.

No. 23–192. TRIMBLE *v.* DEPARTMENT OF VETERANS AFFAIRS. C. A. Fed. Cir. Certiorari denied.

No. 23–193. RYNN *v.* FIRST TRANSIT, INC., ET AL. C. A. 9th Cir. Certiorari denied.

No. 23–245. CHROMADDEX, INC., ET AL. *v.* ELYSIUM HEALTH, INC. C. A. Fed. Cir. Certiorari denied. Reported below: 59 F. 4th 1280.

No. 23–252. UNITED STATES EX REL. CALDERON *v.* CARRINGTON MORTGAGE SERVICES, LLC. C. A. 7th Cir. Certiorari denied. Reported below: 70 F. 4th 968.

No. 23–256. IBRAHIM *v.* DEPARTMENT OF THE INTERIOR. C. A. 5th Cir. Certiorari denied.

No. 23–268. KEENAN *v.* RIVER OAKS PROPERTY OWNERS, INC. Ct. App. Tex., 1st Dist. Certiorari denied.

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No. 23–287. *VERNON HEALTHCARE CENTER, LLC, ET AL. v. BLACKMON, BY AND THROUGH HER GUARDIAN AD LITEM, BRACKS*. C. A. 9th Cir. Certiorari denied.

No. 23–289. *LLOYD ET AL. v. FORD MOTOR CO.* C. A. 6th Cir. Certiorari denied. Reported below: 65 F. 4th 851.

No. 23–5100. *MARINOV v. FCA US LLC ET AL.* C. A. 7th Cir. Certiorari denied.

No. 23–5109. *LINDSEY v. JENKINS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 23–5333. *RAMZIDIN v. ONOFRI, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS MERCER COUNTY PROSECUTOR, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–5341. *FOSTER v. AURZADA ET AL.* C. A. 5th Cir. Certiorari denied.

No. 23–5347. *RUSSELL v. TEXAS ET AL.* C. A. 5th Cir. Certiorari denied.

No. 23–5349. *JOHNSON v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 23–5352. *MCGUIRE v. HIGHMARK HOLDINGS ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–5354. *MCCOY v. OUEDRAOGO*. Super. Ct. Pa. Certiorari denied.

No. 23–5355. *WARREN v. NANOS, SHERIFF, PIMA COUNTY, ARIZONA, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5370. *DYER v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 23–5373. *BARNETT v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 358 So. 3d 817.

No. 23–5376. *DIAZ ET UX. v. NATIONSTAR MORTGAGE, LLC, DBA MR. COOPER*. C. A. 11th Cir. Certiorari denied.

No. 23–5380. *WEBSTER v. DOE, SHERIFF, CRAIGHEAD COUNTY*. C. A. 8th Cir. Certiorari denied.

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No. 23–5385. *KNOLL v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 23–5387. *NOEL v. INDIANA METRO POLICE DEPARTMENT ET AL.* C. A. 7th Cir. Certiorari denied.

No. 23–5399. *RODGERS v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 23–5400. *BRANHAM v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 23–5423. *EDWARDS v. CARGOR, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 23–5485. *POUPART v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 2023–00278 (La. 6/7/23), 361 So. 3d 983.

No. 23–5591. *GROVES v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 65 F. 4th 166.

No. 23–5594. *BELL v. NEW HAMPSHIRE*. Sup. Ct. N. H. Certiorari denied. Reported below: 175 N. H. 382, 288 A. 3d 411.

No. 23–5599. *AMAYA-CASTANEDA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5602. *HARTSFIELD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–5605. *MCDONALD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5616. *BIEGON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5621. *ALVAREZ-ALVARADO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5626. *DHAVAMANI v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

Rehearing Denied

No. 22–7186. *MANN v. CLARK, WARDEN, ET AL.*, 598 U.S. 1306. Petition for rehearing denied.

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Dismissal Under Rule 46

No. 22–851. UNITED STATES *v.* GARCON. C. A. 11th Cir. Certiorari dismissed under this Court’s Rule 46. Reported below: 54 F. 4th 1274.

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Miscellaneous Order

No. 23A281. ROBINSON ET AL. *v.* ARDOIN, LOUISIANA SECRETARY OF STATE, ET AL.; and

No. 23A282. GALMON ET AL. *v.* ARDOIN, LOUISIANA SECRETARY OF STATE, ET AL. C. A. 5th Cir. Applications for stay, presented to JUSTICE ALITO, and by him referred to the Court, denied.

JUSTICE JACKSON, concurring.

I concur in the denial of emergency relief. I write separately to emphasize two points.

First, nothing in our decision not to summarily reverse the Fifth Circuit should be taken to endorse the practice of issuing an extraordinary writ of mandamus in these or similar circumstances.

Second, as we have previously emphasized, this litigation should be resolved “in advance of the 2024 congressional elections in Louisiana.” *Ardoin v. Robinson*, 599 U. S. 916, 917 (2023). To that end, I read the Fifth Circuit’s mandamus ruling to require the District Court to delay its remedial hearing only until the Louisiana Legislature has had sufficient time to consider alternative maps that comply with the Voting Rights Act. See *In re Landry*, 83 F. 4th 300, 306 (CA5, Sept. 28, 2023). The State has now represented, in its filings before this Court, that the legislature will not consider such maps while litigation over the enacted map is pending. See Response to Emergency Application for Stay of Writ of Mandamus in Nos. 23A281, 23A282, p. 16. Therefore, the District Court will presumably resume the remedial process while the Fifth Circuit considers the State’s appeal of the preliminary injunction.

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Miscellaneous Order.

No. 23A243 (23–411). MURTHY, SURGEON GENERAL, ET AL. *v.* MISSOURI ET AL. C. A. 5th Cir. Application for stay, presented

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to JUSTICE ALITO, and by him referred to the Court, granted. The preliminary injunction issued on July 4, 2023, by the United States District Court for the Western District of Louisiana, case No. 3:22-cv-01213, as modified by the United States Court of Appeals for the Fifth Circuit on October 3, 2023, case No. 23-30445, is stayed. The application for stay is also treated as a petition for a writ of certiorari, and the petition is granted on the questions presented in the application. The stay shall terminate upon the sending down of the judgment of this Court.

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

This case concerns what two lower courts found to be a “coordinated campaign” by high-level federal officials to suppress the expression of disfavored views on important public issues. *Missouri v. Biden*, 83 F. 4th 350, 392 (CA5 2023). To prevent the continuation of this campaign, these officials were enjoined from either “coerc[ing]” social media companies to engage in such censorship or “active[ly] control[ling]” those companies’ decisions about the content posted on their platforms. *Id.*, at 366, 376. Today, however, a majority of the Court, without undertaking a full review of the record and without any explanation, suspends the effect of that injunction until the Court completes its review of this case, an event that may not occur until late in the spring of next year. Government censorship of private speech is antithetical to our democratic form of government, and therefore today’s decision is highly disturbing.

This case began when two States, Missouri and Louisiana, and various private parties filed suit alleging that popular social media companies had either blocked their use of the companies’ platforms or had downgraded their posts on a host of controversial subjects, including “the COVID-19 lab-leak theory, pandemic lockdowns, vaccine side-effects, election fraud, and the Hunter Biden laptop story.” *Id.*, at 359. According to the plaintiffs, Federal Government officials “were the ones pulling the strings,” that is, these officials “‘coerced, threatened, and pressured [the] social-media platforms to censor [them].’” *Ibid.* (alterations in original). Based on extensive findings of fact that spanned 82 pages, the District Court held that the plaintiffs were likely to be able to prove their claims and were threatened with irreparable harm, and it therefore issued a preliminary injunction against a num-

ber of Executive Branch agencies and officials. *Missouri v. Biden*, 680 F. Supp. 3d 630 (WD La. 2023).

On appeal, the Court of Appeals agreed with the District Court's assessment of the evidence, which, in its words, showed the existence of "a coordinated campaign" of unprecedented "magnitude orchestrated by federal officials that jeopardized a fundamental aspect of American life." *Missouri v. Biden*, 83 F. 4th, at 392. The Court of Appeals found that "the district court was correct in its assessment—'unrelenting pressure' from certain government officials likely 'had the intended result of suppressing millions of protected free speech postings by American citizens.'" *Ibid.*

To stop this "campaign," the injunction, as it now stands, prohibits the covered officials from doing two things. First, they may not "coerce" social media platforms to make "content-moderation decisions." *Id.*, at 397. Second, they may not "meaningfully contro[l]" social media platforms' "content-moderation" efforts. *Ibid.* Displeased with these restrictions, the Government filed an emergency application asking us to stay the effect of this injunction pending certiorari.

Under a straightforward application of the test we use in deciding whether to grant a stay, the Government's application should be denied. To obtain a stay pending the disposition of a petition for a writ of certiorari, an applicant must show, among other things, "a likelihood that irreparable harm will result from the denial of a stay." *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (*per curiam*). A stay is an "extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief." *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 22 (2008) (discussing the similar standard for an injunction). Thus, the Government in this case must make a "clear showing" of irreparable harm. And to do that, it is not enough to "simply sho[w] some 'possibility of irreparable injury.'" *Nken v. Holder*, 556 U.S. 418, 434 (2009). A mere "'possibility' standard is too lenient." *Id.*, at 435 (quoting *Winter*, 555 U.S., at 22). Instead, the Government must prove that irreparable harm is "likel[y]." *Hollingsworth*, 558 U.S., at 190. Here, the Government's attempts to demonstrate irreparable harm do not come close to clearing this high bar.

Instead of providing any concrete proof that “harm is imminent,” *White v. Florida*, 458 U. S. 1301, 1302 (1982) (Powell, J., in chambers), the Government offers a series of hypothetical statements that a covered official *might* want to make in the future and that, it thinks, *might* be chilled. Application 36–38. But hypotheticals are just that—speculation that the Government “*may* suffer irreparable harm at some point in the future,” not concrete proof. *White*, 458 U. S., at 1302 (emphasis added). And such speculation does not establish irreparable harm. *Nken*, 556 U. S., at 434; see also *Clapper v. Amnesty Int’l USA*, 568 U. S. 398, 414, n. 5 (2013) (rejecting similar speculation as insufficient to establish an Article III standing injury).

Moreover, it does not appear that any of the Government’s hypothetical communications would actually be prohibited by the injunction. Nor is any such example provided by the Court’s unreasoned order. The Government claims that the injunction might prevent “the President and the senior officials who serve as his proxies” from “speak[ing] to the public on matters of public concern.” Application 36; accord, *id.*, at 3 (suggesting that the Fifth Circuit’s decision implicates “the use of the Office’s bully pulpit to seek to persuade Americans”). The President himself is not subject to the injunction, see *Missouri v. Biden*, 83 F. 4th, at 398, and in any event, the injunction does not prevent any Government official from speaking on any matter or from urging any entity or person to act in accordance with the Government’s view of responsible conduct. The injunction applies only when the Government crosses the line and begins to coerce or control others’ exercise of their free-speech rights. Does the Government think that the First Amendment allows Executive Branch officials to engage in such conduct? Does it have plans for this to occur between now and the time when this case is decided?

Despite the Government’s conspicuous failure to establish a threat of irreparable harm, the majority stays the injunction and thus allows the defendants to persist in committing the type of First Amendment violations that the lower courts identified. The majority takes this action in the face of the lower courts’ detailed findings of fact. But “[w]here an intermediate court reviews, and affirms, a trial court’s factual findings, this Court will not ‘lightly overturn’ the concurrent findings of the two lower courts.” *Eas-*

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ley v. Cromartie, 532 U. S. 234 (2001); see also *Glossip v. Gross*, 576 U. S. 863, 882 (2015); *Graver Tank & Mfg. Co. v. Linde Air Products Co.*, 336 U. S. 271, 275 (1949). And the majority suspends the relief afforded below without a word of explanation.

Applying our settled test for granting a stay, I would deny the Government's application, but I would specify in the order that in the unlikely event that a concrete occurrence presents a risk of irreparable harm, the Government can apply for relief at that time, including, if necessary, by filing an emergency application here. Such an order would fully protect the ability of Executive Branch officials to speak out on matters of public concern.

At this time in the history of our country, what the Court has done, I fear, will be seen by some as giving the Government a green light to use heavy-handed tactics to skew the presentation of views on the medium that increasingly dominates the dissemination of news. That is most unfortunate.

No. 23A296. MISSOURI ET AL. *v.* UNITED STATES. D. C. W. D. Mo. Application for stay, presented to JUSTICE KAVANAUGH, and by him referred to the Court, denied. JUSTICE THOMAS would grant the application for stay.

Statement of JUSTICE GORSUCH, with whom JUSTICE ALITO joins, respecting the denial of the application for stay.

With the understanding that the district court "prohibited" only "implementation and enforcement" of H. B. 85 by the State of "Missouri and its officers, agents, and employees" and "any others in active concert with such individuals," App. to Emergency Application 29a, I agree with the denial of the application for a stay under the present circumstances. An injunction purporting to bind private parties not before the district court or the "challenged" provisions "themselves," however, would be inconsistent with the "equitable powers of federal courts." *Whole Woman's Health v. Jackson*, 595 U. S. 30, 44 (2021).

Certiorari Granted. (See No. 23A243 (23–411), 601 U. S. 888.)

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Dismissal Under Rule 46

No. 22–7571. RASHIDI *v.* KIJAKAZI, ACTING COMMISSIONER OF SOCIAL SECURITY. C. A. 9th Cir. *Certiorari* dismissed under this Court's Rule 46.

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Miscellaneous Order

No. 23A315. WEST FLAGLER ASSOCIATES, LTD. *v.* HAALAND, SECRETARY OF THE INTERIOR, ET AL. C. A. D. C. Cir. Application for stay, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. The order heretofore entered by THE CHIEF JUSTICE is vacated.

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

I agree that the stay application should be denied in light of the D. C. Circuit's pronouncement that the compact between Florida and the Seminole Tribe authorizes the Tribe to conduct only on-reservation gaming operations, and not off-reservation gaming operations. 71 F. 4th 1059, 1062, 1065–1068 (2023); Response in Opposition to Application for Stay 7–10, 13–14. If the compact authorized the Tribe to conduct off-reservation gaming operations, either directly or by deeming off-reservation gaming operations to somehow be on-reservation, then the compact would likely violate the Indian Gaming Regulatory Act, as the District Court explained. 573 F. Supp. 3d 260, 272–274 (DC 2021); see 25 U. S. C. §§ 2710(d)(1), (d)(8)(A).

To the extent that a separate Florida statute (as distinct from the compact) authorizes the Seminole Tribe—and only the Seminole Tribe—to conduct certain off-reservation gaming operations in Florida, the state law raises serious equal protection issues. See *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U. S. 181, 206 (2023); *Adarand Constructors, Inc. v. Peña*, 515 U. S. 200, 221–222 (1995). But the state law's constitutionality is not squarely presented in this application, and the Florida Supreme Court is in any event currently considering state-law issues related to the Tribe's potential off-reservation gaming operations.

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Certiorari Dismissed

No. 23–5438. SALERNO *v.* THORNELL, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, REHABILITATION AND REENTRY, ET AL. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this

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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. 23–5444. *STREGE v. VOS*, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS THE CHIEF DEFENDER FOR THE OFFICE OF THE FEDERAL PUBLIC DEFENDER DISTRICT OF PUERTO RICO, ET AL. C. A. 1st Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 23–5498. *ADAMS 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.

Miscellaneous Orders

No. 23A76. *HARRIS v. AMERICAN ACCOUNTING ASSN. ET AL.* Application to file petition for writ of certiorari in excess of word limits, addressed to JUSTICE ALITO and referred to the Court, denied.

No. 23A161. *LEWIS v. WELLS FARGO BANK, N. A., ET AL.* C. A. 9th Cir. Application for injunctive relief, addressed to JUSTICE KAVANAUGH and referred to the Court, denied.

No. 23A185. *ANDREWS v. UNITED STATES*. C. A. 4th Cir. Application for stay, addressed to JUSTICE JACKSON and referred to the Court, denied.

No. 23A242. *PARIETTI v. DAY ET AL.* App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Application for stay, addressed to THE CHIEF JUSTICE and referred to the Court, denied.

No. 23M28. *TRIMBLE v. DEPARTMENT OF VETERANS AFFAIRS*. Motion for leave to proceed as a veteran granted.

No. 23M29. *JOHNSON v. UNITED STATES*; and

No. 23M31. *STAND FOR SOMETHING GROUP LIVE, LLC, DBA THE RAIL CLUB LIVE, ET AL.* Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

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No. 23M30. *M. C. ET VIR v. INDIANA DEPARTMENT OF CHILD SERVICES*. Motion for leave to file petition for writ of certiorari with supplemental appendix under seal granted.

No. 23M32. *WOODWARD v. WOODWARD*. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

No. 22–193. *MULDROW v. CITY OF ST. LOUIS, MISSOURI, ET AL.* C. A. 8th Cir. [Certiorari granted, 600 U.S. 902.] Motion of the Solicitor General for leave to participate in oral argument as *amici curiae* and for divided argument granted.

No. 22–859. *SECURITIES AND EXCHANGE COMMISSION v. JARKESY ET AL.* C. A. 5th Cir. [Certiorari granted, 600 U.S. 902.] Motion of Administrative Law Scholars for leave to participate in oral argument as *amici curiae* and for divided argument denied.

No. 22–1178. *FEDERAL BUREAU OF INVESTIGATION ET AL. v. FIKRE*. C. A. 9th Cir. [Certiorari granted, 600 U.S. 969.] Motion of petitioners to dispense with printing joint appendix granted.

No. 23–5464. *OKEYO v. UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, NEWARK OFFICE, ET AL.* C. A. 3d Cir.; and

No. 23–5476. *ZIMMERMAN v. KIJAKAZI, ACTING COMMISSIONER OF SOCIAL SECURITY*. C. A. 9th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until November 20, 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. 23–5708. *IN RE STANSELL*;

No. 23–5720. *IN RE MCCAULEY*;

No. 23–5721. *IN RE MCCAULEY*;

No. 23–5736. *IN RE GUTTU*; and

No. 23–5744. *IN RE WHEELER*. Petitions for writs of habeas corpus denied.

No. 23–5402. *IN RE KNOWLES*;

No. 23–5508. *IN RE MACDONALD*; and

No. 23–5685. *IN RE RICHARDSON*. Petitions for writs of mandamus denied.

No. 23–5452. *IN RE SMITH*. Petition for writ of prohibition denied.

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Certiorari Denied

No. 22–1116. *KLAMATH IRRIGATION DISTRICT v. UNITED STATES BUREAU OF RECLAMATION ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 48 F. 4th 934.

No. 22–1151. *CITY OF ARLINGTON, TEXAS v. CRANE ET AL.*; and

No. 22–1157. *ROPER v. CRANE ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 50 F. 4th 453.

No. 22–1209. *PDVSA U. S. LITIGATION TRUST ET AL. v. LUKOIL PAN AMERICAS LLC ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 65 F. 4th 556.

No. 22–1241. *MURPHY ET AL. v. SECURITIES AND EXCHANGE COMMISSION.* C. A. 9th Cir. Certiorari denied. Reported below: 50 F. 4th 832.

No. 22–7309. *ROANE ET AL. v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 51 F. 4th 541.

No. 22–7471. *ALEGRE v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 22–7851. *POULO v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 22–7855. *DAWSON v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 64 F. 4th 1227.

No. 23–31. *PYE v. EMMONS, WARDEN.* C. A. 11th Cir. Certiorari denied.

No. 23–69. *PRIMESOURCE BUILDING PRODUCTS, INC. v. UNITED STATES ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 59 F. 4th 1255.

No. 23–142. *ADAMS v. ROYAL PARK NURSING AND REHABILITATION.* C. A. 4th Cir. Certiorari denied.

No. 23–152. *LOWE ET AL. v. MILLS, GOVERNOR OF MAINE, ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 68 F. 4th 706.

No. 23–155. *ASHTON v. WHITTEN, WARDEN.* C. A. 10th Cir. Certiorari denied.

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No. 23–157. *JACOBS v. JACOBS ET AL.* C. A. 2d Cir. Certiorari denied.

No. 23–158. *ADKINS v. FITNESS INTERNATIONAL, LLC.* C. A. 4th Cir. Certiorari denied.

No. 23–161. *SULLIVAN v. SEATON.* Super. Ct. Butts County, Ga. Certiorari denied.

No. 23–169. *CRANEVEYOR CORP. v. CITY OF RANCHO CUCAMONGA, CALIFORNIA.* C. A. 9th Cir. Certiorari denied.

No. 23–174. *RYNN v. FIRST TRANSIT, INC., ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–177. *FITCH v. MCADAMS ET AL.* C. A. 7th Cir. Certiorari denied.

No. 23–184. *SUBER v. VVP SERVICES, LLC, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 23–187. *RAMON OCHOA v. LEVINE ET AL.* Super. Ct. Pa. Certiorari denied. Reported below: 285 A. 3d 969.

No. 23–200. *CHAE v. YELLEN, SECRETARY OF THE TREASURY, ET AL.* C. A. Fed. Cir. Certiorari denied.

No. 23–205. *MATADI v. GARLAND, ATTORNEY GENERAL.* C. A. 5th Cir. Certiorari denied.

No. 23–211. *WORTLEY v. JURANITCH ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–221. *ZOELICK v. WISCONSIN.* Ct. App. Wis. Certiorari denied.

No. 23–229. *MCCLELLAND v. KATY INDEPENDENT SCHOOL DISTRICT ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 63 F. 4th 996.

No. 23–240. *SMITH v. SECURITIES AND EXCHANGE COMMISSION.* C. A. 2d Cir. Certiorari denied.

No. 23–247. *S. C., MOTHER v. PHILADELPHIA DEPARTMENT OF HUMAN SERVICES ET AL.* Super. Ct. Pa. Certiorari denied. Reported below: 292 A. 3d 1073.

No. 23–266. *WATKINS v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reporter below: 66 F. 4th 1179.

No. 23–280. *GAEBEL v. UNITED STATES POLO ASSN.* C. A. 4th Cir. Certiorari denied.

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No. 23–286. WINDSOR OAKRIDGE HEALTHCARE CENTER, LP, ET AL. *v.* TURNER ET AL. C. A. 9th Cir. Certiorari denied.

No. 23–288. NOVATO HEALTHCARE CENTER, LLC, ET AL. *v.* MARTINEZ. C. A. 9th Cir. Certiorari denied.

No. 23–292. RIVERSIDE HEALTHCARE AND WELLNESS CENTRE, LLC, ET AL. *v.* KHAN, INDIVIDUALLY AND AS HEIR AND SUCCESSOR IN INTEREST TO KHAN, DECEASED. C. A. 9th Cir. Certiorari denied.

No. 23–293. POMONA HEALTHCARE AND WELLNESS CENTER, DBA PARK AVENUE HEALTHCARE AND WELLNESS CENTER *v.* THOMAS, INDIVIDUALLY AND AS HEIR AND SUCCESSOR IN INTEREST TO JACKSON. C. A. 9th Cir. Certiorari denied.

No. 23–294. SAN PABLO HEALTHCARE & WELLNESS CENTER, LLC *v.* WESTBROOK. C. A. 9th Cir. Certiorari denied.

No. 23–295. SAN MARINO GARDENS WELLNESS CENTER, LP, DBA PASADENA PARK HEALTHCARE AND WELLNESS CENTER *v.* OLMES, INDIVIDUALLY AND AS HEIR AND SUCCESSOR IN INTEREST TO THE ESTATE OF OLMES. C. A. 9th Cir. Certiorari denied.

No. 23–297. NEWMAN *v.* YORK. Ct. App. Ind. Certiorari denied. Reported below: 211 N. E. 3d 1010.

No. 23–301. WORKMAN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 71 F. 4th 661.

No. 23–302. WATKINS *v.* WUNDERLICH ET AL. C. A. 10th Cir. Certiorari denied.

No. 23–304. NEILSEN *v.* KELLNER, DISTRICT ATTORNEY, ET AL. Ct. App. Colo. Certiorari denied.

No. 23–306. TRIZETTO GROUP, INC., ET AL. *v.* SYNTEL STERLING BEST SHORES MAURITIUS LTD. ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 68 F. 4th 792.

No. 23–312. STEPHENS *v.* SCRUGGS, SECRETARY, MARYLAND DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, ET AL. C. A. 4th Cir. Certiorari denied.

No. 23–321. DAVIS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

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No. 23–336. *KIEFER v. ISANTI COUNTY, MINNESOTA*. C. A. 8th Cir. Certiorari denied. Reported below: 71 F. 4th 1149.

No. 23–350. *D’OLIVIO, AKA ANDERSON, AKA BRIGETTA v. HUTSON*. Ct. App. Tex., 5th Dist. Certiorari denied.

No. 23–353. *JONES v. PYANKOVSKA*. C. A. 9th Cir. Certiorari denied. Reported below: 65 F. 4th 1067.

No. 23–366. *UETRICH ET AL. v. CHICAGO PARKING METERS, LLC*. C. A. 7th Cir. Certiorari denied. Reported below: 64 F. 4th 827.

No. 23–5236. *AURELIEN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5404. *WOODHAM v. NEW HAMPSHIRE*. Sup. Ct. N. H. Certiorari denied.

No. 23–5408. *BALLARD v. FLORIDA*. C. A. 11th Cir. Certiorari denied.

No. 23–5411. *DEMARTINO v. ALDERIN ET AL.* Ct. App. Ore. Certiorari denied. Reported below: 322 Ore. App. 797, 520 P. 3d 447.

No. 23–5413. *LIPSKA, AKA HARE v. OREGON*. Ct. App. Ore. Certiorari denied. Reported below: 323 Ore. App. 639, 522 P. 3d 930.

No. 23–5414. *GILBERTI v. PENTAGON ET AL.* C. A. 4th Cir. Certiorari denied.

No. 23–5415. *JACKSON-STITH v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 23–5421. *BREWER v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 66 F. 4th 558.

No. 23–5422. *ROBINSON v. MCINTOSH, SUPERINTENDENT, CLINTON CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 23–5431. *BROWN v. NEAL, WARDEN, ET AL.* C. A. 7th Cir. Certiorari denied.

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No. 23–5436. *BARNETT v. GUTEN*, DISTRICT JUDGE, DISTRICT COURT OF TULSA COUNTY, OKLAHOMA. Ct. Crim. App. Okla. Certiorari denied.

No. 23–5441. *SHAKUR v. THOMPSON*. C. A. 4th Cir. Certiorari denied.

No. 23–5443. *HUSS v. DIXON*, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. Certiorari denied.

No. 23–5446. *RICHERT v. MURPHY ET AL.* C. A. 7th Cir. Certiorari denied.

No. 23–5448. *BELSSNER v. WESTGATE LAS VEGAS HOTEL, LLC, ET AL.* Ct. App. Nev. Certiorari denied. Reported below: 139 Nev. —, 526 P. 3d 1113.

No. 23–5459. *TURNER v. ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–5460. *JOHNSON, AKA RU v. JOHNSON ET AL.* C. A. 4th Cir. Certiorari denied.

No. 23–5463. *JOHNSON v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 23–5465. *VILLALONA v. WARDEN, FEDERAL CORRECTIONAL INSTITUTION, OAKDALE I, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–5468. *COLEMAN v. ISLAND EXPRESS HELICOPTERS, INC., ET AL.* C. A. 5th Cir. Certiorari denied.

No. 23–5470. *ADAMS v. DIAMOND ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–5471. *SHREFFLER v. PENNSYLVANIA*. Commw. Ct. Pa. Certiorari denied. Reported below: 285 A. 3d 348.

No. 23–5472. *ANDRADE RICO v. ROBERTSON, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5474. *SALIM v. KENNEDY*, SUPERINTENDENT, OLD COLONY CORRECTIONAL CENTER. C. A. 1st Cir. Certiorari denied.

No. 23–5479. *PEYTON v. CISNEROS, WARDEN*. C. A. 9th Cir. Certiorari denied.

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No. 23–5481. *OHAN v. FONTOURA, SHERIFF, ESSEX COUNTY, NEW JERSEY, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5482. *DUNLAP v. IDAHO MAXIMUM SECURITY INSTITUTION ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5489. *BROWN v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied.

No. 23–5491. *BROOKE v. VANDERBILT MORTGAGE & FINANCE, INC.* C. A. 4th Cir. Certiorari denied.

No. 23–5492. *CHRISTENSEN v. REDDISH, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–5493. *JOHNSON v. CATHOLIC COMMUNITY SERVICES ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5494. *ASQUITH v. UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF WEST VIRGINIA.* C. A. 4th Cir. Certiorari denied.

No. 23–5495. *DYESS v. CALIFORNIA.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 23–5496. *ALEXANDER v. ELY ET AL.* C. A. 4th Cir. Certiorari denied.

No. 23–5500. *MERRITT v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 23–5501. *CHEN v. METROPOLITAN POLICE DEPARTMENT ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 23–5542. *HOOD v. VIRGINIA.* Sup. Ct. Va. Certiorari denied.

No. 23–5543. *ALJINDI v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied.

No. 23–5545. *DECKER v. FEDERAL BUREAU OF PRISONS.* C. A. 7th Cir. Certiorari denied.

No. 23–5546. *SANSBURY v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 66 F. 4th 612.

No. 23–5548. *AGUIRRE-HODGE v. LARSON.* C. A. 7th Cir. Certiorari denied.

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No. 23–5585. *CREECH v. SHOOP, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 23–5598. *MERCHAN v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 358 So. 3d 1212.

No. 23–5623. *MEDEARIS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 65 F. 4th 981.

No. 23–5627. *DELEON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5628. *DUERSON, AS NEXT FRIEND OF MCFARLAND v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–5631. *MORIARTY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5632. *CADENAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5636. *KING v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5639. *RIVERA-FONSECA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5640. *TAYLOR v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5641. *RANDALL v. OREGON*. Ct. App. Ore. Certiorari denied. Reported below: 324 Ore. App. 411, 524 P. 3d 1002.

No. 23–5642. *JONES, AKA WILCOX v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 70 F. 4th 1109.

No. 23–5644. *BLAKE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5645. *STALLINGS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5647. *SAVAGE v. HARRIS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 23–5648. *NUCERA v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 67 F. 4th 146.

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No. 23–5649. *MONSON v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 72 F. 4th 1.

No. 23–5655. *MALLET v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 66 F. 4th 734.

No. 23–5656. *COOKE v. GANG, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 23–5658. *BALL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–5662. *WAMPLER v. HANDWERK ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–5666. *ASWEGAN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 23–5668. *BELLAMY v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 296 A. 3d 909.

No. 23–5669. *GRIMM v. UNITED STATES* (two judgments). C. A. 9th Cir. Certiorari denied.

No. 23–5671. *HERNANDEZ MALDONADO v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–5672. *MAC CLEARY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–5675. *HOUSE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 23–5677. *WOODS v. CATES, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 23–5678. *WAGNER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5686. *CALHOUN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 23–5688. *JORDAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5689. *JONES v. SCHUYLER, ACTING WARDEN*. C. A. 9th Cir. Certiorari denied.

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No. 23–5692. *ANDINO-MORALES v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 73 F. 4th 24.

No. 23–5696. *SYLVESTRE v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 78 F. 4th 28.

No. 23–5699. *GALIANY-CRUZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 23–5706. *SMITH v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 23–5718. *SANTANA v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 23–5719. *WEST v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 23–5724. *MEECE v. WYOMING*. Sup. Ct. Wyo. Certiorari denied. Reported below: 2023 WY 60, 530 P. 3d 597.

No. 22–912. *KING v. BROWNBACK ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 49 F. 4th 991.

Statement of JUSTICE SOTOMAYOR respecting the denial of certiorari.

This case squarely presents an issue this Court previously left undecided: Whether, under the Federal Tort Claims Act’s judgment bar, “an order resolving the merits of an FTCA claim precludes other claims arising out of the same subject matter in the same suit.” *Brownback v. King*, 592 U.S. 209, 219 (2021) (SOTOMAYOR, J., concurring). When this case was first before us, we remanded for the Sixth Circuit to consider this issue in the first instance. On remand, a divided panel of the Sixth Circuit determined that it could not consider this issue anew because it was bound by Circuit precedent.

When this Court remanded, I observed that “while many lower courts have uncritically held that the FTCA’s judgment bar applies to claims brought in the same action, there are reasons to question that conclusion,” and the issue “merits far closer consideration than it has thus far received.” *Ibid.* The text, purpose, and effect of the FTCA, as well as principles of common-law claim preclusion, all indicate that the judgment bar might not apply to claims brought in the same lawsuit. Indeed, applying the judgment bar in such circumstances produces unfair and inefficient results. James King now cannot litigate his claims that officers

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unconstitutionally stopped, searched, assaulted, and hospitalized him, even though the Sixth Circuit previously concluded that these claims could proceed to a jury trial. See *King v. United States*, 917 F. 3d 409, 421–432 (2019), rev’d on other grounds, *Brownback v. King*, 592 U.S. 209 (2021). He cannot advance these compelling claims solely because he brought them together with his FTCA claim, which was dismissed for unrelated reasons. This broad application of the judgment bar incentivizes piecemeal litigation.

The Court now denies certiorari and declines to review the Sixth Circuit’s decision. This denial does not necessarily forestall further consideration of this issue in the lower courts. Some Circuits have not yet decided this issue or have addressed it only in dicta. Others have decided it, but may conclude that prior Circuit precedent is distinguishable. Still others may conclude that the Circuit should revisit the question en banc. See Fed. Rule App. Proc. 35(a). This may be especially appropriate because few lower courts have analyzed or explained how the judgment bar’s text or purpose compels the conclusion that claims arising out of the same subject matter in the same suit are barred. See *Brownback*, 592 U.S., at 222 (SOTOMAYOR, J., concurring).

This case presents a consequential statutory interpretation question that has divided the courts of appeals. That question still “deserves much closer analysis and, where appropriate, reconsideration.” *Id.*, at 223. In an appropriate future case, this Court should decide this issue.

No. 23–22. *SAVE JOBS USA v. DEPARTMENT OF HOMELAND SECURITY ET AL.* C. A. D. C. Cir. Certiorari before judgment denied. JUSTICE KAVANAUGH took no part in the consideration or decision of this petition.

Rehearing Denied

No. 22–990. *HARRY ET AL. v. KCG AMERICAS LLC ET AL.*, 598 U.S. 1319. Petition for rehearing denied.

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Certiorari Granted

No. 22–976. *GARLAND, ATTORNEY GENERAL, ET AL. v. CARGILL.* C. A. 5th Cir. Certiorari granted. Reported below: 57 F. 4th 447.

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No. 23–3. COINBASE, INC. *v.* SUSKI ET AL. C. A. 9th Cir. Certiorari granted. Reported below: 55 F. 4th 1227.

No. 22–842. NATIONAL RIFLE ASSOCIATION OF AMERICA *v.* VULLO. C. A. 2d Cir. Motion of Goldwater Institute for leave to file brief as *amicus curiae* denied. Certiorari granted limited to Question 1 presented by the petition. Reported below: 49 F. 4th 700.

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Certiorari Dismissed

No. 23–5525. JACKSON *v.* GOODWIN 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.

No. 23–5530. JONES *v.* MAINE STATE POLICE TROOP E. Sup. Jud. Ct. Me. 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*).

Miscellaneous Orders

No. 22A571. BARNES *v.* UNITED STATES. Application for certificate of appealability, addressed to JUSTICE BARRETT and referred to the Court, denied.

No. 22–674. CAMPOS-CHAVES *v.* GARLAND, ATTORNEY GENERAL. C. A. 5th Cir.; and

No. 22–884. GARLAND, ATTORNEY GENERAL *v.* SINGH; and GARLAND, ATTORNEY GENERAL *v.* MENDEZ-COLIN. C. A. 9th Cir. [Certiorari granted, 600 U. S. 902.] Motion of petitioner in No. 22–674 and respondents in 22–884 for divided argument denied.

No. 22–1008. CORNER POST, INC. *v.* BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM. C. A. 8th Cir. [Certiorari granted, 600 U. S. 969.] Motion of petitioner to dispense with printing joint appendix granted.

No. 22–1078. WARNER CHAPPELL MUSIC, INC., ET AL. *v.* NEALY ET AL. C. A. 11th Cir. [Certiorari granted, 600 U. S.

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970.] Motion of petitioners to dispense with printing joint appendix granted.

No. 22–1238. OFFICE OF THE UNITED STATES TRUSTEE *v.* JOHN Q. HAMMONS FALL 2006, LLC, ET AL. C. A. 10th Cir. [Certiorari granted, 600 U. S. 969.] Motion of petitioner to dispense with printing joint appendix granted.

No. 23–124. HARRINGTON, UNITED STATES TRUSTEE, REGION 2 *v.* PURDUE PHARMA L. P. ET AL. C. A. 2d Cir. [Certiorari granted, 600 U. S. 961.] Motion of respondents for divided argument granted.

No. 23–5763. IN RE DANIELS. Petition for writ of habeas corpus denied.

No. 23–5797. IN RE NELSON. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of habeas corpus dismissed. See this Court's Rule 39.8.

Certiorari Denied

No. 22–1175. XIULU RUAN ET AL. *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 56 F. 4th 1291.

No. 22–1234. STIRLING, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL. *v.* STOKES. C. A. 4th Cir. Certiorari denied. Reported below: 64 F. 4th 131.

No. 23–103. ELLIS ET AL. *v.* CITY OF CLARKSDALE, MISSISSIPPI, ET AL. C. A. 5th Cir. Certiorari denied.

No. 23–165. JOHNSON, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS SHERIFF OF SANTA ROSA COUNTY, FLORIDA *v.* ROGERS, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF ESCANO-REYES AND AS PARENT AND NATURAL GUARDIAN OF Y. C., A MINOR. C. A. 11th Cir. Certiorari denied.

No. 23–185. HIP, INC. *v.* HORMEL FOODS CORP. C. A. Fed. Cir. Certiorari denied. Reported below: 66 F. 4th 1346.

No. 23–201. NEWMAN ET UX. *v.* HERITAGE VILLAGE WEST CONDOMINIUM ASSN., INC. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 361 So. 3d 320.

No. 23–202. HALL *v.* O'BRIEN ET AL. C. A. 6th Cir. Certiorari denied.

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No. 23–204. *WY PLAZA LC v. SAFEWAY STORES 46 INC.* C. A. 10th Cir. Certiorari denied. Reported below: 65 F. 4th 474.

No. 23–209. *OTTAWA OH, LLC v. PANDORA DISTRIBUTION, LLC, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–213. *O’GRADY v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 63 F. 4th 826.

No. 23–220. *PARIETTI v. DAY ET AL.* App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 215 App. Div. 3d 897, 188 N. Y. S. 3d 548.

No. 23–222. *WHITE ET VIR v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 23–233. *ANTERO RESOURCES CORP. v. IRBY, WEST VIRGINIA TAX COMMISSIONER, ET AL.* Sup. Ct. App. W. Va. Certiorari denied.

No. 23–234. *CRYSTAL v. JOHNSON, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–257. *MARTINEZ-DE PAZ v. GARLAND, ATTORNEY GENERAL.* C. A. 5th Cir. Certiorari denied.

No. 23–264. *HANNAH v. UNITED PARCEL SERVICE, INC.* C. A. 4th Cir. Certiorari denied. Reported below: 72 F. 4th 630.

No. 23–322. *AFFORDABLE CARE, L. L. C. v. MCINTYRE ET AL.* C. A. 5th Cir. Certiorari denied.

No. 23–333. *GUTMAN v. CITIBANK, N. A.* Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 367 So. 3d 493.

No. 23–361. *SWANSON v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 23–381. *SHARIF v. MACKOFF, ASSOCIATE JUDGE, CIRCUIT COURT OF ILLINOIS, COOK COUNTY.* C. A. 7th Cir. Certiorari denied.

No. 23–5277. *OCHOA v. SMITH, ACTING WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 50 F. 4th 865.

No. 23–5480. *MORE v. FLORIDA.* Sup. Ct. Fla. Certiorari denied.

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No. 23–5510. *BRAXTON v. HARRAH ET AL.* C. A. 4th Cir. Certiorari denied.

No. 23–5516. *JOHNSON ET AL. v. VICTORIA FIRE & CASUALTY Co.* C. A. 6th Cir. Certiorari denied.

No. 23–5520. *HARBECK v. NORTH COUNTRY HOSPITAL AND HEALTH PRACTICES ET AL.* C. A. 2d Cir. Certiorari denied.

No. 23–5521. *GAFF v. MSNI ADVANTAGE, L. P., ET AL.* C. A. 5th Cir. Certiorari denied.

No. 23–5527. *O’KEEFE v. GILLESPIE ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5528. *PERKINS v. HARRY, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–5529. *MOUSA v. GREVE ET AL.* C. A. 8th Cir. Certiorari denied.

No. 23–5532. *LEWIS v. KNIGHT ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–5533. *CLAYTON v. NAVY FEDERAL CREDIT UNION.* Sup. Ct. Ala. Certiorari denied.

No. 23–5534. *ZELKOWITZ v. DISTRICT COURT OF TEXAS, HARRIS COUNTY, ET AL.* Ct. App. Tex., 1st Dist. Certiorari denied.

No. 23–5541. *HARTLE v. NEW YORK.* Ct. App. N. Y. Certiorari denied. Reported below: 40 N. Y. 3d 39, 214 N. E. 3d 472.

No. 23–5552. *LEI YIN v. HARTFORD UNDERWRITERS INSURANCE Co.* App. Ct. Mass. Certiorari denied. Reported below: 100 Mass. App. 1118, 179 N. E. 3d 1136.

No. 23–5562. *DUBOIS v. ALVES, SUPERINTENDENT, MASSACHUSETTS CORRECTIONAL INSTITUTION AT NORFOLK.* C. A. 1st Cir. Certiorari denied.

No. 23–5565. *WELLS v. FLORIDA.* Sup. Ct. Fla. Certiorari denied. Reported below: 364 So. 3d 1005.

No. 23–5568. *PLEASANT-BEY v. CLENDENION, WARDEN.* C. A. 6th Cir. Certiorari denied.

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No. 23–5595. *ROLLAND v. AURORA RETIREMENT, LLC, DBA CHERRY CREEK RETIREMENT VILLAGE, LLC, ET AL.* C. A. 10th Cir. Certiorari denied.

No. 23–5607. *VALERO v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 23–5609. *BANKS v. BROWN, ATTORNEY GENERAL OF MARYLAND, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 23–5634. *CURREY v. ILLINOIS.* App. Ct. Ill., 2d Dist. Certiorari denied.

No. 23–5665. *JOHNSON v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 23–5676. *KING v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied. Reported below: 670 S. W. 3d 653.

No. 23–5687. *BRUNSON v. DEKALB COUNTY SCHOOLS.* C. A. 11th Cir. Certiorari denied.

No. 23–5704. *JONES v. BAYLER.* C. A. 7th Cir. Certiorari denied.

No. 23–5710. *BURGHARDT v. CAMPBELL, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 23–5767. *FLORES v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 72 F. 4th 678.

No. 23–5768. *ESCALANTE v. ROBERTSON, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 23–244. *LAWYERS FOR FAIR RECIPROCAL ADMISSION v. UNITED STATES.* C. A. 3d Cir. Certiorari before judgment denied.

No. 23–354. *VON VADER v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. JUSTICE BARRETT took no part in the consideration or decision of this petition. Reported below: 58 F. 4th 369.

No. 23–5034. *ORDUNO-RAMIREZ v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in

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the consideration or decision of this petition. Reported below: 61 F. 4th 1263.

No. 23–5680. *VILLA v. COMMISSIONER OF INTERNAL REVENUE*. C. A. D. C. Cir. Certiorari before judgment denied.

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No. 23A364. *BP AMERICA PRODUCTION CO. ET AL. v. PARISH OF CAMERON, LOUISIANA, ET AL.* 38th Jud Dist. Ct. La., Cameron Parish. Application for stay, presented to JUSTICE ALITO, and by him referred to the Court, denied.

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Miscellaneous Order. (See No. 23–5421, 601 U. S. 911.)

Rehearing Denied

No. 23–5421 (23A410). *BREWER v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 601 U. S. 899. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Petition for rehearing denied.

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Certiorari Dismissed

No. 23–5538. *BROWN v. HOLLIBAUGH, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SOMERSET*. Super. Ct. Pa. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. Reported below: 287 A. 3d 890.

No. 23–5695. *MICHUDA v. MINNESOTA*. Ct. App. Minn. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

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No. 23–120. UNITED STATES SOCCER FEDERATION, INC. *v.* RELEVANT SPORTS, LLC, ET AL. C. A. 2d Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 23–5564. GRIFFIN *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until December 4, 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. 23–5845. IN RE WRIGHT; and.

No. 23–5854. IN RE MCCAULEY. Petitions for writs of habeas corpus denied.

Certiorari Granted

No. 23–14. DIAZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari granted.

Certiorari Denied

No. 22–540. RIOJAS *v.* DEPARTMENT OF THE ARMY ET AL. C. A. 5th Cir. Certiorari denied.

No. 22–1217. MCKNIGHT *v.* PICKENS POLICE DEPARTMENT ET AL. C. A. 4th Cir. Certiorari denied.

No. 22–7068. ANDERSON *v.* BOLSTER. C. A. 4th Cir. Certiorari denied.

No. 22–7503. DAVIS *v.* PORSCHE CARS OF NORTH AMERICA ET AL. Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 22–7634. HEADMAN *v.* HEADMAN, AKA BROMLEY. Ct. App. Utah. Certiorari denied.

No. 22–7697. BROWN *v.* PENNSYLVANIA ET AL. Sup. Ct. Pa. Certiorari denied. Reported below: — Pa. —, 286 A. 3d 712.

No. 22–7872. BARELA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 23–212. JONES *v.* CATHOLIC UNIVERSITY OF AMERICA. Ct. App. D. C. Certiorari denied.

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No. 23–215. *MARCHISOTTO v. OCEAN COUNTY PROSECUTOR’S OFFICE*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 23–223. *JENKINS v. TRIWEST HEALTHCARE ALLIANCE ET AL.* C. A. 5th Cir. Certiorari denied.

No. 23–225. *KRUPKA ET AL. v. STIFEL NICOLAUS & CO., INC.* C. A. 8th Cir. Certiorari denied.

No. 23–231. *PORTER v. KENNARD LAW PC, DBA KENNARD RICHARD PC, ET AL.* Ct. App. Tex., 1st Dist. Certiorari denied.

No. 23–265. *SCZESNY ET AL. v. MURPHY, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS THE GOVERNOR OF NEW JERSEY, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–290. *GRANO, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF BARRON, ET AL. v. EL PASO HEALTHCARE SYSTEM, LTD., DBA LAS PALMAS MEDICAL CENTER.* Ct. App. N. M. Certiorari denied.

No. 23–303. *TOWNSEND v. ROCKWELL AUTOMATION, INC.* C. A. 6th Cir. Certiorari denied.

No. 23–319. *NEWHEY v. ORANGE COUNTY, CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–364. *NAZERZADEH v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 73 F. 4th 341.

No. 23–371. *JOHNSON v. UNITED STATES.* C. A. Armed Forces. Certiorari denied. Reported below: 83 M. J. 331.

No. 23–382. *CARR v. INTERNAL REVENUE SERVICE ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–383. *YEH HO v. WELLS FARGO BANK, N. A.* C. A. 11th Cir. Certiorari denied.

No. 23–421. *CIOFFI ET AL. v. GOOGLE LLC.* C. A. Fed. Cir. Certiorari denied.

No. 23–5338. *PENN v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 63 F. 4th 1305.

No. 23–5536. *MACDONALD v. MAINE.* C. A. 1st Cir. Certiorari denied.

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No. 23–5551. *LITTLE, NKA CHILDERS v. LITTLE*. Ct. App. Ky. Certiorari denied.

No. 23–5557. *PRICE v. CENTURION OF DELAWARE, LLC, ET AL.* Sup. Ct. Del. Certiorari denied. Reported below: 299 A. 3d 1282.

No. 23–5559. *OUTLAW v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. Sup. Ct. Fla. Certiorari denied.

No. 23–5563. *DERTING v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–5571. *JOHNSON v. BROWN, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 23–5582. *MANUEL REYES v. WASHINGTON COUNTY, OREGON, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5600. *BOSTWICK v. MASSACHUSETTS EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES ET AL.* App. Ct. Mass. Certiorari denied. Reported below: 102 Mass. App. 1107, 203 N. E. 3d 1177.

No. 23–5624. *PORTER v. UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA*. C. A. 11th Cir. Certiorari denied.

No. 23–5700. *GRAY v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 2023–00195 (La. 5/2/2023), 360 So. 3d 5.

No. 23–5709. *COULSTON v. LABRADOR, ATTORNEY GENERAL OF IDAHO*. C. A. 9th Cir. Certiorari denied.

No. 23–5716. *ZAVALA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5717. *SHAHAR v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–5722. *OROZCO-CALDERON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5725. *TROUP v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 74 F. 4th 1073.

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No. 23–5726. *HOLDEN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 70 F. 4th 1015.

No. 23–5730. *CAROLEO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 23–5734. *FLACK v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–5739. *METSINGER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5742. *EASTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5749. *THOMPSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5751. *GUMBS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 23–5756. *DAVALOS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5758. *STRAYHORN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–5759. *McCONNELL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–5762. *REDBIRD v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 73 F. 4th 789.

No. 23–5764. *TUCKER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 23–5766. *HAAS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–5773. *DE LA TORRE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5774. *CABEZAS v. UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA*. C. A. 11th Cir. Certiorari denied.

No. 23–5776. *MEDLOCK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

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No. 23–5777. *MENDEZ-ALFARO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5778. *DAVIS v. PAYNE, DIRECTOR, ARKANSAS DIVISION OF CORRECTION*. C. A. 8th Cir. Certiorari denied.

No. 23–5779. *ROMO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–5781. *SKINNER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 70 F. 4th 219.

No. 23–5782. *ROBINSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 23–5784. *PORTER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 66 F. 4th 1223.

No. 23–5786. *GREEN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5788. *BUENDIA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 73 F. 4th 336.

No. 23–5790. *BEEMAN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–5791. *JUMPER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 74 F. 4th 107.

No. 23–5795. *MORROW v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–5796. *FOLCH-COLON v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 73 So. 3d 24.

No. 23–5802. *ADAMS, AKA JOHNSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–5803. *DECKER v. BAEZ ET AL.* C. A. 7th Cir. Certiorari denied.

No. 23–5807. *MUSTAFA v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 23–5810. *LAUREANO-PEREZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

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No. 23–5812. *JEFFRIES v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–5813. *CALONGE, AKA SEALED DEFENDANT v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 74 F. 4th 31.

No. 23–5816. *WARD v. WEST VIRGINIA*. Sup. Ct. App. W. Va. Certiorari denied.

No. 23–5818. *MARTINEZ v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 23–5820. *CORNELIUS v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 23–5828. *RIVERA v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 74 F. 4th 134.

No. 23–5834. *JOHNSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–5836. *SHARMA v. BUFFALOE, SECRETARY, NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 23–5838. *REYNOSO, AKA HERNANDEZ v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 23–5840. *CASTILLO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 70 F. 4th 894.

No. 22–693. *JOHNSON v. PRENTICE ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 29 F. 4th 895.

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

This Court has long held that the test for evaluating an Eighth Amendment challenge to a prisoner’s conditions of confinement involves determining whether prison officials acted with “deliberate indifference” to a substantial risk to an inmate’s health or safety. *Estelle v. Gamble*, 429 U.S. 97, 104 (1976). With respect to the Eighth Amendment claim at issue in this case, the Court of Appeals for the Seventh Circuit affirmed the grant of summary judgment to prison officials without applying that well-established

standard. Given this indisputable legal error, I would grant certiorari and summarily reverse.

I

A

For nearly three years, petitioner Michael Johnson—whom the Illinois Department of Corrections has classified as “seriously mentally ill” based on his bipolar disorder, severe depression, and other diagnosed conditions—was held in solitary confinement at Pontiac Correctional Center, a prison two hours from Chicago. During that time, Johnson spent nearly every hour of his existence in a windowless, perpetually lit cell about the size of a parking space. His cell was poorly ventilated, resulting in unbearable heat and noxious odors. The space was also unsanitary, often caked with human waste. And because Pontiac officials would not provide cleaning supplies to Johnson unless he purchased them from the commissary, he was frequently forced to clean that filth with his bare hands. Johnson was allowed out of his cell to shower only once per week, for 10 brief minutes.

As Members of this Court have recognized, the practice of solitary confinement “exact[s] a terrible price.” *Davis v. Ayala*, 576 U. S. 257, 289 (2015) (Kennedy, J., concurring); see also *Apodaca v. Raemisch*, 586 U. S. 931, 935–936 (2018) (statement of SOTOMAYOR, J., respecting denial of certiorari); *Ruiz v. Texas*, 580 U. S. 1191, 1192 (2017) (Breyer, J., dissenting from denial of stay of execution). Indeed, “serious objections” to this form of imprisonment have been brought to this Court for more than a century. *In re Medley*, 134 U. S. 160, 168 (1890). In this regard, Johnson’s case is not unusual.

But Johnson’s solitary confinement was unusually severe in another respect. In addition to the typical hardships associated with solitary confinement, prison officials completely deprived Johnson of exercise for nearly all of his incarceration at Pontiac. In the ordinary course, even when in solitary confinement, Pontiac inmates are permitted to have recreation time in the prison yard for at least eight hours per week. See Ill. Admin. Code, tit. 20, § 504.670 (2023). While in the yard, inmates can access a caged outdoor exercise area that has some basic exercise equipment and enough open space in which to move about.

In Johnson’s case, however, Pontiac officials refused to provide even this modest relief. Rather, Johnson was repeatedly placed

under so-called “yard restrictions” as punishment for various infractions, most of them minor, which resulted in the denial of any access to recreation outside his cell. Each yard restriction was imposed for a period of between 30 and 90 days, but the restrictions were stacked such that, in total, Johnson received over three years’ worth of yard restrictions. The cramped confines of Johnson’s cell prevented him from exercising there. Thus, for three years, Johnson had no opportunity at all to stretch his limbs or breathe fresh air.¹

The consequences of such a prolonged period of exercise deprivation were predictably severe. Most notably, Johnson’s mental state deteriorated rapidly. He suffered from hallucinations, excoriated his own flesh, urinated and defecated on himself, and smeared feces all over his body and cell. Johnson became suicidal and sometimes engaged in misconduct with the hope that prison guards would beat him to death. His muscles also became prone to spasms and cramping, and he often complained of overwhelming fatigue. He developed respiratory difficulties, including painful chest contractions and nosebleeds. Worse still, Johnson’s dire physical condition led to further yard restrictions, as prison guards faulted him for being disruptive and having an unclean cell. This vicious cycle continued month after month until Johnson was transferred to a specialized mental-health treatment unit, where his condition improved.

B

Just before his transfer, Johnson filed a lawsuit in the Northern District of Illinois against the Pontiac officials who had deprived him of exercise. Proceeding *pro se* under Rev. Stat. § 1979, 42 U. S. C. § 1983, Johnson made various Eighth Amendment claims,

¹ It appears that Johnson received 16 yard-restriction sanctions beginning in January 2013 and that 10 of those restrictions were imposed for some variation of “insolence,” “damage or misuse of property,” or “disobeying a direct order.” 3 App. in No. 18–3535 (CA7), pp. 575–578 (alterations omitted). Only four—three of which involved spitting on another inmate, and one that involved throwing liquid at prison staff—could be characterized as involving any violence. See *id.*, at 576–578. Nor did any of these infractions involve misconduct that occurred in the yard. Thus, as one judge noted below, “[m]any, if not most, of the disciplinary infractions in this case [did] not signify any acute security risk.” 29 F. 4th 895, 913–914 (CA7 2022) (Rovner, J., dissenting).

and also repeatedly pleaded for the District Court to appoint him an attorney, noting that his mental state made it difficult for him to litigate his case. His pleas were refused, and Johnson litigated the case on his own. After the prison officials moved for summary judgment, Johnson mustered only a partially completed, handwritten opposition brief, which ended with the statement “I could not finish.” 3 App. in No. 18–3535 (CA7), p. 742. The District Court granted summary judgment to the Pontiac officials.

Over Judge Rovner’s dissent, the Seventh Circuit affirmed. As relevant here, the panel pointed to *Pearson v. Ramos*, 237 F. 3d 881 (CA7 2001), and restated the two-part holding of that Circuit precedent: (1) that a single “90-day period of no yard privileges as a sanction for misconduct does not inflict cruel and unusual punishment on an inmate in segregation,” and (2) that “imposing consecutive 90-day periods of no-yard privileges for separate misconduct violations does not violate the Eighth Amendment unless the sanctions were meted out for ‘some utterly trivial infraction of the prison’s disciplinary rules.’” 29 F. 4th 895, 904 (2022) (quoting *Pearson*, 237 F. 3d, at 884–885). Applying that legal standard to the facts presented in Johnson’s case, the panel reasoned that, while “Johnson’s cumulative yard restrictions were far longer” than the total one year of yard restrictions imposed in *Pearson*, Johnson did not, and could not, argue “that his misconduct was trivial, either individually or in the aggregate,” and thus “[s]ummary judgment for the defendants on this [Eighth Amendment] claim was appropriate.” 29 F. 4th, at 904–905.

With five judges dissenting, the entire Court of Appeals subsequently denied Johnson’s petition for rehearing en banc, rejecting his request that *Pearson*’s “utterly trivial infraction” rule be revisited and revised. 47 F. 4th 529 (CA7 2022). Concurring in the rehearing denial, Judge Scudder characterized Johnson’s case as presenting a “difficult” question that *Pearson* had not adequately addressed insofar as *Pearson* suggested “that the proper Eighth Amendment focus is not on the cumulative effect of disciplinary infractions . . . but rather on whether each individual instance of misconduct warranted denying that access for some lesser increment of time.” 47 F. 4th, at 530. Judge Scudder recognized that *Pearson*’s rule was “at odds with the established preference of resolving Eighth Amendment challenges to prison conditions on their individual facts with legal guideposts inform-

ing the proper inquiry,” and thus he indicated that “[re]consideration in a future case” was warranted. 47 F. 4th, at 530 (citing *Farmer v. Brennan*, 511 U.S. 825 (1994)). But, in Judge Scudder’s view, Johnson’s case was not the appropriate vehicle to reassess “the right legal standard,” because Johnson’s *pro se* status had led to a record that was “underdeveloped on points of fact and law.” 47 F. 4th, at 529–530.

II

The “right legal standard” for evaluating Johnson’s Eighth Amendment no-yard-access claim is well established. As this Court has long explained, the Eighth Amendment prohibits conditions of confinement that are attributable to a prison official’s “deliberate indifference” to an inmate’s health or safety, *Estelle*, 429 U.S., at 104, for in such cases, it can be fairly said that “the official has inflicted cruel and unusual punishment,” *Wilson v. Seiter*, 501 U.S. 294, 299 (1991). We have also clarified the meaning of deliberate indifference, noting that any prison official who “knows of and disregards an excessive risk to inmate health or safety” has violated the constitutional rights of an inmate who is harmed by that condition. *Farmer*, 511 U.S., at 837. And we have further specified that, in order for a prison official to be liable for unconstitutional deliberate indifference, “the official must both be aware of facts from which the inference could be drawn that a substantial risk of serious harm exists, and he must also draw the inference.” *Ibid.*

In the cumulative no-yard-access context, then, proper application of the deliberate-indifference standard when evaluating a prison official’s motion for summary judgment requires consideration of two factbound factors: first, whether the exercise deprivation at issue posed a substantial risk to the prisoner’s health or safety, and second, whether prison officials “knowingly and unreasonably disregard[ed]” that risk of harm. *Id.*, at 845–846. In other words, the focus of the correct assessment is on the evidence concerning the risks presented to the inmate and the prison officials’ knowledge of and response to those risks. And for summary judgment to be properly awarded to prison-official defendants, there cannot be any genuine dispute about the insufficiency of the prisoner’s showing related to the risks posed by the complained-of condition or the official’s knowing and deliberate disregard of them. See *id.*, at 846.

Pearson's "utterly trivial infraction" test bears no relationship to this legal standard. As noted above, its entire focus is on the reasons the officials imposed the yard restrictions, presumably based on the mistaken view that the Eighth Amendment analysis turns only on a prison official's rationale for imposing the purportedly inhumane condition. The *Pearson* rule pays no attention whatsoever to the indisputable risks to health or safety that a prolonged period of exercise deprivation can cause.² Moreover, *Pearson*'s conclusion that the way to evaluate a prisoner's complaint about yard restrictions that cumulatively deprive him of exercise—by disaggregating the stacked penalties and examining each one for its unreasonableness relative to what the prisoner has done to warrant that restriction—is plainly contrary to the thrust of a legal standard that requires consideration of "the sum total of the deprivation," as Judge Scudder rightly observed. 47 F. 4th, at 530 (quoting *Wilson*, 501 U. S., at 304, for the proposition that "[s]ome conditions of confinement may establish an Eighth Amendment violation in combination when each would not do so alone" (emphasis deleted; internal quotation marks omitted)).

The facts and circumstances here further indicate that the Seventh Circuit's erroneous application of the *Pearson* test in lieu of the deliberate-indifference standard was not a harmless error in the context of Johnson's case. The Court of Appeals rejected Johnson's claim by focusing only on the nature and volume of Johnson's infractions. See 29 F. 4th, at 904–905. It did not consider the impact of cumulative exercise deprivation on Johnson's

² Respondents do not contest that a 3-year deprivation of exercise might implicate the Eighth Amendment insofar as it poses a substantial risk to an inmate's health or safety. Nor could they. This Court has already determined that "deprivation of a single, identifiable human need such as . . . exercise" can "establish an Eighth Amendment violation." *Wilson v. Seiter*, 501 U. S. 294, 304 (1991); see also *Apodaca v. Raemisch*, 586 U. S. 931, 934 (2018) (statement of SOTOMAYOR, J., respecting denial of certiorari) ("[T]o deprive a prisoner of any outdoor exercise for an extended period of time in the absence of an especially strong basis for doing so is deeply troubling—and has been recognized as such for many years"). And while the Constitution "does not mandate comfortable prisons," *Rhodes v. Chapman*, 452 U. S. 337, 349 (1981), it is clear beyond cavil that the Eighth Amendment does require "that inmates be furnished with the basic human needs," *Helling v. McKinney*, 509 U. S. 25, 33 (1993); see also *Youngberg v. Romeo*, 457 U. S. 307, 315 (1982); *DeShaney v. Winnebago County Dept. of Social Servs.*, 489 U. S. 189, 200 (1989).

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physical and mental health, or what was known to prison officials about the risks of such deprivation. And there was more than enough evidence to support a reasonable jury finding that the overall 3-year deprivation of yard time that Johnson was subjected to was the result of unconstitutional deliberate indifference. The record includes, for example, evidence of Johnson's attempts to notify prison staff of the dire impacts that the yard restrictions had on his health. See, *e. g.*, 1 App. in No. 18–3535 (CA7), at 30 (writing in a prison grievance form: “I am in a cell 24 hours a day, 7 days a week. I am not allowed to go out of my cell for anything except showers once a week. . . . Due to me not being allowed to have outdoor exercise I . . . continuously am being injured physically [and] psychologically”).³

In short, rather than faulting Johnson for failing to present arguments or evidence that established the “trivial” nature of the behavioral infractions that precipitated the cumulative yard restrictions, the Seventh Circuit should have abandoned *Pearson*'s “utterly trivial infraction” rule and applied the well-established deliberate-indifference standard to analyze the state of the evidence concerning Johnson's Eighth Amendment cumulative no-yard-access claim. If it had done so, the Circuit panel would have had to acknowledge that, at the very least, the deliberate-indifference inquiry presents a genuine issue of material fact for the jury, under the facts and circumstances presented here, such that summary judgment was not appropriate.

No. 23–263. *SMITH v. UNITED STATES CONGRESS ET AL.* C. A. 7th Cir. Certiorari denied. JUSTICE BARRETT took no part in the consideration or decision of this petition.

No. 23–5728. *SALLEY v. UNITED STATES.* C. A. 7th Cir. Certiorari 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).

³ Other evidence confirms that Pontiac officials were aware of Johnson's suffering. For example, one mental-health professional at Pontiac reported that Johnson was “hyperactive,” and that while “on yard restriction” he had “no outlet for his mania.” 2 App. in No. 18–3535 (CA7), at 295. By that Pontiac professional's own account, Johnson was “restricted in his basic need[s] due to being indigent/manic.” *Ibid.*

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Rehearing Denied

No. 22–1127. *SAWICKY v. SYKES, BENEFICIARY OF REAL, ET AL.*, 601 U. S. 814;

No. 22–7695. *KELLY v. PENNSYLVANIA OFFICE OF DISCIPLINARY COUNSEL*, 601 U. S. 831;

No. 23–5086. *SACHS v. FINANCIAL INDUSTRY REGULATORY AUTHORITY*, 601 U. S. 851; and

No. 23–5324. *BEITER v. UNITED STATES*, 601 U. S. 862. Petitions for rehearing denied.

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Dismissal Under Rule 46

No. 23–283. *TRI-CITY VALLEYCATS, INC., ET AL. v. OFFICE OF THE COMMISSIONER OF BASEBALL*. C. A. 2d Cir. Certiorari dismissed under this Court’s Rule 46.

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Miscellaneous Order

No. 23A366. *GRIFFIN, SECRETARY OF THE FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION v. HM FLORIDA-ORL, LLC*. D. C. M. D. Fla. Application for stay, presented to JUSTICE THOMAS, and by him referred to the Court, denied. JUSTICE THOMAS, JUSTICE ALITO, and JUSTICE GORSUCH would grant the application for stay.

Statement of JUSTICE KAVANAUGH, with whom JUSTICE BARRETT joins except as to footnote 1, respecting the denial of the application for stay.

Florida recently enacted a law that makes it a misdemeanor for a restaurant or bar to knowingly admit a child to an “adult live performance,” defined as a sexually explicit show that would be obscene in light of the child’s age. Fla. Stat. § 827.11 (2023). An Orlando restaurant known as Hamburger Mary’s sued the State (nominally, the relevant state official) and argued that the new Florida law violated the First Amendment. The District Court agreed that the law was likely unconstitutional, and the court preliminarily enjoined the State from enforcing the law against Hamburger Mary’s or any other entity, including non-parties to this litigation. Florida has appealed the District Court’s judgment to the Eleventh Circuit. That appeal is pending.

As relevant here, Florida seeks a partial stay of the District Court’s judgment while the appeal is ongoing. The Eleventh Cir-

cuit denied the State's stay request, and Florida now asks this Court for a stay pending appeal. For this Court to grant a stay pending appeal, a stay applicant must show, among other things, "a reasonable probability" that this Court would eventually grant certiorari on the question presented in the stay application if the district court's judgment were affirmed on appeal. *Merrill v. Milligan*, 595 U. S. 1197, 1199 (2022) (KAVANAUGH, J., concurring); see *Hollingsworth v. Perry*, 558 U. S. 183, 190 (2010). The State has not made that showing here.

To begin with, although Florida strongly disagrees with the District Court's First Amendment analysis, Florida's stay application to this Court does not raise that First Amendment issue. Therefore, the Court's denial of the stay indicates nothing about our view on whether Florida's new law violates the First Amendment.

Rather, for purposes of its stay application, Florida challenges only the scope of relief ordered by the District Court—namely, that the injunction prohibits state enforcement of the law not only against Hamburger Mary's but also against other entities that are non-parties to this litigation. To be clear, if this Court, for example, were ultimately to affirm the District Court's First Amendment judgment on the merits, the State could not successfully enforce this law against anyone, party or not, in light of *stare decisis*. But district court judgments do not have that *stare decisis* effect. And the State here contends that the District Court otherwise lacked authority to enjoin the State from enforcing the law against entities other than Hamburger Mary's. Therefore, the State says that it should be able to enforce the law against those non-parties during the pendency of its appeal.

No federal statute expressly grants district courts the power to enter injunctions prohibiting government enforcement against non-parties in the circumstances presented in this case. The question of whether a district court, after holding that a law violates the Constitution, may nonetheless enjoin the government from enforcing that law against non-parties to the litigation is an important question that could warrant our review in the future.¹

¹ Importantly, that issue is distinct from the issue of a court's setting aside a federal agency's rule under the Administrative Procedure Act. The APA expressly authorizes a court to "hold unlawful and set aside agency action" that violates the Act. 5 U.S.C. § 706(2); see M. Sohoni, The Power To Vacate a Rule, 88 Geo. Wash. L. Rev. 1121, 1173 (2020) ("The term 'set aside'

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But the issue arises here in the context of a First Amendment overbreadth challenge, which presents its own doctrinal complexities about the scope of relief. This case is therefore an imperfect vehicle for considering the general question of whether a district court may enjoin a government from enforcing a law against non-parties to the litigation. For that reason, the Court is not likely to grant certiorari on that issue in this particular case.

In sum, because this Court is not likely to grant certiorari on the only issue presented in Florida's stay application, it is appropriate for the Court to deny the application.

Certiorari Denied

No. 23–471 (23A402). *MCWHORTER v. ALABAMA*. Sup. Ct. Ala. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.

No. 23–503 (23A429). *MCWHORTER v. ALABAMA*. Sup. Ct. Ala. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.

No. 23–6003 (23A440). *RENTERIA 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. Certiorari denied.

means invalidation—and an invalid rule may not be applied to anyone” (footnote omitted)). As a leading article explained: “Judicial review of agency action presents a different situation because the Administrative Procedure Act instructs a reviewing court to ‘hold unlawful and set aside’ agency rules and orders that it deems unlawful or unconstitutional.” J. Mitchell, *The Writ-of-Erasure Fallacy*, 104 Va. L. Rev. 933, 1012 (2018). Therefore, “[u]nlike judicial review of statutes, in which courts enter judgments and decrees only against litigants, the APA . . . go[es] further by empowering the judiciary to act directly against the challenged agency action. This statutory power to ‘set aside’ agency action is more than a mere non-enforcement remedy. . . . In these situations, the courts *do* hold the power to ‘strike down’ an agency’s work, and the disapproved agency action is treated as though it had never happened.” *Id.*, at 1012–1013 (footnote omitted). Of course, if a lower court sets aside an agency rule under the APA, the Federal Government may promptly seek a stay in the relevant court of appeals or in this Court if the Government wants the rule to remain in effect while the appellate litigation over the rule’s legality is ongoing.

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No. 23–6036 (23A444). *RENTERIA v. TEXAS*. Ct. Crim. App. Tex. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Certiorari denied.

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Certiorari Dismissed

No. 23–5727. *ZHANG v. KNAPKE*. Ct. App. Cal., 2d App. Dist., Div. 7. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

Miscellaneous Orders

No. 23M33. *NORMAN v. H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC., DBA MOFFITT CANCER CENTER*. Motion for leave to file petition for writ of certiorari with supplemental appendix under seal denied.

No. 23M34. *IN RE JOLLEY*. Motion for leave to proceed as a veteran granted.

No. 23M35. *SORBEL v. SOUTH DAKOTA EX REL. SOUTH DAKOTA DEPARTMENT OF SOCIAL SERVICES ET AL.* Motion for leave to file petition for writ of certiorari with supplemental appendix under seal granted.

No. 22–1219. *RELENTLESS, INC., ET AL. v. DEPARTMENT OF COMMERCE ET AL.* C. A. 1st Cir. [Certiorari granted, 601 U. S. 883.] Motion of petitioners to dispense with printing joint appendix granted.

No. 22–7573. *KISSNER v. MACAULEY, WARDEN*. C. A. 6th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [601 U. S. 802] denied.

No. 23–5092. *BROWN v. PENNSYLVANIA ET AL.* C. A. 3d Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [601 U. S. 803] denied.

No. 23–5311. *HOLMES v. GRANUAILE, LLC, ET AL.* C. A. 4th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [601 U. S. 869] denied.

No. 23–5337. *BROWN v. STATE CORRECTIONAL INSTITUTION AT SOMERSET, ADMINISTRATION OFFICE, ET AL.* C. A. 3d Cir. Mo-

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tion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [601 U. S. 867] denied.

No. 23–5643. IN RE MERCER. Petition for writ of mandamus denied.

No. 23–5601. IN RE CARTER; and

No. 23–5848. IN RE ABDALLAH. Petitions for writs of prohibition denied.

Certiorari Granted

No. 23–370. ERLINGER *v.* UNITED STATES. C. A. 7th Cir. Certiorari granted. Reported below: 77 F. 4th 617.

No. 23–250. BECERRA, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL. *v.* SAN CARLOS APACHE TRIBE. C. A. 9th Cir.; and

No. 23–253. BECERRA, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL. *v.* NORTHERN ARAPAHO TRIBE. C. A. 10th Cir. Certiorari granted, cases consolidated, and a total of one hour is allotted for oral argument. Reported below: No. 23–250, 53 F. 4th 1236; No. 23–253, 61 F. 4th 810.

Certiorari Denied

No. 22–1200. JONES *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 53 F. 4th 414.

No. 22–1215. DELAFIELD *v.* VETTER, ACTING UNITED STATES TRUSTEE. C. A. 4th Cir. Certiorari denied. Reported below: 57 F. 4th 414.

No. 22–1239. FILES *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 63 F. 4th 920.

No. 22–7448. SWINDELL *v.* CACI NSS, INC., FKA L–3 NATIONAL SECURITY SOLUTIONS, INC., ET AL. C. A. 4th Cir. Certiorari denied.

No. 22–7757. MORRISON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 22–7761. KEITH *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 61 F. 4th 839.

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No. 22–7847. *MORAN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 57 F. 4th 977.

No. 23–48. *INDIANA MUNICIPAL POWER AGENCY ET AL. v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied. Reported below: 59 F. 4th 1382.

No. 23–71. *CITY OF COSTA MESA, CALIFORNIA v. SoCAL RECOVERY, LLC, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 56 F. 4th 802.

No. 23–224. *ALESSIO v. UNITED AIRLINES, INC., ET AL.* Ct. App. Ohio, 8th App. Dist., Cuyahoga County. Certiorari denied. Reported below: 2022-Ohio-4510.

No. 23–239. *BARNES v. ALLEN*. Sup. Ct. App. W. Va. Certiorari denied.

No. 23–241. *SALAZAR v. AT&T MOBILITY LLC ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 64 F. 4th 1311.

No. 23–254. *GUILDAY v. CRISIS CENTER AT CROZER-CHESTER MEDICAL CENTER ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–258. *DELAWARE DEPARTMENT OF INSURANCE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 66 F. 4th 114.

No. 23–261. *KLEIN v. LOUISIANA OFFICE OF DISCIPLINARY COUNSEL*. Sup. Ct. La. Certiorari denied. Reported below: 2023–0066 (La. 5/18/23), 362 So. 3d 392.

No. 23–262. *RAGHUBIR v. PARRISH ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–269. *JUNTIKKA v. CADELL & CHAPMAN ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–273. *SOUTHERN-OWNERS INSURANCE Co. v. AMERICAN BUILDERS INSURANCE Co.* C. A. 11th Cir. Certiorari denied. Reported below: 71 F. 4th 847.

No. 23–282. *STAPIEN, ON BEHALF OF HERSELF AND HER MINOR CHILD, ET AL. v. MURPHY, GOVERNOR OF NEW JERSEY, ET AL.* C. A. 3d Cir. Certiorari denied.

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No. 23–298. *RIVERDALE MILLS CORP. v. SU, ACTING SECRETARY OF LABOR*. C. A. D. C. Cir. Certiorari denied.

No. 23–300. *KHALID v. MICROSOFT CORP.* C. A. 9th Cir. Certiorari denied.

No. 23–309. *NELSON v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 384 N. C. 67, 887 S. E. 2d 720.

No. 23–314. *BROWN v. FEDERAL NATIONAL MORTGAGE ASSOCIATION*. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 492 Mass. 1001, 208 N. E. 3d 725.

No. 23–318. *SALOMON v. KROENKE SPORTS & ENTERTAINMENT, LLC, ET AL.* Ct. App. Cal., 2d App. Dist., Div. 7. Certiorari denied.

No. 23–320. *WASHINGTON, DIRECTOR, MICHIGAN DEPARTMENT OF CORRECTIONS v. FOX ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 71 F. 4th 533.

No. 23–326. *PHILLIPS v. MACON BIBB COUNTY GOVERNMENT*. C. A. 11th Cir. Certiorari denied.

No. 23–339. *J. M. F. v. NEW JERSEY DEPARTMENT OF TREASURY, DIVISION OF PENSIONS AND BENEFITS*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 23–357. *HILBERT v. MISSOURI*. Sup. Ct. Mo. Certiorari denied. Reported below: 663 S. W. 3d 462.

No. 23–369. *JAVITCH BLOCK LLC ET AL. v. SMITH*. Ct. App. Ohio, 8th App. Dist., Cuyahoga County. Certiorari denied. Reported below: 2023-Ohio-607, 209 N. E. 3d 869.

No. 23–375. *D'OLIVIO v. HUTSON*. Ct. App. Tex., 5th Dist. Certiorari denied.

No. 23–386. *TATA CONSULTANCY SERVICES LTD. ET AL. v. EPIC SYSTEMS CORP.* C. A. 7th Cir. Certiorari denied.

No. 23–388. *COMO v. PENNSYLVANIA PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD*. Commw. Ct. Pa. Certiorari denied. Reported below: 292 A. 3d 621.

No. 23–393. *SHICHININ, LLC v. SPRINT CORP.* C. A. 5th Cir. Certiorari denied.

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No. 23–404. *GRONDA ET AL. v. TITLE CHECK, LLC*. C. A. 6th Cir. Certiorari denied.

No. 23–406. *MATSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–416. *CHAUVIN v. MINNESOTA*. Ct. App. Minn. Certiorari denied. Reported below: 989 N. W. 2d 1.

No. 23–443. *MMN INFRASTRUCTURE SERVICES, LLC, SUCCESSOR IN INTEREST TO VECTREN INFRASTRUCTURE SERVICES CORP. v. MICHIGAN DEPARTMENT OF TREASURY*. Sup. Ct. Mich. Certiorari denied.

No. 23–5053. *STEVENS v. TOWN OF SNOW HILL, NORTH CAROLINA, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 23–5056. *RAYMOND v. JPMORGAN CHASE BANK*. C. A. 5th Cir. Certiorari denied.

No. 23–5089. *HARPER v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 64 F. 4th 684.

No. 23–5119. *TIGER v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 23–5169. *MOGAN v. SACKS, RICKETTS & CASE LLP, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5358. *LONG v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–5364. *NERIUS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5375. *DELACRUZ v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 23–5558. *MCGILL v. RANKIN*. C. A. 10th Cir. Certiorari denied.

No. 23–5576. *PANN v. BURT, WARDEN, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–5577. *MORRIS v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

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No. 23–5580. *BARROSO v. TEXAS*. Sup. Ct. Tex. Certiorari denied.

No. 23–5588. *LIBBY v. LEGRAN, WARDEN, ET AL.* Ct. App. Nev. Certiorari denied. Reported below: 139 Nev. —, 527 P. 3d 977.

No. 23–5589. *ELYAS v. JOHNSTON ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–5593. *CASTIGLIONE v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 363 So. 3d 1049.

No. 23–5596. *STEINER v. WASHINGTON*. Ct. App. Wash. Certiorari denied. Reported below: 25 Wash. App. 2d 1032.

No. 23–5603. *EDWIN v. CLEAN HARBORS ENVIRONMENTAL SERVICES INC.* C. A. 5th Cir. Certiorari denied.

No. 23–5608. *BUTLER v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied.

No. 23–5610. *SHACKELFORD v. UNIVERSITY OF MINNESOTA ET AL.* Ct. App. Minn. Certiorari denied.

No. 23–5611. *MIDDLETON v. GITTERE, WARDEN* (Reported below: 138 Nev. —, 521 P. 3d 55); and *MIDDLETON v. GITTERE, WARDEN, ET AL.* (138 Nev. —, 520 P. 3d 826). Sup. Ct. Nev. Certiorari denied.

No. 23–5612. *OHAN v. NORTH ATLANTIC TREATY ORGANIZATION ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5613. *ALLUM v. MONTANA STATE FUND*. Sup. Ct. Mont. Certiorari denied. Reported below: 412 Mont. 546, 531 P. 3d 560.

No. 23–5614. *JORDAN v. PENNSYLVANIA STATE UNIVERSITY ET AL.* Super. Ct. Pa. Certiorari denied. Reported below: 276 A. 3d 751.

No. 23–5615. *LINICOMN v. DISTRICT ATTORNEY, 482D JUDICIAL DISTRICT COURT OF TEXAS, HARRIS COUNTY, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 23–5620. *ALLEN v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

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No. 23–5622. *SAVAGE v. WALMART STORES, INC.* C. A. 5th Cir. Certiorari denied.

No. 23–5625. *DAVIS v. WALKER.* C. A. 2d Cir. Certiorari denied.

No. 23–5635. *CARTER v. ILLINOIS.* App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 2023 IL App (4th) 220074–U.

No. 23–5637. *REED v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 23–5638. *JACKSON v. CANADY, JUDGE, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–5694. *PEAY v. BURGESS, WARDEN.* Ct. App. Mich. Certiorari denied.

No. 23–5701. *WALLS v. WAKEFIELD, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SMITHFIELD, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–5799. *MISSIMER v. FORSHEY, WARDEN.* Sup. Ct. Ohio. Certiorari denied. Reported below: 172 Ohio St. 3d 36, 2023-Ohio-2355, 221 N. E. 3d 824.

No. 23–5815. *HARI v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 67 F. 4th 903.

No. 23–5819. *GREEN v. MONTGOMERY, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 23–5829. *RIOS v. COVELLO, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 23–5837. *WALLACE v. SALAMON, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ROCKVIEW, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–5839. *VALENCIA-TERRAZAS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–5846. *JONG WHAN KIM v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 71 F. 4th 155.

No. 23–5852. *DAVIS v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 74 F. 4th 50.

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No. 23–5858. *SCHNEIDER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–5859. *HACKNEY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5860. *FERRELL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5862. *CASTANEDA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5863. *WOITASZEWSKI v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 23–5865. *DIX v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–5869. *SHULTS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–13. *E. I. DU PONT DE NEMOURS & CO. v. ABBOTT ET UX*. C. A. 6th Cir. Certiorari denied. JUSTICE KAVANAUGH would grant the petition for writ of certiorari. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 54 F. 4th 912.

JUSTICE THOMAS, dissenting.

Plaintiffs brought negligence claims against petitioner E. I. du Pont de Nemours & Co. (DuPont) on behalf of a class of approximately 80,000 residents for DuPont’s discharge of perfluorooctanoic acid into the Ohio River and the air. They alleged that their exposure to the chemical caused a range of diseases. The Judicial Panel on Multidistrict Litigation assigned the cases to multidistrict litigation (MDL). The MDL court directed the parties to identify cases for bellwether trials, which it explained would be informational for the other pending MDL cases. The three resulting trials ended in verdicts for the plaintiffs. DuPont then settled the remaining cases in the MDL.

After the settlement, however, more plaintiffs brought claims, including respondents Travis and Julie Abbott. Relying on the three bellwether trials, the District Court held that DuPont was collaterally estopped from disputing several elements of the Abbotts’ (and the other new plaintiffs’) claims. Specifically, the District Court prevented DuPont from challenging duty, breach, and

foreseeability. The only elements seemingly left unresolved were specific causation and damages. See App. to Pet. for Cert. 131. The jury found for the Abbotts, awarding them roughly \$40 million. The Sixth Circuit affirmed over Judge Batchelder's partial dissent. *In re E. I. du Pont de Nemours & Co. C-8 Personal Injury Litigation*, 54 F. 4th 912 (2022).

DuPont now asks us to review the District Court's application of collateral estoppel. I would grant the petition. I have serious doubts about the application of nonmutual offensive collateral estoppel in the MDL context.

Nonmutual offensive collateral estoppel prevents a defendant from relitigating issues that it lost in an earlier case against a different plaintiff. At common law, however, collateral estoppel—also called issue preclusion—required mutuality of parties: A prior judgment prevented only the same parties from relitigating settled issues in a new case between them. See, e.g., *Hopkins v. Lee*, 6 Wheat. 109, 113 (1821); *Deery v. Cray*, 5 Wall. 795, 803 (1867). In *Parklane Hosiery Co. v. Shore*, 439 U.S. 322 (1979), the Court relaxed the mutuality requirement for a plaintiff's offensive use of collateral estoppel. But the Court cautioned that this preclusion should not be used when “the application of offensive estoppel would be unfair to a defendant.” *Id.*, at 331.

Extending *Parklane* to the MDL context seems illogical and unfair. First, an MDL is a mechanism for streamlining pretrial proceedings; it is not designed to fully resolve the merits of large batches of cases in one fell swoop. When several courts face cases involving common questions of fact, an MDL pools resources by having one court handle the pretrial proceedings for all related cases simultaneously. An MDL's scope, however, is limited to pretrial proceedings. See 28 U.S.C. § 1407(a). Once pretrial proceedings are complete, the MDL court *must* remand the cases back to their originating courts to be resolved on the merits. *Ibid.* (“Each action so transferred *shall be remanded* by the panel at or before the conclusion of such pretrial proceedings . . .” (emphasis added)); see also *Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26, 40 (1998). Although the MDL court may hold bellwether trials, I have not yet seen evidence that they are anything more than “*nonbinding* trial[s] . . . held to determine the merits of the claims and the strength of the parties' positions on the issues.” Black's Law Dictionary 190 (11th ed. 2019) (defining “*bellwether*” (emphasis added)); see also

4 W. Rubenstein, Newberg and Rubenstein on Class Actions § 11:20, and n. 13 (6th ed. 2022). Indeed, the MDL court here shared that understanding and described the bellwether trials as helpful “information gathering.” *In re E. I. du Pont de Nemours & Co. C-8 Personal Injury Litigation*, No. 2:13-md-2433 (SD Ohio 2016), ECF Doc. 4624, p. 100947. It is quite a stretch to use a mechanism designed to handle only pretrial proceedings to instead resolve multiple elements of a claim based on a few nonbinding bellwether trials. This use of nonmutual offensive collateral estoppel is far afield from any this Court has endorsed.

Second, expansive use of nonmutual offensive collateral estoppel in the MDL context raises serious due process concerns. See *Taylor v. Sturgell*, 553 U. S. 880, 891 (2008) (“[P]reclusion is . . . subject to due process limitations”). Although not without limits, it is “part of our deep-rooted historic tradition that everyone should have his own day in court.” *Richards v. Jefferson County*, 517 U. S. 793, 798 (1996) (internal quotation marks omitted). Application of this type of collateral estoppel in an MDL, however, could prevent a defendant from raising a defense in potentially thousands of cases. It would make no difference if other MDL plaintiffs have material differences that would prevent them from making their required showing on that element—once nonmutual offensive collateral estoppel has been applied, a defendant’s hands are tied. In fact, a defendant cannot raise a defense even if there was *no notice* that bellwether trials would dictate the results of every MDL case. Collateral estoppel also must contend with a defendant’s right to a jury trial. See *Parklane*, 439 U. S., at 346–347 (Rehnquist, J., dissenting). In short, applying nonmutual offensive collateral estoppel in the MDL context runs afoul of this Court’s warning that preclusion should not be used when “the application of offensive estoppel would be unfair to a defendant.” *Id.*, at 331.

The MDL here is a case in point. The MDL court originally told the parties that the bellwether trials would be informational and “would facilitate valuation of cases to assist in global settlement.” ECF Doc. 4624, at 100947. Yet, the MDL court later treated them as binding. Far from mere gauges of the parties’ claims, the three trials turned out to be DuPont’s only chance to litigate several elements of claims brought by numerous different plaintiffs. The MDL court thus used a tiny fraction of the cases

against DuPont to impose sweeping liability—all without any warning to DuPont of the bellwether trials' import.

The MDL court's ruling was not only breathtaking in its scope, but it also disregarded the fact that the three bellwether trials were not representative of the cases against DuPont. For example, two bellwether plaintiffs drank water from wells that were less than one-third of a mile from DuPont's plant; the Abbotts' water, by contrast, came from wells 14 to 56 miles away. Two bellwether plaintiffs asserted exposure through air emissions, in addition to exposure through drinking water; the Abbotts' alleged exposure was only through their water. These differences in location and source of exposure are material to each plaintiff's claim that DuPont injured him through its negligent discharge of the chemical: "Any combination of these factual differences could lead a jury to find that a particular plaintiff's injuries were not reasonably foreseeable and, therefore, that DuPont did not owe or breach a duty of care." 54 F. 4th, at 943 (Batchelder, J., concurring in part and dissenting in part). And, of course, the third bellwether plaintiff was chosen not as a representative case, but as one of "the most severely impacted plaintiffs." ECF Doc. 4624, at 100962. Given the differences among plaintiffs, DuPont may have lost the first three trials, but perhaps it would have won the rest. Under the MDL court's ruling, however, DuPont had no chance to find out.

The preclusion was also entirely one sided: While plaintiffs were able to use their bellwether trial wins against DuPont, if the roles were reversed, DuPont could not have asserted collateral estoppel against new MDL plaintiffs without violating those plaintiffs' due process rights. See *Blonder-Tongue Laboratories, Inc. v. University of Ill. Foundation*, 402 U.S. 313, 329 (1971) (explaining that "[d]ue process prohibits estopping" those litigants "who never appeared in a prior action"). DuPont had all of the downside without any potential for upside. The lopsidedness of the preclusion adds to the potential for unfairness.

I have doubts about whether the application of nonmutual offensive collateral estoppel based on bellwether trials comports with due process. Given that MDLs constitute a large part of the federal docket, this issue should be resolved sooner rather than later. We should not sacrifice constitutional protections for the sake of convenience, and certainly at least not without inquiry.

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No. 23–5663. *ADEGBUJI v. GARLAND*, ATTORNEY GENERAL. C. A. 3d Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

Rehearing Denied

No. 22–1087. *BRUCE v. CITY AND COUNTY OF DENVER, COLORADO, ET AL.*, 601 U. S. 812;

No. 22–1111. *MARINOS-ARSENIS v. HORIZON BLUE CROSS BLUE SHIELD OF NEW JERSEY*, 601 U. S. 813;

No. 22–1152. *AZMAT v. UNITED STATES*, 601 U. S. 815;

No. 22–1204. *MUHR v. BRASWELL*; and *MUHR v. LEE*, 601 U. S. 818;

No. 22–1220. *KILLIAN v. VIDAL*, DIRECTOR, UNITED STATES PATENT AND TRADEMARK OFFICE, 601 U. S. 818;

No. 22–1250. *CHIEN ET AL. v. JARRETT ET AL.*, 601 U. S. 820;

No. 22–7483. *ALKHAYER v. NASHUA-OXFORD-BAY ASSOCIATES, L. P., DBA BAY RIDGE AT NASHUA*, 601 U. S. 825;

No. 22–7696. *PARKER v. KIJAKAZI*, ACTING COMMISSIONER OF SOCIAL SECURITY, 601 U. S. 832;

No. 22–7835. *CORDOVA v. CAMACHO*, 601 U. S. 839;

No. 23–10. *BRYSK ET AL. v. HERSKOVITZ ET AL.*, 601 U. S. 843;

No. 23–34. *UWASOMBA v. BANK OF AMERICA ET AL.*, 601 U. S. 844;

No. 23–40. *BELLAY v. SHUE ET AL.*, 601 U. S. 844;

No. 23–43. *HUNT v. DEUTSCHE BANK TRUST Co.*, 601 U. S. 844;

No. 23–192. *TRIMBLE v. DEPARTMENT OF VETERANS AFFAIRS*, 601 U. S. 885;

No. 23–5031. *HILL v. UNITED STATES*, 601 U. S. 840; and

No. 23–5268. *BAKAMBIA v. SCHNELL ET AL.*, 601 U. S. 874. Petitions for rehearing denied.

NOVEMBER 21, 2023

Miscellaneous Order

No. 23–370. *ERLINGER v. UNITED STATES*. C. A. 7th Cir. [Certiorari granted, 601 U. S. 928.] D. Nick Harper, Esq., of Washington, D. C., is invited to brief and argue this case as *amicus curiae* in support of judgment below.

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NOVEMBER 27, 2023

Miscellaneous Order

No. 23A452. TOMA ET AL. *v.* UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA. C. A. 9th Cir. Application for stay, presented to JUSTICE KAGAN, and by her referred to the Court, denied.

DECEMBER 1, 2023

Miscellaneous Order

No. 23A449. PETTEWAY ET AL. *v.* GALVESTON COUNTY, TEXAS, ET AL. C. A. 5th Cir. Application to vacate stay, presented to JUSTICE ALITO, and by him referred to the Court, dismissed as moot.

DECEMBER 8, 2023

Certiorari Granted

No. 23–21. HARROW *v.* DEPARTMENT OF DEFENSE. C. A. Fed. Cir. Certiorari granted.

DECEMBER 11, 2023

Certiorari Granted—Vacated and Remanded

No. 22–1225. PAYNE *v.* BIDEN, PRESIDENT OF THE UNITED STATES, ET AL. C. A. D. C. Cir. Certiorari granted, judgment vacated, and case remanded with instructions to dismiss the case as moot. See *United States v. Munsingwear, Inc.*, 340 U. S. 36 (1950). Reported below: 62 F. 4th 598.

JUSTICE JACKSON, concurring.

Although I would require that the party seeking vacatur establish equitable entitlement to that remedy, I accede to vacatur here based on the Court's established practice when the mootness occurs through the unilateral action of the party that prevailed in the lower court. See *Acheson Hotels, LLC v. Laufer*, 601 U. S. 1, 14 (2023) (JACKSON, J., concurring in judgment).

No. 23–60. BIDEN, PRESIDENT OF THE UNITED STATES, ET AL. *v.* FEDS FOR MEDICAL FREEDOM ET AL. C. A. 5th Cir. Certiorari granted, judgment vacated, and case remanded with instructions to direct the District Court to vacate as moot its order granting a preliminary injunction. See *United States v. Munsingwear, Inc.*, 340 U. S. 36 (1950). Reported below: 63 F. 4th 366.

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JUSTICE JACKSON, dissenting.

In my view, the party seeking vacatur has not established equitable entitlement to that remedy. See *Acheson Hotels, LLC v. Laufer*, 601 U. S. 1, 14 (2023) (JACKSON, J., concurring in judgment).

No. 23–154. KENDALL, SECRETARY OF THE AIR FORCE, ET AL. v. DOSTER ET AL. C. A. 6th Cir. Certiorari granted, judgment vacated, and case remanded with instructions to direct the District Court to vacate as moot its preliminary injunctions. See *United States v. Munsingwear, Inc.*, 340 U. S. 36 (1950). Reported below: 54 F. 4th 398.

JUSTICE JACKSON, dissenting.

In my view, the party seeking vacatur has not established equitable entitlement to that remedy. See *Acheson Hotels, LLC v. Laufer*, 601 U. S. 1, 14 (2023) (JACKSON, J., concurring in judgment).

Certiorari Dismissed.

No. 23–5651. WILLIBY v. BRIN 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. 23–5715. GULLETT-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. 23–5888. THOMPSON v. FLORIDA 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. 23–5929. ANDREWS v. UNITED STATES. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 23–5961. ROBINSON v. OHIO CIVIL RIGHTS COMMISSION ET AL. Sup. Ct. Ohio. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. Reported below: 170 Ohio St. 3d 1487, 2023-Ohio-2348, 212 N. E. 3d 931.

Miscellaneous Orders. (See also No. 23–5683, 601 U. S. 960.)

No. 23M36. DARDAGAN v. TRUITT, WARDEN;

No. 23M38. DOWNEY v. LANGE PLUMBING & HEATING, INC.;
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No. 23M43. LAZA *v.* CITY OF PALESTINE, TEXAS. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 23M37. SEALED *v.* SEALED. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

No. 23M39. D. E. *v.* RUSSELL COUNTY DEPARTMENT OF HUMAN RESOURCES; and

No. 23M42. HALL *v.* BROCHU-REYNOLDS. Motions for leave to file petitions for writs of certiorari with supplemental appendices under seal granted.

No. 23M40. I. M. *v.* JORGENSEN, JUSTICE, APPELLATE COURT OF ILLINOIS, SECOND DISTRICT. Motion for leave to file petition for writ of certiorari under seal denied.

No. 23M41. ELLINGTON ET AL. *v.* STRATTON ET AL. Motion to direct the Clerk to file petition for writ of certiorari out of time under this Court's Rule 14.5 denied.

No. 23M44. AKERMAN *v.* NEVADA NATIONAL GUARD. Motion for leave to proceed as a veteran granted.

No. 22–899. SMITH *v.* ARIZONA. Ct. App. Ariz. [Certiorari granted, 600 U.S. 969.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 22–915. UNITED STATES *v.* RAHIMI. C. A. 5th Cir. [Certiorari granted, 600 U.S. 902.] Motion of Professor Lorianne Updike Toler for leave to file brief as *amicus curiae* out of time denied.

No. 22–7488. ADAMS *v.* DAVIS ET AL. C. A. 5th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [601 U.S. 802] denied.

No. 22–217. E. M. D. SALES, INC., ET AL. *v.* SANCHEZ CARRERA ET AL. C. A. 4th Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 23–411. MURTHY, SURGEON GENERAL, ET AL. *v.* MISSOURI ET AL. C. A. 5th Cir. [Certiorari granted, 601 U.S. 888.] Motion of the Kennedy Plaintiffs for leave to intervene denied.

JUSTICE ALITO, dissenting from the denial of the motion to intervene.

Although intervention in this Court is reserved for unusual circumstances, see S. Shapiro, K. Geller, T. Bishop, E. Hartnett, & D. Himmelfarb, *Supreme Court Practice* §6.16(c), p. 6–62 (11th ed. 2019), I would grant the motion now before us. Allowing intervention would not unduly prejudice the parties, but the denial of intervention may cause irreparable harm to the movant.

This case concerns what two lower courts found to be a “coordinated campaign” by high-level federal officials to suppress the expression of disfavored views on social media platforms that now serve as the primary source of news about important public issues for many Americans. *Missouri v. Biden*, 83 F. 4th 350, 392 (CA5 2023) (*per curiam*). One of the alleged victims of this campaign is Robert F. Kennedy, Jr., who is a candidate for President of the United States. The District Court found that Government officials have asked social media platforms to block Mr. Kennedy’s efforts to communicate with the public and that the platforms have complied. See *Missouri v. Biden*, 680 F. Supp. 3d 630, 645–646, 649–650, 688–690 (WD La. 2023). Mr. Kennedy brought a suit similar to the one now before us, but his case is stuck in the District Court, which will not rule on his motion for a preliminary injunction until we decide this case. See *Missouri v. Biden*, 2023 WL 4721172, *2 (WD La., July 24, 2023). Mr. Kennedy has therefore moved to intervene here to protect his rights.

Because Mr. Kennedy’s arguments on the merits are essentially the same as respondents’, allowing intervention would not significantly affect petitioners’ burden with regard to that issue. But the denial of intervention is likely to prevent Mr. Kennedy from vindicating the rights he claims until the spring of 2024 and perhaps as late as June of that year. And by that time, several months of the Presidential campaign will have passed.

In fact, denying intervention may prevent Mr. Kennedy from obtaining redress for an even longer period. In successfully arguing that we should stay the preliminary injunction entered below, the Government contended strenuously that respondents lack standing. If the Court ultimately agrees with that argument and orders that this case be dismissed, our decision will provide little guidance for deciding Mr. Kennedy’s case, and Mr. Kennedy

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will be required to wait until the District Court separately assesses his claims.

In addition, allowing Mr. Kennedy to intervene would ensure that we can reach the First Amendment issues, notwithstanding the Government's contention that respondents lack standing. Indeed, because Mr. Kennedy has been mentioned explicitly in communications between the Government and social media platforms, he has a strong claim to standing, and the Government has not argued otherwise.

Our democratic form of government is undermined if Government officials prevent a candidate for high office from communicating with voters, and such efforts are especially dangerous when the officials engaging in such conduct are answerable to a rival candidate. I would allow him to intervene to ensure that we can reach the merits of respondents' claims and to prevent the irreparable loss of his First Amendment rights.

No. 23–467. *GARCIA v. HOBBS, SECRETARY OF STATE OF WASHINGTON, ET AL.* Appeal from D. C. W. D. Wash. Motion of Susan Soto Palmer et al. for leave to intervene denied.

No. 23–624. *UNITED STATES v. TRUMP.* C. A. D. C. Cir. Petitioner's motion to expedite consideration of petition for writ of certiorari before judgment granted, and respondent is directed to file a response to the petition on or before 4 p.m. (EST) on Wednesday, December 20, 2023.

No. 23–5438. *SALERNO v. THORNELL, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, REHABILITATION AND REENTRY, ET AL.* C. A. 9th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [601 U. S. 893] denied.

No. 23–5681. *WEIBLE v. PROVOST ET AL.* C. A. 9th Cir.;

No. 23–5957. *BRONSON v. DISTRICT OF COLUMBIA DEPARTMENT OF BUILDINGS.* Ct. App. D. C.; and

No. 23–5990. *SIMMONS v. SCARANTINO.* C. A. 4th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until January 2, 2024, 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. 23–5937. IN RE TAYLOR;
No. 23–5989. IN RE MCKENNA;
No. 23–5992. IN RE BAILEY; and
No. 23–6054. IN RE THIEME. Petitions for writs of habeas corpus denied.

No. 23–345. IN RE THUL;
No. 23–5674. IN RE LEBLANC;
No. 23–5881. IN RE JAH. Petitions for writs of mandamus denied.

Certiorari Denied

No. 22–601. LAKE, CHAIRMAN, PUBLIC UTILITY COMMISSION OF TEXAS, ET AL. *v.* NEXTERA ENERGY CAPITAL HOLDINGS, INC., ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 48 F. 4th 306.

No. 22–1107. GREGORY ET AL. *v.* BROWN. C. A. 9th Cir. Certiorari denied.

No. 22–1202. SPIRIT OF THE EAST, LLC *v.* YALE PRODUCTS INC. ET AL. C. A. 11th Cir. Certiorari denied.

No. 22–7769. MORANT *v.* STANGE, WARDEN. Sup. Ct. Mo. Certiorari denied.

No. 23–6. BRICKMAN *v.* UNITED STATES ET AL. C. A. 9th Cir. Certiorari denied.

No. 23–7. HAMLET *v.* HOXIE. C. A. 11th Cir. Certiorari denied.

No. 23–61. O’BOYLE ET AL. *v.* TOWN OF GULF STREAM, FLORIDA. C. A. 11th Cir. Certiorari denied.

No. 23–74. VITAGLIANO *v.* COUNTY OF WESTCHESTER, NEW YORK. C. A. 2d Cir. Certiorari denied. Reported below: 71 F. 4th 130.

No. 23–95. ESFORMES *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 60 F. 4th 621.

No. 23–98. LEMELSON ET AL. *v.* SECURITIES AND EXCHANGE COMMISSION. C. A. 1st Cir. Certiorari denied. Reported below: 57 F. 4th 17.

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No. 23–107. *CLEMENTS v. FLORIDA ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 59 F. 4th 1204.

No. 23–115. *ELLDAKLI ET AL. v. GARLAND, ATTORNEY GENERAL, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 64 F. 4th 666.

No. 23–166. *HILTON HOTELS RETIREMENT PLAN ET AL. v. WHITE ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 64 F. 4th 302.

No. 23–183. *EASTERN PACIFIC SHIPPING PTE, LTD., DBA EPS v. GANPAT.* C. A. 5th Cir. Certiorari denied. Reported below: 66 F. 4th 578.

No. 23–195. *HASHIM ET AL. v. COHEN, INDIVIDUALLY AND IN HER OFFICIAL CAPACITY AS STATE CONTROLLER OF CALIFORNIA, ET AL.* Ct. App. Cal., 1st App. Dist., Div. 4. Certiorari denied.

No. 23–198. *LEWIS v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 58 F. 4th 764.

No. 23–255. *JOHNSON v. COHEN, INDIVIDUALLY AND IN HER OFFICIAL CAPACITY AS STATE CONTROLLER OF CALIFORNIA, ET AL.* Ct. App. Cal., 1st App. Dist., Div. 1. Certiorari denied.

No. 23–271. *LYNCH v. CONDOMINIUMS OF BUENA VISTA, INC.* Ct. App. Minn. Certiorari denied.

No. 23–272. *WINTERVILLE POLICE DEPARTMENT ET AL. v. SHARPE; and*

No. 23–276. *SHARPE v. WINTERVILLE POLICE DEPARTMENT ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 59 F. 4th 674.

No. 23–277. *KARRI v. GARLAND, ATTORNEY GENERAL, ET AL.* C. A. 7th Cir. Certiorari denied.

No. 23–281. *FUSTOLO v. PATRIOT GROUP, LLC, ET AL.* C. A. 1st Cir. Certiorari denied.

No. 23–284. *H. C., INDIVIDUALLY AND ON BEHALF OF J. C., A CHILD WITH A DISABILITY, ET AL. v. NEW YORK CITY DEPARTMENT OF EDUCATION.* C. A. 2d Cir. Certiorari denied. Reported below: 71 F. 4th 120.

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No. 23–296. *KISER ET AL. v. DUKE ENERGY CAROLINAS, LLC, ET AL.* Sup. Ct. N. C. Certiorari denied. Reported below: 384 N. C. 275, 886 S. E. 2d 99.

No. 23–299. *KHALID v. CITRIX SYSTEMS, INC.* C. A. 9th Cir. Certiorari denied.

No. 23–305. *RICE v. INTERFOOD, INC., ET AL.* C. A. 8th Cir. Certiorari denied.

No. 23–311. *CONNOLE v. GARBARINO, JUDGE, SUPERIOR COURT OF ARIZONA, MARICOPA COUNTY, ET AL.* Ct. App. Ariz. Certiorari denied.

No. 23–313. *DEBOSE v. UNIVERSITY OF SOUTH FLORIDA, BOARD OF TRUSTEES, ET AL.* Sup. Ct. Fla. Certiorari denied.

No. 23–316. *DAVIS v. BONILLA ET AL.* C. A. 4th Cir. Certiorari denied.

No. 23–338. *BUSH ET UX. v. RELIANT BANK ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–340. *PEREZ v. WALT DISNEY CO.* C. A. 5th Cir. Certiorari denied.

No. 23–346. *WALPOOL v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 23–347. *MARTIN v. BRAVENEC ET AL.* C. A. Fed. Cir. Certiorari denied.

No. 23–349. *ESSLINGER ET UX. v. BASS ET UX.* Sup. Ct. Idaho. Certiorari denied. Reported below: 171 Idaho 699, 525 P. 3d 737.

No. 23–352. *ROGALSKI v. LAUREATE EDUCATION, INC.* C. A. 3d Cir. Certiorari denied.

No. 23–355. *KERN v. BOARD OF SUPERVISORS OF ALLEGHANY COUNTY.* C. A. 4th Cir. Certiorari denied.

No. 23–356. *KERN v. VIRGINIA.* Sup. Ct. Va. Certiorari denied.

No. 23–358. *ANDREWS v. KINNETT ET AL.* Sup. Ct. La. Certiorari denied. Reported below: 2023–00060 (La. 6/27/23), 366 So. 3d 25.

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No. 23–359. *WRIGHT v. UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS*. C. A. 5th Cir. Certiorari denied.

No. 23–360. *SHARIF ET AL. v. FOX, AS TRUSTEE*. C. A. 7th Cir. Certiorari denied.

No. 23–372. *JARRETT v. SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 503 ET AL.*; *SCHIEWE v. SERVICE EMPLOYEES UNION LOCAL 503 ET AL.*; *YATES v. WASHINGTON FEDERATION OF STATE EMPLOYEES, AFSCME COUNCIL 28, AFL–CIO, ET AL.*; *QUEZAMBRA v. UNITED DOMESTIC WORKERS OF AMERICA, AFSCME LOCAL 3930, ET AL.*; and *MENDOZA v. AFSCME LOCAL 3299 ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–379. *BARTH v. DEPARTMENT OF JUSTICE ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 23–385. *HULBERT, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF HULBERT, ET AL. v. POPE*. C. A. 4th Cir. Certiorari denied. Reported below: 70 F. 4th 726.

No. 23–398. *HOWE v. GILPIN ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 65 F. 4th 975.

No. 23–408. *ASTRAZENECA PHARMACEUTICALS LP v. IVIE*. C. A. 9th Cir. Certiorari denied.

No. 23–412. *ENGEL v. ENGEL ET AL.* C. A. 8th Cir. Certiorari denied.

No. 23–418. *CONCERNED HOUSEHOLD ELECTRICITY CONSUMERS COUNCIL ET AL. v. ENVIRONMENTAL PROTECTION AGENCY*. C. A. D. C. Cir. Certiorari denied.

No. 23–422. *SHERROD ET AL. v. SU, ACTING SECRETARY OF LABOR*. C. A. 7th Cir. Certiorari denied. Reported below: 68 F. 4th 345.

No. 23–435. *MCNEIL v. SANDERS, GOVERNOR OF ARKANSAS, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 23–438. *CLARK v. BENDAPUDI ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–439. *BOYDSTON ET AL. v. WEBER, CALIFORNIA SECRETARY OF STATE, ET AL.* Ct. App. Cal., 4th App. Dist., Div. 1.

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Certiorari denied. Reported below: 90 Cal. App. 5th 606, 307 Cal. Rptr. 3d 27.

No. 23–453. *SPECIAL RISK INSURANCE SERVICES, INC. v. GLAXOSMITHKLINE, LLC*. C. A. 3d Cir. Certiorari denied.

No. 23–458. *DE COLA v. STARKE COUNTY COUNCIL ET AL.* C. A. 7th Cir. Certiorari denied.

No. 23–459. *IBRAHIM v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied.

No. 23–464. *BOERMEESTER v. CARRY ET AL.* Sup. Ct. Cal. Certiorari denied. Reported below: 15 Cal. 5th 72, 532 P. 3d 1084.

No. 23–469. *WITT v. UNITED STATES*. C. A. Armed Forces. Certiorari denied. Reported below: 83 M. J. 282.

No. 23–483. *GONZALEZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–487. *VASHISHT-ROTA v. HOWELL MANAGEMENT SERVICES, LLC*. Ct. App. Utah. Certiorari denied.

No. 23–490. *JEVONS ET AL. v. INSLEE, GOVERNOR OF WASHINGTON, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–494. *MACNEIL IP LLC v. YITA LLC*. C. A. Fed. Cir. Certiorari denied. Reported below: 69 F. 4th 1356.

No. 23–499. *ESQUIVEL-CARRIZALES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–502. *EZUKANMA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–511. *BELL v. SUN WEST MORTGAGE Co., INC.* Ct. App. Tex., 14th Dist. Certiorari denied.

No. 23–513. *SMITH, SHERIFF, ET AL. v. ROGERS*. C. A. 5th Cir. Certiorari denied.

No. 23–5090. *BROWN v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 23–5209. *POLING v. KIJAKAZI, ACTING COMMISSIONER OF SOCIAL SECURITY*. C. A. 11th Cir. Certiorari denied.

No. 23–5275. *NOLASCO-ARIZA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

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No. 23–5310. *FAVORITE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–5367. *WU v. TWIN RIVERS UNIFIED SCHOOL DISTRICT*. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 23–5381. *HARPER v. ADAMS ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–5383. *DUPRIEST v. NEW JERSEY*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 23–5502. *HERNANDEZ-LOPEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5513. *HAMILTON v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 23–5630. *SLINEY v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 362 So. 3d 186.

No. 23–5646. *JAH EL v. TOWN OF PALM BEACH, FLORIDA, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–5650. *PANGHAT v. DEPARTMENT OF VETERANS AFFAIRS ET AL.* C. A. 4th Cir. Certiorari denied.

No. 23–5652. *DORSEY v. VANDERGRIFF, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 23–5657. *DEERE v. GRAY, CLERK, UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 23–5660. *HONIE v. POWELL, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 58 F. 4th 1173.

No. 23–5661. *MARTINEZ v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 356 So. 3d 245.

No. 23–5664. *SINDACO v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 23–5670. *DARRIES v. CORNELIUS*. C. A. 5th Cir. Certiorari denied.

No. 23–5679. *STEPHENSON v. MAY, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied.

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No. 23–5684. *DAHL v. WISCONSIN*. Sup. Ct. Wis. Certiorari denied.

No. 23–5690. *LAL v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5693. *THOMPSON v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 23–5697. *FAROOQ v. MANHEIM REMARKETING, INC., ET AL.* C. A. 5th Cir. Certiorari denied.

No. 23–5702. *MILASKI v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 360 So. 3d 379.

No. 23–5703. *OHAN v. ABN AMRO ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5712. *GWEN v. MAYES, ATTORNEY GENERAL OF ARIZONA, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5723. *WEST v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–5729. *HENDERSON v. BOUGHTON, WARDEN, ET AL.* C. A. 7th Cir. Certiorari denied.

No. 23–5731. *PANZLAU v. ADAMS COUNTY HOUSING AUTHORITY, DBA MAIKER HOUSING PARTNERS*. Ct. App. Colo. Certiorari denied.

No. 23–5737. *WILSON v. DEPARTMENT OF JUSTICE ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–5741. *GRANT v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. Sup. Ct. Fla. Certiorari denied.

No. 23–5745. *HAMMOND v. UNIVERSITY OF VERMONT MEDICAL CENTER*. Sup. Ct. Vt. Certiorari denied.

No. 23–5753. *LATHAM v. ALASKA*. Ct. App. Alaska Certiorari denied.

No. 23–5757. *RAMIREZ-FORT v. MEDICAL UNIVERSITY OF SOUTH CAROLINA ET AL.* C. A. 1st Cir. Certiorari denied.

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No. 23–5760. *LOMAX v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied.

No. 23–5761. *MORSE v. CLERK, CLINTON DISTRICT COURT*. C. A. 1st Cir. Certiorari denied.

No. 23–5769. *JEFFERSON v. FORD, ATTORNEY GENERAL OF NEVADA, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5792. *CHANDLER v. NEAL, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 23–5801. *DUCOTE v. HOOPER, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 23–5808. *JENNINGS v. PHILLIPS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 23–5814. *LAMOUREUX v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 23–5822. *RUSSOMANNO v. SUNOVION PHARMACEUTICALS INC. ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–5833. *ROULO v. MINNESOTA*. Ct. App. Minn. Certiorari denied.

No. 23–5843. *BELGRAVE v. PUBLIX SUPER MARKET, INC.* C. A. 11th Cir. Certiorari denied.

No. 23–5847. *MAI-TRANG THI NGUYEN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–5849. *BROWN v. NEW HAMPSHIRE*. Sup. Ct. N. H. Certiorari denied.

No. 23–5861. *PIERRE v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 23–5867. *BRYANT v. DELAWARE COUNTY TREASURER ET AL.* Ct. App. Ind. Certiorari denied. Reported below: 207 N. E. 3d 1201.

No. 23–5868. *KEO v. MASSACHUSETTS*. App. Ct. Mass. Certiorari denied. Reported below: 102 Mass. App. 1124, 211 N. E. 3d 1123.

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No. 23–5872. *EL v. DEPARTMENT OF COMMERCE*. C. A. 4th Cir. Certiorari denied.

No. 23–5873. *ROSS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–5876. *PORTER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5878. *JOHNSTON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 23–5879. *JOHNSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–5880. *MARTINEZ-HERNANDEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5882. *MERRITTE v. CIRCUIT COURT OF ILLINOIS, LA-SALLE COUNTY*. Sup. Ct. Ill. Certiorari denied.

No. 23–5886. *GIBBS v. CARL, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 23–5889. *WILLIAMS v. SHOOP, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 23–5891. *HIDALGO v. GARRETT, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5893. *ZMRUKHTYAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–5894. *BRANDON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 64 F. 4th 1009.

No. 23–5896. *RICHARDSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–5898. *HAYWARD v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–5899. *ISABELLA v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 23–5902. *COLE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–5906. *ACKIES v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

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No. 23–5907. *JONES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 75 F. 4th 502.

No. 23–5909. *ZEVELY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–5910. *DAMERI v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–5912. *CATHEY v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 23–5913. *ROLON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5917. *DIAZ-DIAZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5919. *THOMAS v. UNITED STATES*; and
No. 23–5975. *CAPISTRANO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 74 F. 4th 756.

No. 23–5920. *RAMIREZ-MORENO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5921. *SARKISS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–5922. *EZENWA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5925. *JOHNSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 70 F. 4th 1115.

No. 23–5926. *SPRINGFIELD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–5927. *MARTINEZ-ALBERTO v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 79 F. 4th 7.

No. 23–5928. *BEITER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5933. *LYNCH v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5934. *JENKINS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

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No. 23–5936. *SANTOS-FLORES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5939. *NORTHINGTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 77 F. 4th 331.

No. 23–5940. *LOPEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5941. *RANDLE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5942. *SINGLETARY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 75 F. 4th 416.

No. 23–5944. *JOHNSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–5947. *TROTTER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 23–5949. *WRIGHT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–5952. *WILLIAMS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–5955. *PARKS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 23–5956. *MCCORKLE v. ROBINSON, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 23–5959. *EDWARDS v. LEMON, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 23–5960. *WRIGHT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5962. *ECKFORD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 77 F. 4th 1228.

No. 23–5966. *ERICKSEN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 23–5969. *MAKDISSI v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 364 So. 3d 1032.

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No. 23–5971. *FEZIA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5973. *DUERSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–5978. *PERSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–5979. *VARGAS-HERNANDEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–5980. *ARELLANO v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist., Div. 7. Certiorari denied.

No. 23–5981. *LEON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5982. *SMALL v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 23–5986. *RODRIQUEZ RUIZ v. WIERENGA*. C. A. 7th Cir. Certiorari denied.

No. 23–5995. *MESSER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 71 F. 4th 452.

No. 23–5997. *BAXTON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–5998. *ARREOLA CHAVEZ v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 23–5999. *CHI v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6018. *CURRICA v. MILLER, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 70 F. 4th 718.

No. 23–6022. *LIU v. POLLARD, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 23–6026. *REHWALD v. PENNSYLVANIA ET AL.* Sup. Ct. Pa. Certiorari denied.

No. 22–942. *TINGLEY v. FERGUSON, ATTORNEY GENERAL OF WASHINGTON, ET AL.* C. A. 9th Cir. Certiorari denied. JUS-

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TICE KAVANAUGH would grant the petition for writ of certiorari. Reported below: 47 F. 4th 1055.

JUSTICE THOMAS, dissenting.

This petition asks us to consider whether Washington can censor counselors who help minors accept their biological sex. Because this question has divided the Courts of Appeals and strikes at the heart of the First Amendment, I would grant review.

I

There is a fierce public debate over how best to help minors with gender dysphoria. The petitioner, Brian Tingley, stands on one side of the divide. He believes that a person's sex is "a gift from God, integral to our very being." Pet. for Cert. 7. As a licensed marriage and family counselor, Tingley seeks to assist minors who suffer from gender dysphoria but "want to become comfortable with their biological sex." *Ibid.* Tingley does so through "talk therapy"—*i. e.*, therapy conducted solely through speech. The State of Washington is on the other side of the divide. Its view is that the State should "protect[] its minors against exposure to serious harms caused by" counseling to change a minor's gender identity, Note, Wash. Rev. Code § 18.130.180 (2018), and, as a result, that counselors should only affirm a minor's chosen gender identity.

Washington silenced one side of this debate by enacting S. B. 5722, 65th Leg., Reg. Sess. (2018) (SB 5722). SB 5722 prohibits licensed healthcare providers from "[p]erforming conversion therapy on a patient under age eighteen." § 18.130.180(26). According to Washington, "[c]onversion therapy" is "a regime that seeks to change an individual's sexual orientation or gender identity." § 18.130.020(4)(a). Washington excludes from the definition of "[c]onversion therapy" counseling "that provide[s] acceptance, support, and understanding of clients or the facilitation of clients' coping, social support, and identity exploration and development that do[es] not seek to change sexual orientation or gender identity." § 18.130.020(4)(b). In other words, helping a minor become comfortable with his biological sex is prohibited "conversion therapy," while encouraging a minor to change his "outward, physical traits" to "align[] . . . with [his] gender identity" is not. Dept. of Health and Human Services, Office of Population Affairs, Gender-Affirming Care and Young People 1 (Aug. 2023). Violations of SB

5722 are punishable by fines up to \$5,000, “remedial education,” suspension from practice, and license revocation. Wash. Rev. Code § 18.130.160.

After Washington enacted SB 5722, Tingley filed suit, arguing that SB 5722 violates the First Amendment by restricting his speech based on its viewpoint and content. The Ninth Circuit, however, held that SB 5722 does not regulate speech at all. It reasoned that counseling is a type of medical treatment and qualifies as only professional conduct. 47 F. 4th 1055, 1080 (2022). In the alternative, the Ninth Circuit held that counseling is unprotected by the First Amendment because there is a “tradition of regulation governing the practice of those who provide health care within state borders.” *Ibid.* The Ninth Circuit denied rehearing en banc over the statement of Judge O’Scannlain, joined by three others, and Judge Bumatay’s dissent. See 57 F. 4th 1072 (2023).

The Ninth Circuit’s opinion created a Circuit split. Two years earlier, the Eleventh Circuit concluded that near-identical Florida municipal ordinances *did* regulate speech. *Otto v. Boca Raton*, 981 F. 3d 854, 859, 865 (2020). The Eleventh Circuit held the ordinances unconstitutional because they prohibited speech based on content and viewpoint, and could not satisfy strict scrutiny. *Id.*, at 864–870. The Third Circuit has also held that laws restricting talk therapy designed to change a client’s sexual orientation regulate speech, not conduct. *King v. Governor of New Jersey*, 767 F. 3d 216, 224 (2014), abrogated on other grounds by *National Institute of Family and Life Advocates v. Becerra*, 585 U.S. 755 (2018). Tingley asks us to resolve this Circuit split and review whether SB 5722 violates the First Amendment. We should have.

II

There is little question that SB 5722 regulates speech and therefore implicates the First Amendment. True, counseling is a form of therapy, but it is conducted solely through speech. “If speaking to clients is not speech, the world is truly upside down. [SB 5722] sanction[s] speech directly, not incidentally—the only ‘conduct’ at issue is speech.” *Otto*, 981 F. 3d, at 866; see *King*, 767 F. 3d, at 228 (noting that “it would be strange indeed to conclude” talk therapy is conduct when “the same words, spoken with the same intent” by a student, is speech).

It is a “fundamental principle that governments have ‘no power to restrict expression because of its message, its ideas, its subject matter, or its content.’” *National Institute of Family and Life Advocates*, 585 U. S., at 766 (quoting *Reed v. Town of Gilbert*, 576 U. S. 155, 163 (2015); some internal quotation marks omitted). A law that restricts speech based on its content or viewpoint is presumptively unconstitutional and may be upheld only if the State can prove that the law is narrowly tailored to serve compelling state interests. *Ibid.*

Under SB 5722, licensed counselors can speak with minors about gender dysphoria, but only if they convey the state-approved message of encouraging minors to explore their gender identities. Expressing any other message is forbidden—even if the counselor’s clients ask for help to accept their biological sex. That is viewpoint-based and content-based discrimination in its purest form. As a result, SB 5722 is presumptively unconstitutional, and the State must show that it can survive strict scrutiny before enforcing it.

The Ninth Circuit attempted to sidestep this framework by concluding that counseling is unprotected by the First Amendment because States have traditionally regulated the practice of medicine. See 47 F. 4th, at 1080. The Court has already made clear its “reluctan[ce] to ‘exemp[t] a category of speech from the normal prohibition on content-based restrictions.’” *National Institute of Family and Life Advocates*, 585 U. S., at 767 (quoting *United States v. Alvarez*, 567 U. S. 709, 722 (2012) (plurality opinion)). Accordingly, the Court has instructed that States may not “impose content-based restrictions on speech without ‘persuasive evidence . . . of a long (if heretofore unrecognized) tradition’ to that effect.” 585 U. S., at 767 (quoting *Brown v. Entertainment Merchants Assn.*, 564 U. S. 786, 792 (2011); some internal quotation marks omitted). Despite this instruction, the Ninth Circuit did not offer a single example of a historical regulation analogous to SB 5722, which targets treatments conducted solely through speech. See 57 F. 4th, at 1082 (O’Scannlain, J., statement respecting denial of rehearing en banc) (explaining the panel’s “citations are not merely insufficient evidence—they are not even relevant evidence”).

This case is not the first instance of the Ninth Circuit restricting medical professionals’ First Amendment rights, and without

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the Court's review, I doubt it will be the last. This Court recently reversed the Ninth Circuit's decision to uphold a law compelling crisis pregnancy centers to disseminate government-drafted notices. *National Institute of Family and Life Advocates*, 585 U.S., at 765–766. The Ninth Circuit declined to apply strict scrutiny because it concluded that the law regulated only “professional speech.” *Id.*, at 767. As we explained, however, “[s]peech is not unprotected merely because it is uttered by ‘professionals.’” *Ibid.* And, we warned that “regulating the content of professionals’ speech ‘pose[s] the inherent risk that the Government seeks not to advance a legitimate regulatory goal, but to suppress unpopular ideas or information.’” *Id.*, at 771 (quoting *Turner Broadcasting System, Inc. v. FCC*, 512 U.S. 622, 641 (1994)). That warning has proved prescient.

* * *

“If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.” *West Virginia Bd. of Ed. v. Barnette*, 319 U.S. 624, 642 (1943). Yet, under SB 5722, licensed counselors cannot voice anything other than the state-approved opinion on minors with gender dysphoria without facing punishment. The Ninth Circuit set a troubling precedent by condoning this regime. Although the Court declines to take this particular case, I have no doubt that the issue it presents will come before the Court again. When it does, the Court should do what it should have done here: grant certiorari to consider what the First Amendment requires.

JUSTICE ALITO, dissenting.

Like JUSTICE THOMAS, I would grant the petition for a writ of certiorari. This case presents a question of national importance. In recent years, 20 States and the District of Columbia have adopted laws prohibiting or restricting the practice of conversion therapy. It is beyond dispute that these laws restrict speech, and all restrictions on speech merit careful scrutiny.

There is a conflict in the Circuits about the constitutionality of such laws. Compare, 47 F. 4th 1055 (CA9 2022), with *Otto v. Boca Raton*, 981 F. 3d 854 (CA11 2020). And the Ninth Circuit's

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holding is based on the highly debatable view that its prior decision in *Pickup v. Brown*, 740 F. 3d 1208 (2014), survived at least in part our decision in *National Institute of Family and Life Advocates v. Becerra*, 585 U. S. 755, 767 (2018) which singled out *Pickup* for disapproval.

For these reasons, this case easily satisfies our established criteria for granting certiorari, see this Court's Rule 10(a), and I would grant review.

No. 22–7652. *JONES v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* granted. The order entered October 2, 2023, [601 U. S. 807] vacated. Certiorari denied.

No. 23–186. *NEVADA DEPARTMENT OF CORRECTIONS ET AL. v. GALANTI*. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 65 F. 4th 1152.

No. 23–457. *CATES v. ZELTIQ AESTHETICS, INC.* C. A. 11th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 73 F. 4th 1342.

No. 23–5683. *SMITH ET AL. v. SANDERS, GOVERNOR OF ARKANSAS, ET AL.* C. A. 8th Cir. Motion of petitioner Tiffany Smith for leave to proceed *in forma pauperis* denied. Petitioner Tiffany Smith is allowed until January 2, 2024, 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 as to petitioner Mary Smith denied.

No. 23–5705. *SAMPSON v. UNITED STATES ET AL.* C. A. 5th Cir. Certiorari before judgment denied.

Rehearing Denied

No. 22–977. *BRUNS ET VIR v. USAA ET AL.*, 601 U. S. 869;
No. 22–1245. *RISTOW v. PETERSON ET AL.*, 601 U. S. 819;
No. 22–1252. *DONGMEI LI v. CONNECTICUT ET AL.*, 601 U. S. 820;

No. 22–7031. *DIEHL v. UNITED STATES*, 601 U. S. 821;

No. 22–7392. *CLARK v. PRATT*, 601 U. S. 823;

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- No. 22–7642. *ANGEL TORREZ v. CALIFORNIA*, 601 U.S. 829;
No. 22–7705. *KWONG v. CHESWOLD (TL), LLC, ET AL.*, 601 U.S. 832;
No. 22–7782. *MORGAN v. PRIME WIMBLEDON SPE, LLC, ET AL.*, 601 U.S. 836;
No. 22–7786. *LEI YIN v. BIOGEN INC.*, 601 U.S. 836;
No. 23–8. *HUNT v. NATIONSTAR MORTGAGE ET AL.*, 601 U.S. 843;
No. 23–16. *RIETSCHIN v. RIETSCHIN*, 601 U.S. 843;
No. 23–54. *SCOTT v. FORCHT BANK, N. A.*, 601 U.S. 845;
No. 23–112. *MCELROY v. CITY OF CORVALLIS, OREGON*, 601 U.S. 872;
No. 23–126. *BLESSETT v. ABBOTT, GOVERNOR OF TEXAS, ET AL.*, 601 U.S. 884;
No. 23–159. *PEREZ v. CITY OF MIAMI, CODE ENFORCEMENT BOARD*, 601 U.S. 847;
No. 23–190. *BONDYOPADHYAY v. UNITED STATES*, 601 U.S. 873;
No. 23–268. *KEENAN v. RIVER OAKS PROPERTY OWNERS, INC.*, 601 U.S. 885;
No. 23–5013. *JURY v. OHIO*, 601 U.S. 848;
No. 23–5037. *MARTINEZ v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 601 U.S. 849;
No. 23–5050. *KNIGHT v. BIDEN, PRESIDENT OF THE UNITED STATES, ET AL.*, 601 U.S. 849;
No. 23–5082. *RICHTER v. TRUITT, WARDEN*, 601 U.S. 851;
No. 23–5109. *LINDSEY v. JENKINS, WARDEN*, 601 U.S. 886;
No. 23–5117. *IN RE SIMMS*, 601 U.S. 808;
No. 23–5142. *COUNTS v. MAINE*, 601 U.S. 854;
No. 23–5215. *WRIGHT v. UNION PACIFIC RAILROAD Co.*, 601 U.S. 858;
No. 23–5333. *RAMZIDIN v. ONOFRI, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS MERCER COUNTY PROSECUTOR, ET AL.*, 601 U.S. 886;
No. 23–5385. *KNOLL v. FLORIDA*, 601 U.S. 887;
No. 23–5406. *PORTER v. USAA CASUALTY INSURANCE Co.*, 601 U.S. 863;
No. 23–5442. *JOHNSON v. CALIFORNIA*, 601 U.S. 877;
No. 23–5485. *POUPART v. LOUISIANA*, 601 U.S. 887; and
No. 23–5680. *VILLA v. COMMISSIONER OF INTERNAL REVENUE*, 601 U.S. 911. Petitions for rehearing denied.

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No. 22–5518. *LUCAS v. KIJAKAZI, ACTING COMMISSIONER OF SOCIAL SECURITY*, 598 U. S. 1010. Motion for leave to file petition for rehearing denied.

DECEMBER 12, 2023

Miscellaneous Order

No. 23A521. *PETTEWAY ET AL. v. GALVESTON COUNTY, TEXAS, ET AL.*; and

No. 23A523. *DICKINSON BAY AREA BRANCH NAACP ET AL. v. GALVESTON COUNTY, TEXAS, ET AL.* C. A. 5th Cir. Applications to vacate stay, presented to JUSTICE ALITO, and by him referred to the Court, denied.

JUSTICE KAGAN, with whom JUSTICE SOTOMAYOR and JUSTICE JACKSON join, dissenting from the denial of applications to vacate stay.

I would grant the applications to vacate the stay issued by the Court of Appeals for the Fifth Circuit. The Fifth Circuit's stay itself disrupted the status quo—an election map concededly lawful under Circuit precedent and nearly identical to the maps that have governed the election of Galveston County's commissioners for decades. In imposing a different map, acknowledged to violate current law—on the theory that the Circuit might someday change that law—the Court of Appeals went far beyond its proper authority. I respectfully dissent from this Court's denial of the applications.

DECEMBER 13, 2023

Certiorari Granted

No. 23–50. *CHIAVERINI ET AL. v. CITY OF NAPOLEON, OHIO, ET AL.* C. A. 6th Cir. Certiorari granted.

No. 23–108. *SNYDER v. UNITED STATES*. C. A. 7th Cir. Certiorari granted. Reported below: 71 F. 4th 555.

No. 23–146. *CONNELLY, AS EXECUTOR OF THE ESTATE OF CONNELLY v. UNITED STATES*. C. A. 8th Cir. Certiorari granted. Reported below: 70 F. 4th 412.

No. 22–982. *THORNELL, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS v. JONES*. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 52 F. 4th 1104.

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No. 23–235. FOOD AND DRUG ADMINISTRATION ET AL. *v.* ALLIANCE FOR HIPPOCRATIC MEDICINE ET AL.; and

No. 23–236. DANCO LABORATORIES, L. L. C. *v.* ALLIANCE FOR HIPPOCRATIC MEDICINE ET AL. C. A. 5th Cir. Certiorari granted, cases consolidated, and a total of one hour is allotted for oral argument. Reported below: 78 F. 4th 210.

No. 23–5572. FISCHER *v.* UNITED STATES. C. A. D. C. Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 64 F. 4th 329.

Certiorari Denied

No. 23–395. ALLIANCE FOR HIPPOCRATIC MEDICINE ET AL. *v.* FOOD AND DRUG ADMINISTRATION ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 78 F. 4th 210.

DECEMBER 14, 2023

Dismissal Under Rule 46

No. 23–492. DOE ET AL. *v.* KENTUCKY EX REL. CAMERON, ATTORNEY GENERAL OF KENTUCKY. C. A. 6th Cir. Certiorari dismissed as to petitioners John Doe 3, Jane Doe 3, and Jane Minor Doe 3 under this Court's Rule 46. The petition remains pending as to all other petitioners. Reported below: 83 F. 4th 460.

Miscellaneous Order

No. 23A486. NATIONAL ASSOCIATION FOR GUN RIGHTS ET AL. *v.* CITY OF NAPERVILLE, ILLINOIS, ET AL. C. A. 7th Cir. Application for writ of injunction pending certiorari presented to JUSTICE BARRETT, and by her referred to the Court, denied.

DECEMBER 20, 2023

Miscellaneous Order

No. 23A349. OHIO ET AL. *v.* ENVIRONMENTAL PROTECTION AGENCY ET AL.;

No. 23A350. KINDER MORGAN, INC., ET AL. *v.* ENVIRONMENTAL PROTECTION AGENCY ET AL.;

No. 23A351. AMERICAN FOREST & PAPER ASSN. ET AL. *v.* ENVIRONMENTAL PROTECTION AGENCY ET AL.; and

No. 23A384. UNITED STATES STEEL CORP. *v.* ENVIRONMENTAL PROTECTION AGENCY ET AL. C. A. D. C. Cir. Consideration of

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the applications for stay, presented to THE CHIEF JUSTICE, and by him referred to the Court, deferred pending oral argument. The applications are consolidated, and a total of one hour is allotted for oral argument. The applications will be set for argument in the February 2024 argument session. Arguing counsel should be prepared to address, among other issues related to the challenge based on the SIP [state implementation plan] disapprovals, whether the emissions controls imposed by the Rule are reasonable regardless of the number of States subject to the Rule.

DECEMBER 22, 2023

Certiorari Denied

No. 23–624. UNITED STATES *v.* TRUMP. C. A. D. C. Cir. Certiorari before judgment denied.

JANUARY 5, 2024

Miscellaneous Orders

No. 22–913. DEVILLIER ET AL. *v.* TEXAS. C. A. 5th Cir. [Certiorari granted, 600 U. S. 969.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 22–1074. SHEETZ *v.* COUNTY OF EL DORADO, CALIFORNIA. Ct. App. Cal., 3d App. Dist. [Certiorari granted, 600 U. S. 969.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 22–1165. MACQUARIE INFRASTRUCTURE CORP. ET AL. *v.* MOAB PARTNERS, L. P., ET AL. C. A. 2d Cir. [Certiorari granted, 600 U. S. 969.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

Certiorari Granted

No. 23–719. TRUMP *v.* ANDERSON ET AL. Sup. Ct. Colo. Certiorari granted. Case is set for oral argument on Thursday, February 8, 2024. Petitioner’s brief on the merits, and any *amicus curiae* briefs in support or in support of neither party, are to be filed on or before Thursday, January 18, 2024. Respondents’ briefs on the merits, and any *amicus curiae* briefs in support,

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are to be filed on or before Wednesday, January 31, 2024. The reply brief, if any, is to be filed on or before 5 p.m., Monday, February 5, 2024.

No. 23–726 (23A469). MOYLE, SPEAKER OF THE IDAHO HOUSE OF REPRESENTATIVES, ET AL. *v.* UNITED STATES; and

No. 23–727 (23A470). IDAHO *v.* UNITED STATES. C. A. 9th Cir. Applications for stay, presented to JUSTICE KAGAN, and by her referred to the Court, granted. The preliminary injunction issued on August 24, 2022, by the United States District Court for the District of Idaho, case No. 1:22–cv–00329, is stayed. The applications for stay are also treated as petitions for writs of certiorari before judgment, and the petitions are granted on the question presented in Idaho’s application. Cases consolidated, and a total of one hour is allotted for oral argument. The Clerk is directed to establish a briefing schedule that will allow these cases to be argued in the April 2024 argument session. The stay shall terminate upon the sending down of the judgment of this Court.

JANUARY 8, 2024

Dismissal Under Rule 46

No. 23–415. BP AMERICA PRODUCTION CO. ET AL. *v.* PARISH OF CAMERON, LOUISIANA, ET AL. 38th Jud. Dist. Ct. La., Cameron Parish. Certiorari dismissed under this Court’s Rule 46.

Affirmed for Absence of Quorum

No. 23–5856. MACTRUONG, AKA TRUONG *v.* ABBOTT, GOVERNOR OF TEXAS, ET AL. C. A. 5th Cir. Because the Court lacks a quorum, 28 U.S.C. §1, and since the qualified Justices are of the opinion that the case cannot be heard and determined at the next Term of the Court, the judgment is affirmed under 28 U.S.C. §2109, which provides that under these circumstances “the court shall enter its order affirming the judgment of the court from which the case was brought for review with the same effect as upon affirmance by an equally divided court.” THE CHIEF JUSTICE, JUSTICE THOMAS, JUSTICE ALITO, JUSTICE GORSUCH, JUSTICE KAVANAUGH, and JUSTICE BARRETT took no part in the consideration or decision of this petition.

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Certiorari Dismissed

No. 23–5824. *ADAMS 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. 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. 23–5842. *KEYES v. UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT*. 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. 23–5853. *ADAMS v. LAYTON 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. 23–5885. *KISSNER v. WASHINGTON, DIRECTOR, MICHIGAN DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 6th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. 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. 23–5930. *COLE v. KEYES, WARDEN*. 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.

No. 23–5931. *KISSNER v. ORR ET AL.* C. A. 6th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See

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

Miscellaneous Orders

No. 23A361. *KELLY v. DISCIPLINARY COUNSEL SWARTZ ET AL.* C. A. 3d Cir. Application to file petition for writ of certiorari in excess of page limits, addressed to JUSTICE GORSUCH and referred to the Court, denied.

No. 23A419. *BRYANT v. DELAWARE COUNTY TREASURER ET AL.* Ct. App. Ind. Application for stay, addressed to THE CHIEF JUSTICE and referred to the Court, denied.

No. 23A468. *BAKER v. JEA.* C. A. 11th Cir. Application for stay, addressed to JUSTICE ALITO and referred to the Court, denied.

No. 23A489. *AKERMAN v. HOKANSON, GENERAL, CHIEF, NATIONAL GUARD BUREAU, ET AL.* C. A. 4th Cir. Application for stay, addressed to JUSTICE KAGAN and referred to the Court, denied.

No. 23M45. *HUNTER v. LEGGETT ET AL.* C. A. 7th Cir. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 23M46. *YOURKO v. YOURKO.* Sup. Ct. Va. Motion for leave to proceed as a veteran denied.

No. 23M47. *TAYLOR v. UNITED STATES.* C. A. 8th Cir. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

No. 157, Orig. *ALASKA v. UNITED STATES ET AL.* Motion for leave to file bill of complaint denied.

No. 22–529. *CANTERO ET AL., INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED v. BANK OF AMERICA, N. A.* C. A. 2d Cir. [Certiorari granted, 601 U. S. 883.] Motion of petitioners to dispense with printing joint appendix granted.

No. 23–5498. *ADAMS v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [601 U. S. 894] denied.

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No. 23–5538. *BROWN v. HOLLIBAUGH*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SOMERSET. Super. Ct. Pa. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [601 U. S. 911] denied.

No. 23–5727. *ZHANG v. KNAPKE*. Ct. App. Cal., 2d App. Dist., Div. 7. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [601 U. S. 927] denied.

No. 23–5914. *ARAOYE v. CITY OF PHILADELPHIA*, PENNSYLVANIA. C. A. 3d Cir.;

No. 23–6005. *SADEEK v. UNITED STATES*. C. A. 5th Cir.;

No. 23–6059. *FERRELL v. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT*. C. A. Fed. Cir.;

No. 23–6083. *DETLING v. UNITED STATES*. C. A. 11th Cir.;

No. 23–6084. *STEPHENS v. ALASKA DIVISION OF ELECTIONS*. C. A. 9th Cir.; and

No. 23–6197. *TEED v. WARDEN, FEDERAL CORRECTIONAL INSTITUTION, ALLENWOOD, LOW*. C. A. 3d Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until January 29, 2024, 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. 23–6090. *IN RE BENSHOOF*. Petition for writ of habeas corpus denied.

No. 23–6247. *IN RE KNOWLES*. Petition for writ of habeas corpus denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition.

No. 23–6303. *IN RE DRUMMOND*. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of habeas corpus dismissed. See this Court’s Rule 39.8.

No. 23–399. *IN RE BISHAY*;

No. 23–491. *IN RE BRIGGS ET AL.*;

No. 23–5850. *IN RE SMITH*; and

No. 23–5874. *IN RE COFFEY*. Petitions for writs of mandamus denied.

No. 23–532. *IN RE JOLLEY*. Petition for writ of mandamus and/or prohibition denied.

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Certiorari Denied

No. 22–459. OHIO *v.* CSX TRANSPORTATION, INC. Sup. Ct. Ohio. Certiorari denied. Reported below: 168 Ohio St. 3d 543, 2022-Ohio-2832, 200 N. E. 3d 215.

No. 22–1139. SANTANA *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 22–1190. HATLEY *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 61 F. 4th 536.

No. 22–7614. BIRON *v.* UPTON, WARDEN, ET AL. C. A. 5th Cir. Certiorari denied.

No. 22–7692. OAKS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 22–7750. TRAYLOR *v.* KNIGHT, WARDEN, ET AL. C. A. 4th Cir. Certiorari denied.

No. 22–7783. CLOWERS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 62 F. 4th 1377.

No. 22–7794. PEREZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 22–7802. NORRIS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 62 F. 4th 441.

No. 23–27. HARPER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 23–29. CLA ESTATE SERVICES, INC., ET AL. *v.* WASHINGTON. Ct. App. Wash. Certiorari denied. Reported below: 23 Wash. App. 2d 279, 515 P. 3d 1012.

No. 23–97. DAVES ET AL., ON BEHALF OF THEMSELVES AND ALL OTHERS SIMILARLY SITUATED *v.* DALLAS COUNTY, TEXAS, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 64 F. 4th 616.

No. 23–125. SEAVIEW TRADING, LLC, AGK INVESTMENTS, LLC, TAX MATTERS PARTNER *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 9th Cir. Certiorari denied. Reported below: 62 F. 4th 1131.

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No. 23–130. *SAKKAL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–135. *INTEL CORP. ET AL. v. VIDAL, UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR, UNITED STATES PATENT AND TRADEMARK OFFICE*. C. A. Fed. Cir. Certiorari denied. Reported below: 63 F. 4th 1.

No. 23–140. *BOLIVARIAN REPUBLIC OF VENEZUELA ET AL. v. OI EUROPEAN GROUP B. V. ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 73 F. 4th 157.

No. 23–147. *MANN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–160. *MORA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–173. *DAHLE v. O'MALLEY, COMMISSIONER OF SOCIAL SECURITY*. C. A. 8th Cir. Certiorari denied. Reported below: 62 F. 4th 424.

No. 23–178. *VAN DERMARK v. McDONOUGH, SECRETARY OF VETERANS AFFAIRS*. C. A. Fed. Cir. Certiorari denied. Reported below: 57 F. 4th 1374.

No. 23–194. *TRENDILY FURNITURE, LLC, ET AL. v. JASON SCOTT COLLECTION, INC.* C. A. 9th Cir. Certiorari denied. Reported below: 68 F. 4th 1203.

No. 23–196. *MOUND ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 23–197. *OWENS ET AL. v. TURKIYE HALK BANKASI A. S.* C. A. 2d Cir. Certiorari denied.

No. 23–199. *ANIBOWEI v. MAYORKAS, SECRETARY OF HOMELAND SECURITY, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 70 F. 4th 898.

No. 23–207. *R. J. REYNOLDS TOBACCO CO. ET AL. v. BONTA, ATTORNEY GENERAL OF CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–216. *KLAMATH IRRIGATION DISTRICT v. UNITED STATES BUREAU OF RECLAMATION ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 69 F. 4th 934.

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No. 23–219. *MOORE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 71 F. 4th 392.

No. 23–226. *GONZALEZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 71 F. 4th 881.

No. 23–237. *WAMAI, INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF WAMAI, ET AL. v. INDUSTRIAL BANK OF KOREA*. C. A. 2d Cir. Certiorari denied.

No. 23–238. *ANDERSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 67 F. 4th 755.

No. 23–246. *TINGLE v. FLORIDA DEPARTMENT OF HEALTH*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 361 So. 3d 315.

No. 23–249. *POLK v. NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK) ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 66 F. 4th 500.

No. 23–251. *GOMEZ BARCO ET AL. v. WITTE, FIELD OFFICE DIRECTOR, NEW ORLEANS DISTRICT, IMMIGRATION AND CUSTOMS ENFORCEMENT AND REMOVAL OPERATIONS, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 65 F. 4th 782.

No. 23–270. *COUNTY OF TULARE, CALIFORNIA, ET AL. v. MURGUIA, INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF MURGUIA ET AL., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 61 F. 4th 1096.

No. 23–275. *AVINA v. UNION PACIFIC RAILROAD*. C. A. 8th Cir. Certiorari denied. Reported below: 72 F. 4th 839.

No. 23–285. *AMORY INVESTMENTS LLC ET AL. v. TYSON FOODS INC. ET AL.* C. A. 7th Cir. Certiorari denied.

No. 23–307. *VAUGHN v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 2022–00214 (La. 5/5/23), 362 So. 3d 363.

No. 23–308. *STEELMAN, INDIVIDUALLY AND AS TRUSTEE OF THE STEELMAN ASSET PROTECTION TRUST, ET AL. v. ERNEST BOCK LLC*. C. A. 9th Cir. Certiorari denied. Reported below: 76 F. 4th 827.

No. 23–310. *RATZLOFF v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

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No. 23–324. *FERREYRA ET AL. v. HICKS*. C. A. 4th Cir. Certiorari denied. Reported below: 64 F. 4th 156.

No. 23–327. *CANADA v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 76 F. 4th 1304.

No. 23–328. *WILLIAMS ALASKA PETROLEUM, INC., ET AL. v. ALASKA ET AL.* Sup. Ct. Alaska. Certiorari denied. Reported below: 529 P. 3d 1160.

No. 23–330. *ANI CREATION, INC., DBA RASTA, ET AL. v. CITY OF MYRTLE BEACH BOARD OF ZONING APPEALS ET AL.* Sup. Ct. S. C. Certiorari denied. Reported below: 440 S. C. 266, 890 S. E. 2d 748.

No. 23–331. *DOE v. PISANI ET AL.* C. A. 2d Cir. Certiorari denied.

No. 23–335. *KANSAS v. CLINE*. Ct. App. Kan. Certiorari denied. Reported below: 63 Kan. App. 2d 167, 526 P. 3d 686.

No. 23–342. *X CORP., FKA TWITTER, INC. v. GARLAND, ATTORNEY GENERAL, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 61 F. 4th 686.

No. 23–343. *MARTIN ET AL. v. UNITED STATES* (Reported below: 54 F. 4th 1325); and *TAROVISKY ET AL. v. UNITED STATES* (54 F. 4th 1343). C. A. Fed. Cir. Certiorari denied.

No. 23–368. *HUNTINGTON INGALLS INC. v. BARROSSE ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 70 F. 4th 315.

No. 23–391. *MOSKOVITS v. MTGLQ INVESTORS, L. P.* Sup. Ct. Fla. Certiorari denied.

No. 23–396. *MARVIN v. HOLCOMB ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 72 F. 4th 828.

No. 23–397. *PRESERVE RESPONSIBLE SHORELINE MANAGEMENT ET AL. v. CITY OF BAINBRIDGE ISLAND, WASHINGTON*. Ct. App. Wash. Certiorari denied. Reported below: 24 Wash. App. 2d 1047.

No. 23–407. *PERKEL ET AL. v. CANELLA ET AL.* Super. Ct. N. J., App. Div. Certiorari denied.

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No. 23–409. *BEAULIEU v. POWELL ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–410. *ESTATE OF STRICKLAND ET AL. v. NEVADA COUNTY, CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 69 F. 4th 614.

No. 23–417. *RUTLEDGE v. BOARD OF COUNTY COMMISSIONERS OF JOHNSON COUNTY, KANSAS.* C. A. 10th Cir. Certiorari denied.

No. 23–419. *USIC, LLC v. NORTHERN ILLINOIS GAS CO.* C. A. 11th Cir. Certiorari denied.

No. 23–420. *UPS SUPPLY CHAIN SOLUTIONS, INC. v. EVA AIRWAYS CORP.* C. A. 2d Cir. Certiorari denied. Reported below: 74 F. 4th 66.

No. 23–425. *MANN v. LSQ FUNDING GROUP, L. C.* C. A. 7th Cir. Certiorari denied. Reported below: 71 F. 4th 640.

No. 23–426. *LISBY, AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF LISBY, DECEASED v. HENDERSON ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 74 F. 4th 470.

No. 23–428. *OSUAGWU v. HOME POINT FINANCIAL CORP. ET AL.* C. A. 2d Cir. Certiorari denied.

No. 23–429. *KIMBERLIN v. DEPARTMENT OF JUSTICE ET AL.* C. A. 7th Cir. Certiorari denied.

No. 23–430. *FINCH v. CASEY ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–431. *MENDEZ, INDIVIDUALLY AND AS LEGAL GUARDIAN OF A. C., ET AL. v. BANKS, CHANCELLOR, NEW YORK CITY DEPARTMENT OF EDUCATION, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 65 F. 4th 56.

No. 23–432. *OMAN FASTENERS, LLC v. UNITED STATES ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 59 F. 4th 1255.

No. 23–433. *DANIELS, AS THE ADMINISTRATOR OF THE ESTATE OF DANIELS, DECEASED v. CITY OF PITTSBURGH, PENNSYLVANIA, ET AL.* C. A. 3d Cir. Certiorari denied.

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No. 23–440. *S. B., ON BEHALF OF HER MINOR DAUGHTER, S. B. v. JEFFERSON PARISH SCHOOL BOARD ET AL.* C. A. 5th Cir. Certiorari denied.

No. 23–441. *FEHLMAN v. MANKOWSKI.* C. A. 7th Cir. Certiorari denied. Reported below: 74 F. 4th 872.

No. 23–442. *PRESCOTT v. JOHNSON ET AL.* C. A. 5th Cir. Certiorari denied.

No. 23–445. *WILLIAMS v. AMERICAN HONDA MOTOR CO., INC.* C. A. 5th Cir. Certiorari denied.

No. 23–447. *JOHNSON v. BOYD.* C. A. 5th Cir. Certiorari denied. Reported below: 74 F. 4th 662.

No. 23–448. *VASHISHT-ROTA v. HOWELL MANAGEMENT SERVICES, LLC.* Ct. App. Utah. Certiorari denied.

No. 23–449. *TRIMBLE v. DEPARTMENT OF VETERANS AFFAIRS.* C. A. Fed. Cir. Certiorari denied.

No. 23–451. *WOODWARD v. WOODWARD.* Cir. Ct. Davidson County, Tenn. Certiorari denied.

No. 23–454. *REIMERS v. UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–461. *NAVARRO CARRILLO ET AL. v. NEW YORK CITY DEPARTMENT OF EDUCATION ET AL.* C. A. 2d Cir. Certiorari denied.

No. 23–462. *WILKOFSKY v. AMERICAN FEDERATION OF MUSICIANS, LOCAL 45, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–465. *DOLBIN v. McDONOUGH, SECRETARY OF VETERANS AFFAIRS.* C. A. Fed. Cir. Certiorari denied.

No. 23–468. *HANEY, AS TRUSTEE OF THE GOOSEBERRY ISLAND TRUST v. TOWN OF MASHPEE, MASSACHUSETTS, ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 70 F. 4th 12.

No. 23–470. *BRUCE v. CITIGROUP, INC., ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 75 F. 4th 297.

No. 23–473. *BACHMAN ET AL. v. BACHMAN ET AL.* C. A. 8th Cir. Certiorari denied.

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No. 23–475. YING YE, AS REPRESENTATIVE OF THE ESTATE OF LIN, DECEASED *v.* GLOBALTRANZ ENTERPRISES, INC. C. A. 7th Cir. Certiorari denied. Reported below: 74 F. 4th 453.

No. 23–476. CENTINELA SKILLED NURSING & WELLNESS CENTRE WEST, LLC, ET AL. *v.* ABDULLAH, AS LEGAL REPRESENTATIVE AND SUCCESSOR-IN-INTEREST OF HOLLOWAY, DECEASED, ET AL. C. A. 9th Cir. Certiorari denied.

No. 23–478. HARRIS *v.* AMERICAN ACCOUNTING ASSN. ET AL. C. A. 2d Cir. Certiorari denied.

No. 23–479. SINGH *v.* UBER TECHNOLOGIES, INC. C. A. 3d Cir. Certiorari denied. Reported below: 67 F. 4th 550.

No. 23–480. STOGSDILL ET AL. *v.* SOUTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES. C. A. 4th Cir. Certiorari denied.

No. 23–482. CRAIG-MYERS, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF MEYERS, DECEASED *v.* OTIS ELEVATOR CO. ET AL. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 368 So. 3d 410.

No. 23–493. GOLDBERG ET VIR *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 7th Cir. Certiorari denied. Reported below: 73 F. 4th 537.

No. 23–496. GARLAPATI *v.* BRIGHAM AND WOMEN’S HOSPITAL ET AL. C. A. 1st Cir. Certiorari denied.

No. 23–498. REALTIME DATA LLC, DBA IXO *v.* FORTINET, INC., ET AL. C. A. Fed. Cir. Certiorari denied.

No. 23–505. ARROWOOD *v.* DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 23–510. CAULKINS ET AL. *v.* PRITZKER, GOVERNOR OF ILLINOIS, ET AL. Sup. Ct. Ill. Certiorari denied. Reported below: 2023 IL 129453, 228 N. E. 3d 181.

No. 23–512. GREENBAUM, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF GREENBAUM, DECEASED, ET AL. *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 67 F. 4th 428.

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No. 23–517. *PRATT v. HELMS, SHERIFF OF CAMDEN COUNTY, MISSOURI, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 73 F. 4th 592.

No. 23–519. *SOONDAR v. SUPREME COURT OF COLORADO.* Sup. Ct. Colo. Certiorari denied.

No. 23–520. *THOMPSON v. UNITED STATES.* C. A. 2d Cir. Certiorari denied.

No. 23–521. *FISHER v. MOORE ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 73 F. 4th 367.

No. 23–522. *IMPERIAL PACIFIC INTERNATIONAL (CNMI), LLC v. COMMONWEALTH CASINO COMMISSION, AS AGENCY OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.* C. A. 9th Cir. Certiorari denied.

No. 23–523. *BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY v. MONELL, CLERK, BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY, ET AL.* Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied. Reported below: 91 Cal. App. 5th 1248, 309 Cal. Rptr. 3d 163.

No. 23–526. *NICHOLS v. NEWSOM, GOVERNOR OF CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–528. *BARTH v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 23–529. *HAYKO v. INDIANA.* Sup. Ct. Ind. Certiorari denied. Reported below: 211 N. E. 3d 483.

No. 23–533. *JORDAN v. DEPARTMENT OF JUSTICE.* C. A. D. C. Cir. Certiorari denied.

No. 23–535. *OSTREWICH v. HUDSPETH, HARRIS COUNTY CLERK, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 72 F. 4th 94.

No. 23–540. *COVINGTON v. CITY OF MADISONVILLE, TEXAS.* C. A. 5th Cir. Certiorari denied.

No. 23–543. *HAMPTON v. McDONOUGH, SECRETARY OF VETERANS AFFAIRS.* C. A. Fed. Cir. Certiorari denied. Reported below: 68 F. 4th 1376.

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No. 23–544. *GAFFNEY v. FLORIDA BAR*. Sup. Ct. Fla. Certiorari denied.

No. 23–547. *SHARMA v. GARLAND, ATTORNEY GENERAL*. C. A. 1st Cir. Certiorari denied. Reported below: 67 F. 4th 1.

No. 23–553. *TURNER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–554. *O'BANNON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 56 F. 4th 455.

No. 23–556. *RAMEY & SCHWALLER, L. L. P. v. ZIONS BANCORPORATION N. A., DBA AMEGY BANK*. C. A. 5th Cir. Certiorari denied. Reported below: 71 F. 4th 257.

No. 23–557. *CARTER v. COMMUNITY LIVING CASE MANAGEMENT ET AL.* Ct. App. Ore. Certiorari denied. Reported below: 324 Ore. App. 655, 525 P. 3d 895.

No. 23–559. *OMOYOSI v. MICHAEL E. DEBAKEY VETERANS AFFAIRS MEDICAL CENTER ET AL.* C. A. 5th Cir. Certiorari denied.

No. 23–561. *MUSLOW ET AL. v. LOUISIANA STATE UNIVERSITY AND AGRICULTURAL AND MECHANICAL COLLEGE, BOARD OF SUPERVISORS, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 23–564. *BING v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 23–574. *TRAXCELL TECHNOLOGIES, LLC v. SPRINT COMMUNICATIONS CO. LP ET AL.* C. A. Fed. Cir. Certiorari denied.

No. 23–592. *K. E. v. TRAUTH ET AL.*; and

No. 23–593. *S. O. v. HARTZELL ET AL.* Sup. Ct. Tex. Certiorari denied. Reported below: 672 S. W. 3d 304.

No. 23–600. *ROBERT ET AL. v. AUSTIN, SECRETARY OF DEFENSE, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 72 F. 4th 1160.

No. 23–602. *SHUPP v. LOUISIANA*. Ct. App. La., 3d Cir. Certiorari denied.

No. 23–622. *THRUSH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

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No. 23–5014. *WILLIAMS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5115. *LILLARD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 57 F. 4th 729.

No. 23–5207. *ALAS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 63 F. 4th 269.

No. 23–5331. *WORDLY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5332. *JEUNE, AKA VOLTAIRE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5369. *SMITH v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5410. *RUSSELL v. DENMARK*. C. A. 5th Cir. Certiorari denied. Reported below: 68 F. 4th 252.

No. 23–5427. *LONG PUMPKIN v. UNITED STATES*; and
No. 23–5454. *CROWE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 56 F. 4th 604.

No. 23–5429. *SYKES v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 65 F. 4th 867.

No. 23–5464. *OKEYO v. UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, NEWARK OFFICE, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–5549. *WHITE v. KENTUCKY*. Ct. App. Ky. Certiorari denied.

No. 23–5553. *HAIGHT v. JORDAN, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 59 F. 4th 817.

No. 23–5581. *OSUBA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 67 F. 4th 56.

No. 23–5619. *WINCZUK v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 67 F. 4th 11.

No. 23–5629. *RODRIGUEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

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No. 23–5711. *GREEN v. WISCONSIN*. Sup. Ct. Wis. Certiorari denied. Reported below: 2023 WI 57, 408 Wis. 2d 248, 992 N. W. 2d 56.

No. 23–5713. *LONG v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 79 F. 4th 882.

No. 23–5732. *HARRIS v. STASH ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–5733. *HIGGS v. NEW JERSEY DEPARTMENT OF CORRECTIONS ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–5735. *FRENCH v. SALAMON, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ROCKVIEW*. C. A. 3d Cir. Certiorari denied.

No. 23–5738. *CAO v. BSI FINANCIAL SERVICES, INC., ET AL.* C. A. 5th Cir. Certiorari denied.

No. 23–5746. *HAYES v. HOWELL, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5748. *HOLMAN v. OHIO ADULT PAROLE AUTHORITY*. Sup. Ct. Ohio. Certiorari denied. Reported below: 171 Ohio St. 3d 806, 2023-Ohio-692, 220 N. E. 3d 801.

No. 23–5750. *FERRY v. HAINSWORTH, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SOMERSET, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–5752. *FOSTER v. JACKSON, ASSISTANT WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 23–5754. *CHASE v. TEXAS*. Ct. App. Tex., 12th Dist. Certiorari denied. Reported below: 666 S. W. 3d 832.

No. 23–5765. *DAY v. PRECYTHE, DIRECTOR, MISSOURI DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 23–5770. *BARAHONA v. PLATKIN, ATTORNEY GENERAL OF NEW JERSEY, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–5771. *DRUMMER v. MAYNARD ET AL.* C. A. 5th Cir. Certiorari denied.

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No. 23–5772. *DRUMMER v. LUMPKIN*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 23–5780. *CHAVEZ v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 23–5783. *DAVIS v. POWER AUTHORITY OF THE STATE OF NEW YORK ET AL.* C. A. 2d Cir. Certiorari denied.

No. 23–5785. *ASTON v. ARIZONA*. Ct. App. Ariz. Certiorari denied.

No. 23–5787. *FRASCA v. PRESIDENT AND FELLOWS OF HARVARD COLLEGE ET AL.* C. A. 1st Cir. Certiorari denied.

No. 23–5789. *DARBOUZE v. COVELLO*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 23–5798. *OLIVER v. FLORIDA COMMISSION ON OFFENDER REVIEW*. Sup. Ct. Fla. Certiorari denied.

No. 23–5800. *MUHAMMAD v. JACKSON ET AL.* C. A. 4th Cir. Certiorari denied.

No. 23–5804. *CLARKE v. ADAMS ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–5805. *CORPORAL v. WEBER*, WARDEN, ET AL. C. A. 4th Cir. Certiorari denied.

No. 23–5806. *OIEN v. PRINGLE*, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 23–5809. *JACKSON v. GOLICK ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5811. *LATOCHE v. GRAHAM*, SUPERINTENDENT, AUBURN CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 23–5817. *LAWRENCE v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2023 IL App (1st) 192306–U.

No. 23–5821. *STAFFORD v. ARIZONA*. Sup. Ct. Ariz. Certiorari denied.

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No. 23–5825. *ROBINSON v. SAVVY VENTURES, LLC, C/O GREGORY REAL ESTATE, INC., DBA GREGORY PROPERTY MANAGEMENT*. C. A. 5th Cir. Certiorari denied.

No. 23–5830. *EMERSON v. CRAIGSLIST/CRAIG NEWMARK ET AL.* Sup. Ct. Ohio. Certiorari denied. Reported below: 170 Ohio St. 3d 1434, 2023-Ohio-1769, 210 N. E. 3d 534.

No. 23–5831. *MENDIVES, INDIVIDUALLY AND ON BEHALF OF HIS FOUR MINOR CHILDREN, R. C. M., ET AL. v. BEXAR COUNTY, TEXAS, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 23–5832. *ABBOTT v. OTIS-SANDERS ET AL.* C. A. 5th Cir. Certiorari denied.

No. 23–5841. *SNYDER v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5844. *ALFORD v. KOSES, CHAIRMAN, COMMITTEE FOR PURCHASE/ABILITYONE, ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 23–5851. *SANCHEZ-TORRES v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 365 So. 3d 1134.

No. 23–5855. *TATE v. HAMILTON COUNTY ELECTION COMMISSION*. C. A. 6th Cir. Certiorari denied.

No. 23–5864. *STARLING v. MIMS, WARDEN*. C. A. 11th Cir. Certiorari denied.

No. 23–5866. *BRICKLEY v. JOSEPH-STEPHEN*. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 23–5870. *TOLBERT v. NATIONSTAR MORTGAGE, LLC, DBA MR. COOPER*. C. A. 7th Cir. Certiorari denied.

No. 23–5871. *SMITH v. UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO*. C. A. 6th Cir. Certiorari denied.

No. 23–5877. *NAKANWAGI v. CITY OF FLAGSTAFF, ARIZONA*. C. A. 9th Cir. Certiorari denied.

No. 23–5883. *MALIK BEY v. OHIO*. C. A. 6th Cir. Certiorari denied.

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No. 23–5884. *EZEANI v. REAGAN*. C. A. 5th Cir. Certiorari denied.

No. 23–5887. *VASQUEZ v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 23–5892. *WOODGEARD v. HEAVLIN ET AL.* Ct. App. Ohio, 5th App. Dist., Stark County. Certiorari denied.

No. 23–5895. *BONNER v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 23–5897. *MACK v. J. M. SMUCKERS CO. ET AL.* C. A. 10th Cir. Certiorari denied.

No. 23–5900. *MASSEY v. EL PASO CITY ATTORNEY’S OFFICE*. Ct. App. Tex., 8th Dist. Certiorari denied.

No. 23–5901. *RANDOLPH v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 23–5904. *SAYED v. COLORADO*. Ct. App. Colo. Certiorari denied.

No. 23–5905. *LAK v. CALIFORNIA*. App. Div., Super. Ct. Cal., Orange County. Certiorari denied.

No. 23–5911. *RIVARD v. BRATTLEBORO REFORMER ET AL.* Sup. Ct. Vt. Certiorari denied.

No. 23–5915. *ALEXANDER v. MCGINLEY, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT COAL TOWNSHIP, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–5916. *TAYLOR v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 64 F. 4th 1264.

No. 23–5923. *DOWNING v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 23–5924. *OHAN v. AMERICAN MEDICAL ASSN. ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5932. *KIFOR v. MASSACHUSETTS ET AL.* Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 492 Mass. 1021, 213 N. E. 3d 598.

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No. 23–5935. *THOMAS v. DOUGLAS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 23–5938. *LARSON v. ALASKA*. Ct. App. Alaska. Certiorari denied.

No. 23–5945. *JOHNSON v. DISTRICT ATTORNEY OF ALLEGHENY COUNTY, PENNSYLVANIA, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–5948. *ISHMAEL, AKA KOSH v. GARLAND, ATTORNEY GENERAL*. C. A. 3d Cir. Certiorari denied. Reported below: 77 F. 4th 175.

No. 23–5953. *MUNYWE v. DIER ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5954. *PICKLO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5958. *RUDOMETKIN v. PAYNE, COMMANDANT, UNITED STATES DISCIPLINARY BARRACKS, FORT LEAVENWORTH, ET AL.* C. A. 10th Cir. Certiorari denied.

No. 23–5963. *ROBERTS v. HOLLAR ET AL.* Sup. Ct. Ohio. Certiorari denied. Reported below: 171 Ohio St. 3d 1463, 2023-Ohio-3697, 219 N. E. 3d 952.

No. 23–5967. *DELANEY v. MESSER, CHAPTER 7 TRUSTEE, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 23–5972. *DUNLAP v. MITCHELL, SUPERINTENDENT, LANESBORO CORRECTIONAL INSTITUTION* (two judgments). C. A. 4th Cir. Certiorari denied.

No. 23–5974. *KALER v. ESA MANAGEMENT, LLC*. C. A. 9th Cir. Certiorari denied.

No. 23–5976. *DAVIS v. GIBBS, WARDEN, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 23–5977. *OVERSTREET v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 23–5983. *SPENCER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 23–5984. *CURTIN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 78 F. 4th 1299.

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No. 23–5985. *BULLOCK v. BLUDWORTH, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–5987. *HEART v. O’MALLEY, COMMISSIONER OF SOCIAL SECURITY.* C. A. 6th Cir. Certiorari denied.

No. 23–5988. *STOUT v. JOHNSON ET AL.* C. A. 4th Cir. Certiorari denied.

No. 23–5991. *WHATLEY v. RICHLAND COUNTY FAMILY COURT, COLUMBIA, SOUTH CAROLINA, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 23–5993. *MONTEMAYOR v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 55 F. 4th 1003.

No. 23–5994. *MCCLAIN v. CAMPBELL, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 23–6000. *BORG v. CALIFORNIA.* Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 23–6002. *DEL RIO v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–6006. *JOHNSON v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

No. 23–6007. *ROCHA v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–6010. *WOO v. BAEZ ET AL.* Ct. App. Colo. Certiorari denied. Reported below: 522 P. 3d 739.

No. 23–6011. *TELKY v. BRECKON, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 23–6012. *ESPINAL-MIESES v. UNITED STATES.* C. A. 1st Cir. Certiorari denied.

No. 23–6014. *BAILEY v. MORRISON, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 23–6015. *ASKIA v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

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No. 23–6017. *ALANIZ-PIMENTEL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6019. *OLIVARES v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 23–6020. *ZABALA-ZORILLA v. DISTRICT ATTORNEY OF BERKS COUNTY, PENNSYLVANIA*. C. A. 3d Cir. Certiorari denied.

No. 23–6021. *RIDDICK v. BOSTON HOUSING AUTHORITY ET AL.* C. A. 1st Cir. Certiorari denied.

No. 23–6023. *SATTAZAHN v. HARRY, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–6024. *DAVIS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 23–6025. *FINCH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–6028. *BOOTH v. GEORGIA*. Sup. Ct. Ga. Certiorari denied.

No. 23–6030. *BURLESON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–6032. *THOMAS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–6034. *SANCHEZ BARBOZA v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 290 A. 3d 669.

No. 23–6037. *TORRES v. HILL, ACTING WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 23–6039. *WAITE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 23–6041. *HERNANDEZ-PEREZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6042. *FLORES v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

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No. 23–6043. *GUIDRY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6044. *RODRIGUEZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 23–6045. *SUGGS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 23–6048. *REDZEPAGIC v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 23–6050. *RAHIMI v. CITY OF SHERIDAN, OREGON, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–6051. *AGUIAR v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 23–6057. *ZUNIGA-BRUNO v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 23–6058. *WALDEN v. HOWARD, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 23–6060. *MULKEY v. GEORGIA*. Ct. App. Ga. Certiorari denied. Reported below: 366 Ga. App. 427, 883 S. E. 2d 173.

No. 23–6061. *MESSER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 71 F. 4th 452.

No. 23–6062. *WOMACK v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 80 F. 4th 725.

No. 23–6063. *SIMMONS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 70 F. 4th 1086.

No. 23–6065. *SMITH v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–6067. *LAJEUNESSE v. KARBERG, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 23–6068. *WEST v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6070. *BARTOLI v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–6072. *RICHARDS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 70 F. 4th 1064.

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No. 23–6075. *NEIDINGER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–6077. *ROBINSON v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 23–6079. *RAMIREZ-ORTEGA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6081. *FUENTES-SALGADO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6082. *HENRY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6085. *STONEMAN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–6086. *MARCANO-GODOY v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 23–6092. *GALLEGOS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below; 74 F. 4th 1073.

No. 23–6094. *MINTON v. RICHARDSON, WARDEN*. C. A. 4th Cir. Certiorari denied.

No. 23–6095. *McGOY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 23–6097. *DUNCAN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–6098. *DINNALL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–6100. *DIX v. UNITED STATES*; and *PHELPS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 23–6101. *CHACE v. MOODY, ATTORNEY GENERAL OF FLORIDA, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–6102. *CHATMON v. PAYNE, DIRECTOR, ARKANSAS DIVISION OF CORRECTION*. Sup. Ct. Ark. Certiorari denied. Reported below: 2023 Ark. 77, 665 S. W. 3d 231.

No. 23–6103. *ANDRE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

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No. 23–6105. *DALTON v. VOTARI*. C. A. 9th Cir. Certiorari denied.

No. 23–6106. *CRUZ-BENAVENTE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6107. *CUA v. ARIAS, ACTING WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 23–6109. *TOU THAO v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 76 F. 4th 773.

No. 23–6111. *REMSEN ET AL. v. SHAFFER ET AL.* Ct. App. Cal., 2d App. Dist., Div. 1. Certiorari denied.

No. 23–6112. *SMYER v. PHILLIPS, ACTING WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 23–6115. *BARBER v. ARIZONA*. Ct. App. Ariz. Certiorari denied.

No. 23–6116. *CLEMONS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 80 F. 4th 725.

No. 23–6117. *LAGERSTROM v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 23–6118. *JONES v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 81 F. 4th 591.

No. 23–6119. *WALKER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 74 F. 4th 1163.

No. 23–6120. *WASHINGTON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–6121. *MCNAIR v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–6122. *NEWMAN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 80 F. 4th 725.

No. 23–6123. *PARKS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 23–6125. *LANCASTER v. BEATS ELECTRONICS LLC ET AL.* Ct. App. Cal., 2d App. Dist., Div. 4. Certiorari denied.

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No. 23–6128. *POFF v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6129. *CARTER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 69 F. 4th 361.

No. 23–6130. *HOFSTETTER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 80 F. 4th 725.

No. 23–6134. *JAMISON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 85 F. 4th 796.

No. 23–6135. *AGERTON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–6141. *GRADY v. TRUITT, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 74 F. 4th 515.

No. 23–6142. *ALI v. SIMMONS ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–6144. *ASPLEY v. WALZ, GOVERNOR OF MINNESOTA, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 23–6147. *JONES v. CAIN, COMMISSIONER, MISSISSIPPI DEPARTMENT OF CORRECTIONS*. C. A. 5th Cir. Certiorari denied.

No. 23–6148. *BROOKS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–6149. *GATLIN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–6151. *TORRES-GILES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 80 F. 4th 934.

No. 23–6156. *MEISTER v. DAVIS, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 23–6158. *HUNT v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–6162. *WILLIAMS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 23–6164. *CARRASCO v. UNITED STATES*; and *DE LOS SANTOS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–6165. *GONZALEZ-RODRIGUEZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

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No. 23–6166. *MOREIRA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6169. *SOTO v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–6175. *KENNER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 23–6176. *GARCIA-SANCHEZ, AKA ZAMORA-SANCHEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6178. *MOORE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–6179. *MIRANDA-MONTANEZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 73 F. 4th 24.

No. 23–6182. *PETERMAN v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied.

No. 23–6183. *VILLALONA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 506 Fed. Appx. 902.

No. 23–6186. *BORBOA v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 23–6188. *BLAXTON v. FLORIDA*. C. A. 11th Cir. Certiorari denied.

No. 23–6193. *SMITH v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–6195. *THREATS v. VON BLANCKENSEE, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 23–6196. *WARD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6199. *HALL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–6205. *BUDDER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 76 F. 4th 1007.

No. 23–6206. *EZEAH v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

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No. 23–6207. *CUMMINGS, AKA COMMINGS v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied.

No. 23–6210. *PIERSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 73 F. 4th 582.

No. 23–6226. *ZAMMIELLO v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 22–7728. *JACKSON v. UNITED STATES*. C. A. 11th Cir. Certiorari 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 Justices of the Supreme Court of the United States, Canon 3B(2)(e) (prior government employment). Reported below: 58 F. 4th 1331.

No. 23–168. *AMERICAN PETROLEUM INSTITUTE ET AL. v. MINNESOTA*. C. A. 8th Cir. Certiorari denied. JUSTICE KAVANAUGH would grant the petition for writ of certiorari. Reported below: 63 F. 4th 703.

No. 23–341. *INGRAM v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition.

No. 23–378. *DOUGLAS ET AL. v. HIRSHON ET AL.* C. A. 1st Cir. Motion of respondents for damages and costs denied. Certiorari denied. Reported below: 63 F. 4th 49.

No. 23–394. *RICHARDSON v. PROCTER AND GAMBLE CO. ET AL.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 209 App. Div. 3d 455, 176 N. Y. S. 3d 605.

No. 23–403. *SERNA ET AL. v. COOKSEY ET AL.* C. A. 10th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 23–5556. *GLADNEY v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 44 F. 4th 1253.

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No. 23–5747. *HESS v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition.

No. 23–6145. *SALLEY v. UNITED STATES*. C. A. 7th Cir. Certiorari 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 Justices of the Supreme Court of the United States, Canon 3B(2)(e) (prior government employment).

Rehearing Denied

No. 22–1232. *HOLLAND v. COMMISSIONER OF INTERNAL REVENUE*, 601 U. S. 819;

No. 22–6950. *NEWSOME v. FESTIVA RESORTS REAL ESTATE HOLDINGS, LLC, ET AL.*, 601 U. S. 820;

No. 22–7227. *GOUDY v. CALUORI*, 598 U. S. 1315;

No. 22–7477. *MANNING v. ST. PAUL ET AL.*, 601 U. S. 825;

No. 22–7558. *VIGIL v. MIDAS INTERNATIONAL CORP. ET AL.*, 601 U. S. 827;

No. 22–7564. *WILSON v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.*, 601 U. S. 827;

No. 22–7612. *SANDY v. BACA GRANDE PROPERTY OWNERS ASSN.*, 601 U. S. 829;

No. 22–7634. *HEADMAN v. HEADMAN, AKA BROMLEY*, 601 U. S. 912;

No. 22–7666. *SANDY v. BACA GRANDE PROPERTY OWNERS ASSN.*, 601 U. S. 830;

No. 22–7704. *MARSHALL v. WELLS FARGO & CO. ET AL.*, 601 U. S. 832;

No. 22–7738. *RIVERA v. CALIFORNIA*, 601 U. S. 834;

No. 22–7752. *TAYLOR v. BIRD, WARDEN, ET AL.*, 601 U. S. 834;

No. 22–7762. *IN RE ELLISON*, 601 U. S. 807;

No. 22–7787. *BANGO v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*, 601 U. S. 836;

No. 22–7884. *MARSHALL v. EDUCATIONAL CREDIT MANAGEMENT GROUP ET AL.*, 601 U. S. 841;

No. 23–49. *IN RE AYERS ET AL.*, 601 U. S. 808;

No. 23–103. *ELLIS ET AL. v. CITY OF CLARKSDALE, MISSISSIPPI, ET AL.*, 601 U. S. 907;

No. 23–142. *ADAMS v. ROYAL PARK NURSING AND REHABILITATION*, 601 U. S. 896;

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- No. 23–224. *ALESSIO v. UNITED AIRLINES, INC., ET AL.*, 601 U. S. 929;
- No. 23–229. *MCCLELLAND v. KATY INDEPENDENT SCHOOL DISTRICT ET AL.*, 601 U. S. 897;
- No. 23–239. *BARNES v. ALLEN*, 601 U. S. 929;
- No. 23–5019. *JIN ET AL. v. VELASQUEZ ET AL.*, 601 U. S. 848;
- No. 23–5053. *STEVENS v. TOWN OF SNOW HILL, NORTH CAROLINA, ET AL.*, 601 U. S. 931;
- No. 23–5054. *KOLOSHA v. OKLAHOMA*, 601 U. S. 850;
- No. 23–5100. *MARINOV v. FCA US LLC ET AL.*, 601 U. S. 886;
- No. 23–5165. *ZHANG v. COUNTY OF LOS ANGELES, CALIFORNIA, ET AL.*, 601 U. S. 855;
- No. 23–5206. *CASTANEDA v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 601 U. S. 857;
- No. 23–5262. *IN RE HARMON*, 601 U. S. 809;
- No. 23–5267. *LUNN v. CITY OF DETROIT, MICHIGAN, ET AL.*, 601 U. S. 874;
- No. 23–5280. *GRIFFIN v. ECKERT, SUPERINTENDENT, WENDE CORRECTIONAL FACILITY*, 601 U. S. 860;
- No. 23–5313. *ROQUE v. BUFFALOE, SECRETARY, NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY*, 601 U. S. 875;
- No. 23–5386. *PARKER v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*, 601 U. S. 876;
- No. 23–5388. *LYLES v. SOUTH CAROLINA*, 601 U. S. 863;
- No. 23–5414. *GILBERTI v. PENTAGON ET AL.*, 601 U. S. 899;
- No. 23–5446. *RICHERT v. MURPHY ET AL.*, 601 U. S. 900;
- No. 23–5463. *JOHNSON v. OKLAHOMA*, 601 U. S. 900;
- No. 23–5514. *DILLARD v. WYOMING*, 601 U. S. 879;
- No. 23–5521. *GAFF v. MSNI ADVANTAGE, L. P., ET AL.*, 601 U. S. 909;
- No. 23–5528. *PERKINS v. HARRY, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL.*, 601 U. S. 909;
- No. 23–5552. *LEI YIN v. HARTFORD UNDERWRITERS INSURANCE Co.*, 601 U. S. 909;
- No. 23–5594. *BELL v. NEW HAMPSHIRE*, 601 U. S. 887;
- No. 23–5644. *BLAKE v. UNITED STATES*, 601 U. S. 902; and
- No. 23–5744. *IN RE WHEELER*, 601 U. S. 895. Petitions for rehearing denied.

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No. 23–59. *CLARK v. GARLAND, ATTORNEY GENERAL, ET AL.*, 601 U. S. 864. Petition for rehearing denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition.

No. 23–263. *SMITH v. UNITED STATES CONGRESS ET AL.*, 601 U. S. 923. Petition for rehearing denied. JUSTICE BARRETT took no part in the consideration or decision of this petition.

No. 23–5584. *ROGERS v. UNITED STATES*, 601 U. S. 882. Petition for rehearing denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition.

JANUARY 12, 2024

Certiorari Granted

No. 22–1218. *SMITH ET AL. v. SPIZZIRRI ET AL.* C. A. 9th Cir. Certiorari granted. Reported below: 62 F. 4th 1201.

No. 23–175. *CITY OF GRANTS PASS, OREGON v. JOHNSON ET AL., ON BEHALF OF THEMSELVES AND ALL OTHERS SIMILARLY SITUATED.* C. A. 9th Cir. Certiorari granted. Reported below: 72 F. 4th 868.

No. 23–191. *WILLIAMS ET AL. v. WASHINGTON, ALABAMA SECRETARY OF LABOR.* Sup. Ct. Ala. Certiorari granted.

No. 23–367. *STARBUCKS CORP. v. MCKINNEY, REGIONAL DIRECTOR OF REGION 15 OF THE NATIONAL LABOR RELATIONS BOARD, FOR AND ON BEHALF OF THE NATIONAL LABOR RELATIONS BOARD.* C. A. 6th Cir. Certiorari granted. Reported below: 77 F. 4th 391.

No. 23–334. *DEPARTMENT OF STATE ET AL. v. MUNOZ ET AL.* C. A. 9th Cir. Certiorari granted limited to Questions 1 and 2 presented by the petition. Reported below: 50 F. 4th 906.

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Miscellaneous Orders

No. 23M48. *BAKER ET AL. v. CSX TRANSPORTATION, INC., ET AL.* Motion for leave to file petition for writ of certiorari with supplemental appendix under seal granted.

No. 23–14. *DIAZ v. UNITED STATES.* C. A. 9th Cir. [Certiorari granted, 601 U. S. 912.] Motion for leave to file petitioner's brief on the merits under seal with redacted copies for the public record granted.

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No. 23–21. HARROW *v.* DEPARTMENT OF DEFENSE. C. A. Fed. Cir. [Certiorari granted, 601 U.S. 939.] Motion of petitioner to dispense with printing joint appendix granted.

No. 23–370. ERLINGER *v.* UNITED STATES. C. A. 7th Cir. [Certiorari granted, 601 U.S. 928.] Motion of petitioner to dispense with printing joint appendix granted.

No. 23–5444. STREGE *v.* VOS, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS THE CHIEF DEFENDER FOR THE OFFICE OF THE FEDERAL PUBLIC DEFENDER DISTRICT OF PUERTO RICO, ET AL. C. A. 1st Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [601 U.S. 894] denied.

No. 23–6326. IN RE ISAZA ARANGO. Petition for writ of habeas corpus denied.

No. 23–6360. IN RE SETTS. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of habeas corpus dismissed. See this Court’s Rule 39.8.

Certiorari Denied

No. 23–171. QUINN ET AL. *v.* WASHINGTON ET AL. Sup. Ct. Wash. Certiorari denied. Reported below: 1 Wash. 3d 453, 526 P. 3d 1.

No. 23–179. ALASKA ET AL. *v.* ALASKA STATE EMPLOYEES ASSN./AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES LOCAL 52, AFL–CIO. Sup. Ct. Alaska. Certiorari denied. Reported below: 529 P. 3d 547.

No. 23–232. BASF METALS LTD. ET AL. *v.* KPFF INVESTMENT, INC., ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 61 F. 4th 242.

No. 23–337. EPIC GAMES, INC. *v.* APPLE INC.; and
No. 23–344. APPLE INC. *v.* EPIC GAMES, INC. C. A. 9th Cir. Certiorari denied. Reported below: 67 F. 4th 946.

No. 23–380. MILITARY-VETERANS ADVOCACY INC. *v.* McDONOUGH, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. Certiorari denied. Reported below: 63 F. 4th 935.

No. 23–384. BORESKEY, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY AS A SPECIAL AGENT FOR THE U. S. SECRET SERVICE *v.*

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GRABER. C. A. 3d Cir. Certiorari denied. Reported below: 59 F. 4th 603.

No. 23–390. BHATTACHARYA *v.* STATE BANK OF INDIA. C. A. 7th Cir. Certiorari denied. Reported below: 70 F. 4th 941.

No. 23–392. METROPOLITAN SCHOOL DISTRICT OF MARTINSVILLE *v.* A. C., A MINOR CHILD BY HIS NEXT FRIEND, MOTHER AND LEGAL GUARDIAN, M. C. C. A. 7th Cir. Certiorari denied. Reported below: 75 F. 4th 760.

No. 23–495. TRIM *v.* REWARD ZONE USA LLC ET AL. C. A. 9th Cir. Certiorari denied.

No. 23–501. MALLORY *v.* ROCKY MOUNTAIN HUMAN SERVICE SSVF. C. A. 10th Cir. Certiorari denied.

No. 23–508. MATTHEWS *v.* TRIPP, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 23–515. AMORY INVESTMENTS LLC ET AL. *v.* UTRECHT-AMERICA HOLDINGS, INC., ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 74 F. 4th 525.

No. 23–516. SMITH *v.* GORDON ET AL. Ct. App. Ky. Certiorari denied.

No. 23–527. RAB *v.* WEBER, CALIFORNIA SECRETARY OF STATE, ET AL. Ct. App. Cal., 3d App. Dist. Certiorari denied. Reported below: 91 Cal. App. 5th 1337, 308 Cal. Rptr. 3d 888.

No. 23–5417. LIGGETT *v.* COLORADO. Sup. Ct. Colo. Certiorari denied. Reported below: 529 P. 3d 113.

No. 23–5592. GREENE *v.* ARIZONA. Sup. Ct. Ariz. Certiorari denied. Reported below: 255 Ariz. 37, 527 P. 3d 322.

No. 23–5714. PERAITA *v.* ALABAMA. Ct. Crim. App. Ala. Certiorari denied.

No. 23–6001. JACKSON *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 23–6016. GREEN *v.* DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 23–6031. DODWELL-WRIGHT *v.* NATIONWIDE INSURANCE Co. ET AL. Ct. App. D. C. Certiorari denied.

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No. 23–6033. SMITH *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO. C. A. 6th Cir. Certiorari denied.

No. 23–6040. BUSTOS *v.* ENCINO PARK HOMEOWNERS ASSN. ET AL. Ct. App. Tex., 4th Dist. Certiorari denied.

No. 23–6047. REED *v.* MAY, WARDEN, ET AL. C. A. 3d Cir. Certiorari denied.

No. 23–6052. BAILEY *v.* WEST LAUREL WATER ASSN. ET AL. Ct. App. Ky. Certiorari denied.

No. 23–6074. ONYEJAKA *v.* MISSOURI. Sup. Ct. Mo. Certiorari denied.

No. 23–6076. PEDRAZA *v.* LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 23–6080. CLOSE *v.* O'MALLEY, COMMISSIONER OF SOCIAL SECURITY. C. A. 9th Cir. Certiorari denied.

No. 23–6184. BEST *v.* SMITH. C. A. 9th Cir. Certiorari denied.

No. 23–6260. LINDER *v.* BLACK, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 23–548. SCHIEBER ET AL. *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. JUSTICE JACKSON took no part in the consideration or decision of this petition. See 28 U. S. C. § 455 and Code of Conduct for Justices of the Supreme Court of the United States, Canon 3B(2)(e) (prior judicial service). Reported below: 77 F. 4th 806.

No. 23–6004. SCOTT *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. 22–7640. WIGGINS *v.* LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 601 U. S. 829;

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No. 22–7742. *TAYLOR v. CALIFORNIA*, 601 U. S. 834;
No. 22–7812. *CISNEROS v. ALLEN, WARDEN*, 601 U. S. 837;
No. 23–303. *TOWNSEND v. ROCKWELL AUTOMATION, INC.*, 601 U. S. 913;
No. 23–5366. *DEEHOUSE v. WYOMING*, 601 U. S. 862;
No. 23–5501. *CHEN v. METROPOLITAN POLICE DEPARTMENT ET AL.*, 601 U. S. 901; and
No. 23–5643. *IN RE MERCER*, 601 U. S. 928. Petitions for rehearing denied.

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Dismissal Under Rule 46

No. 23–400. *CURRAN ET AL. v. O’KELLEY ET AL.* C. A. 11th Cir. Certiorari dismissed under this Court’s Rule 46.

Miscellaneous Orders

No. 23A349. *OHIO ET AL. v. ENVIRONMENTAL PROTECTION AGENCY ET AL.*;

No. 23A350. *KINDER MORGAN, INC., ET AL. v. ENVIRONMENTAL PROTECTION AGENCY ET AL.*;

No. 23A351. *AMERICAN FOREST & PAPER ASSN. ET AL. v. ENVIRONMENTAL PROTECTION AGENCY ET AL.*; and

No. 23A384. *UNITED STATES STEEL CORP. v. ENVIRONMENTAL PROTECTION AGENCY ET AL.* C. A. D. C. Cir. Motion of applicants for divided argument granted. Motion of the Solicitor General for divided argument granted.

No. 23A607. *DEPARTMENT OF HOMELAND SECURITY ET AL. v. TEXAS*. Application to vacate injunction, presented to JUSTICE ALITO, and by him referred to the Court, granted. The December 19, 2023, order of the United States Court of Appeals for the Fifth Circuit, case No. 23–50869, is vacated. JUSTICE THOMAS, JUSTICE ALITO, JUSTICE GORSUCH, and JUSTICE KAVANAUGH would deny the application to vacate the injunction.

No. 23A641. *MICHIGAN INDEPENDENT CITIZENS REDISTRICTING COMMISSION ET AL. v. AGEE ET AL.* D. C. W. D. Mich. Application for stay, presented to JUSTICE KAVANAUGH, and by him referred to the Court, denied.

No. 141, Orig. *TEXAS v. NEW MEXICO ET AL.* Exceptions to the Third Interim Report of the Special Master is set for oral

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argument in due course. [For earlier order herein, see, *e. g.*, 600 U. S. 950.]

No. 22–1078. WARNER CHAPPELL MUSIC, INC., ET AL. *v.* NEALY ET AL. C. A. 11th Cir. [Certiorari granted, 600 U. S. 970.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 23–210. JORDAN *v.* HOWELL, AS ADMINISTRATRIX OF THE ESTATE OF HOWELL; and

No. 23–260. ERWIN *v.* HOWELL, AS ADMINISTRATRIX OF THE ESTATE OF HOWELL. C. A. 6th Cir. Joint motion to hold petitions in abeyance granted.

No. 23–6275. HUGHES *v.* UNITED STATES. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until February 12, 2024, 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. 23–518. IN RE KLEIN; and

No. 23–6137. IN RE BOYAJIAN. Petitions for writs of mandamus denied.

No. 23–6035. IN RE MACDONALD. 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. JUSTICE BARRETT took no part in the consideration or decision of this motion and this petition.

No. 23–6152. IN RE RUFUS. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of mandamus and/or prohibition dismissed. See this Court’s Rule 39.8.

Certiorari Granted

No. 22–7466. GLOSSIP *v.* OKLAHOMA. Ct. Crim. App. Okla. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. In addition to the questions presented, the parties are directed to brief and argue the following question: “Whether the Oklahoma Court of Criminal Appeals’ holding that the Oklahoma Post-Conviction Procedure Act precluded postconviction relief is an adequate and independent state-law ground for the judgment.” JUSTICE GORSUCH took no part in the

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consideration or decision of this motion and this petition. Reported below: 2023 OK CR 5, 529 P. 3d 218.

Certiorari Denied

No. 23–259. LEWIS COUNTY, KENTUCKY, ET AL. *v.* HELPHENSTINE, ADMINISTRATRIX OF THE ESTATE OF HELPHENSTINE AND GUARDIAN OF B. D. H., THE MINOR SON OF HELPHENSTINE. C. A. 6th Cir. Certiorari denied. Reported below: 60 F. 4th 305.

No. 23–329. CHONG YIM ET AL. *v.* CITY OF SEATTLE, WASHINGTON. C. A. 9th Cir. Certiorari denied. Reported below: 63 F. 4th 783.

No. 23–363. PORTER *v.* BOARD OF TRUSTEES OF NORTH CAROLINA STATE UNIVERSITY ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 72 F. 4th 573.

No. 23–405. ROSS *v.* FEDERAL TRADE COMMISSION. C. A. 4th Cir. Certiorari denied. Reported below: 74 F. 4th 186.

No. 23–414. ARCHER *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 23–504. PHOTOPLAZA, INC., ET AL. *v.* HERBAL BRANDS, INC. C. A. 9th Cir. Certiorari denied. Reported below: 72 F. 4th 1085.

No. 23–530. YOAST *v.* POTTSTOWN BOROUGH, PENNSYLVANIA, ET AL. C. A. 3d Cir. Certiorari denied.

No. 23–534. OTOH *v.* U. S. BANK TRUST N. A. ET AL. C. A. 11th Cir. Certiorari denied.

No. 23–536. MERLO *v.* WARREN, PRESIDING JUDGE, PROBATE COURT NO. 2, DALLAS COUNTY, TEXAS. Sup. Ct. Tex. Certiorari denied.

No. 23–539. DE BOTTON *v.* QUALITY LOAN SERVICE CORPORATION OF WASHINGTON ET AL. C. A. 9th Cir. Certiorari denied.

No. 23–545. NGOLA MBANDI ET AL. *v.* PANGAEA ADVENTURES LLC ET AL. C. A. 7th Cir. Certiorari denied.

No. 23–546. CORPORATE MANAGEMENT, INC., ET AL. *v.* UNITED STATES EX REL. ALDRIDGE ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 78 F. 4th 727.

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No. 23–549. *JEAN-BAPTISTE v. DEPARTMENT OF JUSTICE ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 23–567. *SUPERIOR WELL SERVICES, INC. v. AMERICAN HOME ASSURANCE CO. ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 75 F. 4th 184.

No. 23–572. *WILLIAMS ET AL. v. MCELHANEY.* C. A. 6th Cir. Certiorari denied. Reported below: 81 F. 4th 550.

No. 23–576. *ABDULLA v. SOUTHERN BANK.* C. A. 11th Cir. Certiorari denied.

No. 23–596. *KENNO v. COLORADO GOVERNOR’S OFFICE OF INFORMATION TECHNOLOGY ET AL.* C. A. 10th Cir. Certiorari denied.

No. 23–640. *SMITH v. UNITED STATES.* C. A. Armed Forces. Certiorari denied. Reported below: 83 M. J. 350.

No. 23–641. *MILLER v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 23–681. *DIAMOND J. WHOLESALE, LLC, DBA GABSONS NOVELTIES v. TOP TOBACCO, L. P., ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–5654. *JOHNSON v. VIRGINIA.* Sup. Ct. Va. Certiorari denied.

No. 23–5857. *MOODY v. GEORGIA.* Sup. Ct. Ga. Certiorari denied. Reported below: 316 Ga. 490, 888 S. E. 2d 109.

No. 23–5968. *LANGSTON v. CONNECTICUT.* Sup. Ct. Conn. Certiorari denied. Reported below: 346 Conn. 605, 294 A. 3d 1002.

No. 23–5990. *SIMMONS v. SCARANTINO.* C. A. 4th Cir. Certiorari denied.

No. 23–6009. *AUSTIN v. AMERICAN BUILDING CO.* C. A. 11th Cir. Certiorari denied.

No. 23–6027. *SWEET v. SWEET ET AL.* Certiorari denied. Reported below: 138 Nev. —, 520 P. 3d 827.

No. 23–6046. *MELTON v. FLORIDA.* Sup. Ct. Fla. Certiorari denied. Reported below: 367 So. 3d 1175.

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No. 23–6053. *NIXON v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 342 So. 3d 691.

No. 23–6055. *DEBORA D. v. JOHN D. ET AL.* Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 23–6056. *SORBEL v. SOUTH DAKOTA EX REL. SOUTH DAKOTA DEPARTMENT OF SOCIAL SERVICES ET AL.* Sup. Ct. S. D. Certiorari denied. Reported below: 991 N. W. 2d 116.

No. 23–6064. *KIMBROUGH v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 23–6066. *WILLIAMS v. WASHINGTON*. Ct. App. Wash. Certiorari denied.

No. 23–6071. *TAKHVAR v. WARNER BROS. DISCOVERY INC. ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–6073. *SHIRLEY v. HARPE, DIRECTOR, OKLAHOMA DEPARTMENT OF CORRECTIONS*. C. A. 10th Cir. Certiorari denied.

No. 23–6088. *HAMILTON v. ARIZONA*. Ct. App. Ariz. Certiorari denied.

No. 23–6089. *BLOCKSON v. OLIVER, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–6091. *LEE v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. Sup. Ct. Fla. Certiorari denied.

No. 23–6093. *FINN v. NEW YORK ET AL.* C. A. 2d Cir. Certiorari denied.

No. 23–6099. *GALLEGOS v. TEXAS*. Ct. App. Tex., 13th Dist. Certiorari denied.

No. 23–6213. *POLIERO v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 81 F. 4th 96.

No. 23–6217. *DE LA CRUZ LEYVA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6218. *SMITH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6219. *RODRIGUES-BARIOS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

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No. 23–6220. *SMITH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6221. *CARRILLO-LOPEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 68 F. 4th 1133.

No. 23–6224. *DAUM v. COREY, SUPERINTENDENT, AUBURN CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 23–6231. *PARKS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 23–6234. *ROBINSON v. COMPASS GROUP USA, INC.* C. A. 6th Cir. Certiorari denied.

No. 23–6235. *ROMERO, AKA SILVA ROMERO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–6236. *DICKEY v. WARDEN, FEDERAL CORRECTIONAL INSTITUTION, MARIANNA*. C. A. 11th Cir. Certiorari denied.

No. 23–6240. *GONZALEZ-LUNAR v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 23–6242. *MORA-CARRILLO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 80 F. 4th 712.

No. 23–6245. *LOPEZ-ARELLANO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6251. *RODRIGUEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6252. *GUERRERO-LAZARO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6259. *OGLE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 82 F. 4th 272.

No. 23–6263. *ABAD v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 23–6264. *SALCIDO v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 23–6269. *HAND v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6277. *GUTIERREZ-GARCIA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

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No. 23–6279. *ROBLES-PEREZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6285. *PAIVA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6286. *PARKS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 23–6292. *CROWELL v. SEVIER, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 77 F. 4th 539.

No. 23–6297. *HEWLETT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–6299. *HOLLOWELL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–6302. *CRAWFORD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–6311. *CLUM v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–6314. *STEVENSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–6318. *DANIEL v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 23–6319. *DOW v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–6320. *SALAZAR-RAMIREZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6330. *GHALOUSTIAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–6331. *MOORE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 76 F. 4th 1355.

No. 23–6332. *RIVERA-LOPEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6333. *GUEVARA TRIANA v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 79 F. 4th 896.

No. 23–6335. *WALKER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

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No. 23–6336. GARIBAY MENDOZA, AKA MENDOZA-ROMERO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 23–6339. GUZMAN, AKA VILLARREAL-GUZMAN, AKA GUZMAN-VILLAREAL, AKA NAVA, AKA LARA, AKA LARA-PARAMO, AKA RAMORO, AKA SOLORIO *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 80 F. 4th 883.

No. 23–6343. BOWIE *v.* MILLER, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 23–6346. JORDAN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 23–6347. BELL *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 23–6351. TERRY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 23–6357. SMITH *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 23–6375. SELLS *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied.

No. 23–208. LEISRAEL ET AL. *v.* EDUCATION FOR A JUST PEACE IN THE MIDDLE EAST. C. A. D. C. Cir. Motion of National Jewish Advocacy Center et al. for leave to file brief as *amici curiae* out of time denied. Certiorari denied. Reported below: 66 F. 4th 1007.

Rehearing Denied

No. 22–7790. RAY *v.* OKLAHOMA, 601 U.S. 836;

No. 23–200. CHAE *v.* YELLEN, SECRETARY OF THE TREASURY, ET AL., 601 U.S. 897;

No. 23–5218. IN RE CURRY, 601 U.S. 808;

No. 23–5356. JAMES *v.* VIRGINIA, 601 U.S. 862; and

No. 23–5614. JORDAN *v.* PENNSYLVANIA STATE UNIVERSITY ET AL., 601 U.S. 932. Petitions for rehearing denied.

No. 22–5330. WADE *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, 598 U.S. 965. Motion for leave to file petition for rehearing denied.

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Certiorari Denied

No. 23–6517 (23A664). SMITH *v.* ALABAMA. Ct. Crim. App. Ala. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.

JANUARY 25, 2024

Certiorari Denied

No. 23–6562 (23A688). SMITH *v.* HAMM, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.

JUSTICE SOTOMAYOR, dissenting.

Alabama plans to execute Kenneth Eugene Smith tonight by nitrogen hypoxia. That method is untested. Smith is the first person in this country ever to be executed in this way. The details are hazy because Alabama released its heavily redacted protocol under five months ago. What Smith knows is that he will be strapped to a gurney. He will wear a nitrogen-supplying, off-the-rack mask for which the State has not fitted him or even tried on him. Once the nitrogen is flowing into the mask, his executioners will not intervene and will not remove the mask, even if Smith vomits into it and chokes on his own vomit.

Smith is a surprising candidate to test this novel method. Alabama tried and failed to execute him before. In November 2022, Alabama botched Smith’s execution by lethal injection. It was Alabama’s third failed execution in a row in five months. See *Barber v. Ivey*, 600 U. S. 942 (2023) (SOTOMAYOR, J., dissenting from denial of application for stay). Smith had warned repeatedly that Alabama would struggle and likely fail to complete its lethal injection in light of a “pattern of the State’s difficulties in establishing venous access.” 2023 WL 4353143, *7 (MD Ala., July 5, 2023). This Court did not listen. It instead vacated a stay of execution without explanation, over three noted dissents. As a result, Smith’s arms were strapped over his head and he watched as his executioners repeatedly stabbed needles into his

hands, arms, and collarbone, trying to access his veins. It took an hour and half after this Court vacated the stay before Alabama called off the execution.

Since that day, Smith has suffered from posttraumatic stress. Reliving those hours strapped to the gurney, his medical records confirm worsening bouts of nausea and vomiting over the past few weeks. See Second Supp. Decl. of Katherine Porterfield in No. 2:23-cv-00656 (MD Ala., Jan. 23, 2024), ECF Doc. 87-5, p. 3, ¶¶5-6. Those symptoms have been resistant to prescribed medications. He is therefore likely to vomit during the execution as a combined result of this posttraumatic stress and oxygen deprivation.

Smith asks this Court to stay his execution. He argues that Alabama's untested execution protocol will likely subject him to an unconstitutional risk of cruel and unusual punishment. According to one of Smith's experts, "there is a substantial and serious risk that Mr. Smith will experience nausea and vomiting during his execution," thus "asphyxiating—that is, choking to death—on his own vomit" before he eventually passes out from hypoxia. *Id.*, at 3-4, ¶7. Further, Alabama believes that an airtight seal is not needed on the mask. Smith therefore has raised the substantial risk that oxygen will infiltrate the mask and lead to a persistent vegetative state, stroke, or suffocation, superadding pain and prolonging Smith's death. See Application 6.

In denying Smith's motion for preliminary injunction, the District Court held that Smith failed to make the showing required for a method-of-execution claim under the Eighth Amendment. Such a claim requires that "the risk of pain associated with the State's method is substantial when compared to a known and available alternative." *Bucklew v. Precythe*, 587 U.S. 119, 134 (2019) (internal quotation marks omitted). The District Court found that the risk of substantial harm, including the risk of asphyxiation, was overly speculative because it required "a cascade of unlikely events." 2024 WL 262867, *2 (MD Ala., Jan. 24, 2024). On the known-and-available-alternative requirement, the District Court faulted Smith for failing to provide "a feasible, readily implemented alternative" with his "list of proposed amendments to the Protocol." 2024 WL 116303, *21 (MD Ala., Jan. 10, 2024).

Smith appealed the denial of his motion for preliminary injunction and asked the Eleventh Circuit for a stay of execution. The

panel unanimously concluded that the District Court legally erred in requiring Smith to provide a “‘veritable blueprint’” for an alternative method of execution, a requirement with no basis in this Court’s precedent. No. 24–10095 (CA11, Jan. 24, 2024), p. 22, n. 7 (*per curiam*). Two judges, however, upheld the District Court’s determination that Smith had failed to establish a risk of substantial harm and concluded that the court’s findings of facts were not clearly erroneous. The panel affirmed the denial of Smith’s preliminary injunction and denied his stay request.¹ I view the case like Judge Jill Pryor, who dissented. For the reasons given in her dissent, I would not let this decision stand. See *id.*, at 33–35.

Courts considering a stay must weigh the applicant’s likelihood of success on the merits, potential for irreparable injury, and the public interest. See *Nken v. Holder*, 556 U. S. 418, 434 (2009). Smith has established a substantial likelihood of success on the merits of his claim challenging Alabama’s undeterred implementation of its heavily redacted, 5-month-old protocol. The equities here, as in nearly all capital cases where the prisoner has shown a reasonable probability of success on the merits, favor Smith. See *Bucklew*, 587 U. S., at 172, (SOTOMAYOR, J., dissenting). While I would grant the petition for a writ of certiorari and summarily reverse the Eleventh Circuit’s order affirming the denial of Smith’s preliminary-injunction motion, at a minimum, I would grant Smith’s request for a stay of execution.

* * *

Having failed to kill Smith on its first attempt, Alabama has selected him as its “guinea pig” to test a method of execution never attempted before. *Barber*, 600 U. S., at 943 (SOTOMAYOR, J., dissenting). The world is watching.² This Court yet again permits Alabama to “experiment . . . with a human life,” while

¹Judge Wilson wrote a concurring opinion expressing his concerns with Alabama’s untested plan to execute Smith.

²See, e. g., US: Alarm Over Imminent Execution in Alabama, United Nations (Jan. 16, 2024), <https://www.ohchr.org/en/press-briefing-notes/2024/01/us-alarm-over-imminent-execution-alabama>; United States: UN Experts Alarmed at Prospect of First-Ever Untested Execution by Nitrogen Hypoxia in Alabama, United Nations (Jan. 3, 2024), <https://www.ohchr.org/en/press-releases/2024/01/united-states-un-experts-alarmed-prospect-first-ever-untested-execution>.

depriving Smith of “meaningful discovery” on meritorious constitutional claims. *Id.*, at 950. This time around, Alabama has adopted a new protocol concerning a never-before-used method of execution. Consistent with Alabama’s “familiar veil of secrecy over its capital punishment procedures,” it has released only a “heavily redacted” version of that protocol. 2024 WL 116303, *3. Smith should be allowed to complete discovery and litigate the merits of his claims challenging this new protocol in the ordinary course. That information is important not only to Smith, who has an extra reason to fear the gurney, but to anyone the State seeks to execute after him using this novel method.

Not long ago, this Court remarked that “[t]he Eighth Amendment’s protection of dignity reflects the Nation we have been, the Nation we are, and the Nation we aspire to be.” *Hall v. Florida*, 572 U.S. 701, 708 (2014). This case shows how that protection can be all too fragile. Twice now this Court has ignored Smith’s warning that Alabama will subject him to an unconstitutional risk of pain. The first time, Smith’s predictions came true. He “survived to describe the intense fear and pain [he] experienced during Alabama’s tortuous attempts to execute [him].” *Barber*, 600 U.S., at 950 (SOTOMAYOR, J., dissenting from denial of application for stay). This time, he predicts that Alabama’s protocol will cause him to suffocate and choke to death on his own vomit. I sincerely hope that he is not proven correct a second time.

With deep sadness, but commitment to the Eighth Amendment’s protection against cruel and unusual punishment, I respectfully dissent.

JUSTICE KAGAN, with whom JUSTICE JACKSON joins, dissenting.

As JUSTICE SOTOMAYOR explains, the method Alabama will use to execute Kenneth Eugene Smith—the use of nitrogen hypoxia—is entirely novel. The State’s protocol was developed only recently, and is even now under revision to prevent Smith from choking on his own vomit. The State has declined to provide Smith with all the discovery respecting its protocol which he has requested. And Smith has a well-documented medical condition posing special risks from the State’s newly chosen method of execution.

I would grant Smith’s petition for a writ of certiorari to consider whether, in those exceptional circumstances, the extremely

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demanding standard this Court established in *Glossip v. Gross*, 576 U. S. 863 (2015), properly applies. See *id.*, at 877 (requiring a prisoner to show that serious pain is “sure or very likely” to occur). Arguably, that standard can work fairly only when more is capable of being known about an execution method. To allow this Court to address that important issue, I would also grant Smith’s application for a stay of execution.

JANUARY 26, 2024

Miscellaneous Order

No. 22–7466. *GLOSSIP v. OKLAHOMA*. Ct. Crim. App. Okla. [Certiorari granted, 601 U. S. 999.] Christopher G. Michel, Esq., of Washington, D. C., is invited to brief and argue this case as *amicus curiae* in support of judgment below. JUSTICE GORSUCH took no part in the consideration or decision of this order.

FEBRUARY 2, 2024

Dismissals Under Rule 46

No. 22–7046. *MORELOS v. CALIFORNIA*. Sup. Ct. Cal. Certiorari dismissed under this Court’s Rule 46. Reported below: 13 Cal. 5th 722, 514 P. 3d 811.

No. 23–191. *WILLIAMS ET AL. v. WASHINGTON, ALABAMA SECRETARY OF LABOR*. Sup. Ct. Ala. [Certiorari granted, 601 U. S. 994.] Writ of certiorari dismissed as to petitioner Cynthia Hawkins under this Court’s Rule 46. Certiorari remains pending as to all other petitioners.

Miscellaneous Orders

No. 23A696. *STUDENTS FOR FAIR ADMISSIONS, INC. v. UNITED STATES MILITARY ACADEMY AT WEST POINT ET AL.* D. C. S. D. N. Y. Application for writ of injunction pending appeal, presented to JUSTICE SOTOMAYOR, and by her referred to the Court, denied. The record before this Court is underdeveloped, and this order should not be construed as expressing any view on the merits of the constitutional question.

No. 23–719. *TRUMP v. ANDERSON ET AL.* Sup. Ct. Colo. [Certiorari granted, 601 U. S. 964.] Motion of Professor Seth Barrett Tillman for leave to participate in oral argument as *amicus curiae*, for divided argument, and for enlargement of time for

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oral argument denied. Motion of respondent Griswold for divided argument and for enlargement of time for oral argument is granted in part, a total of 80 minutes is allotted, and the time is divided as follows: 40 minutes for petitioner, 30 minutes for respondent Anderson et al., and 10 minutes for respondent Griswold.

FEBRUARY 12, 2024

Dismissals Under Rule 46

No. 23–700. KARUPAIYAN *v.* NEW YORK ET AL. C. A. 2d Cir. Certiorari dismissed under this Court’s Rule 46.

No. 23–701. KARUPAIYAN *v.* VAISSIE ET AL. C. A. 3d Cir. Certiorari dismissed under this Court’s Rule 46.

FEBRUARY 16, 2024

Miscellaneous Orders

No. 22–277. MOODY, ATTORNEY GENERAL OF FLORIDA, ET AL. *v.* NETCHOICE, LLC, DBA NETCHOICE, ET AL. C. A. 11th Cir. [Certiorari granted, 600 U.S. 969.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 22–529. CANTERO ET AL., INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED *v.* BANK OF AMERICA, N. A. C. A. 2d Cir. [Certiorari granted, 601 U.S. 883.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 22–555. NETCHOICE, LLC, DBA NETCHOICE, ET AL. *v.* PAXTON, ATTORNEY GENERAL OF TEXAS. C. A. 5th Cir. [Certiorari granted, 600 U.S. 970.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

FEBRUARY 20, 2024

Vacated and Remanded on Appeal

No. 23–467. GARCIA *v.* HOBBS, SECRETARY OF STATE OF WASHINGTON, ET AL. Appeal from D. C. W. D. Wash. Judgment vacated, and case remanded with instructions to enter a fresh judgment from which an appeal may be taken to the United States Court of Appeals for the Ninth Circuit.

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Certiorari Dismissed

No. 23–6200. *GREEN v. LG ELECTRONICS USA ET AL.* C. A. 3d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 23–6201. *GREEN v. GENERAL MILLS WORLD HEADQUARTERS 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. 23–6268. *GOODEN v. UNITED STATES 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. 23–6370. *ADAMS v. MERIT SYSTEMS PROTECTION BOARD.* C. A. Fed. Cir.;

No. 23–6371. *ADAMS v. MERIT SYSTEMS PROTECTION BOARD.* C. A. Fed. Cir.;

No. 23–6372. *ADAMS v. MERIT SYSTEMS PROTECTION BOARD;* and

No. 23–6373. *ADAMS v. MERIT SYSTEMS PROTECTION BOARD.* C. A. Fed. Cir.; and

No. 23–6463. *ADAMS v. MERIT SYSTEMS PROTECTION BOARD.* C. A. Fed. Cir. Motions of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

Miscellaneous Orders

No. 23A596. *KELLY v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA.* C. A. 3d Cir. Application for leave to file petition for writ of certiorari in excess of the page limits, addressed to THE CHIEF JUSTICE and referred to the Court, denied.

No. 23M49. *IN RE JOLLEY.* Motion for leave to proceed as a veteran granted.

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No. 23M50. DAVIS *v.* KLINEFELTER, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HOUTZDALE, ET AL.;

No. 23M51. HENNING *v.* CITY OF JACKSON, TENNESSEE;

No. 23M55. O'REILLY *v.* TSOTTLES ET AL.;

No. 23M56. DOUGHERTY *v.* DEPARTMENT OF HOMELAND SECURITY ET AL.; and

No. 23M59. GAMBLE *v.* BRITTAIN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FRACKVILLE, ET AL. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 23M52. AKERMAN *v.* MERIT SYSTEMS PROTECTION BOARD;

No. 23M53. AKERMAN *v.* UNITED STATES; and

No. 23M58. WRIGHT *v.* McDONOUGH, SECRETARY OF VETERANS AFFAIRS. Motions for leave to proceed as veterans denied.

No. 23M54. NORMAN *v.* H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC., DBA MOFFITT CANCER CENTER.

No. 23M60. R. R. *v.* WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES, CHILD PROTECTIVE SERVICES, ET AL. Motions for leave to file petitions for writs of certiorari with supplemental appendixes under seal granted.

No. 23M57. BARNES *v.* ADKINS, WARDEN. Motion for leave to proceed as a veteran denied. JUSTICE BARRETT took no part in the consideration or decision of this motion.

No. 141, Orig. TEXAS *v.* NEW MEXICO ET AL. Motion of Texas and New Mexico for divided argument granted. [For earlier order herein, see, *e.g.*, 601 U. S. 998.]

No. 22–1025. GONZALEZ *v.* TREVINO ET AL. C. A. 5th Cir. Certiorari granted 601 U. S. 883.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 22–1079. TRUCK INSURANCE EXCHANGE *v.* KAISER GYPSUM Co., INC., ET AL. C. A. 4th Cir. [Certiorari granted, 601 U. S. 883.] Motion of respondents for divided argument granted. Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted. JUSTICE ALITO took no part in the consideration or decision of these motions.

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No. 22–7860. *CVJETICANIN v. UNITED STATES*. C. A. 3d Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [601 U. S. 807] denied.

No. 23–235. *FOOD AND DRUG ADMINISTRATION ET AL. v. ALLIANCE FOR HIPPOCRATIC MEDICINE ET AL.*; and

No. 23–236. *DANCO LABORATORIES, L. L. C. v. ALLIANCE FOR HIPPOCRATIC MEDICINE ET AL.* C. A. 5th Cir. [Certiorari granted, 601 U.S. 963.] Motion of Former Commissioners of the U.S. Food and Drug Administration for leave to file brief as *amici curiae* out of time granted. Motion of American Bar Association for leave to file brief as *amicus curiae* out of time denied. Motions of Missouri et al. and Gregory J. Roden as Next Friend of Americans en ventre sa mere for leave to intervene denied.

No. 23–367. *STARBUCKS CORP. v. MCKINNEY, REGIONAL DIRECTOR OF REGION 15 OF THE NATIONAL LABOR RELATIONS BOARD, FOR AND ON BEHALF OF THE NATIONAL LABOR RELATIONS BOARD*. C. A. 6th Cir. [Certiorari granted, 601 U.S. 994.] Motion of petitioner to dispense with printing joint appendix granted.

No. 23–370. *ERLINGER v. UNITED STATES*. C. A. 7th Cir. [Certiorari granted, 601 U. S. 928.] Motion of the Solicitor General for divided argument granted.

No. 23–719. *TRUMP v. ANDERSON ET AL.* Sup. Ct. Colo. [Certiorari granted, 601 U.S. 964.] Motion of United States Justice Foundation and Policy Issues Institute, Inc., for leave to file brief as *amici curiae* out of time denied. Motion of Chris Sevier for leave to intervene denied.

No. 23–5842. *KEYES v. UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT*. C. A. 5th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [601 U. S. 966] denied.

No. 23–5961. *ROBINSON v. OHIO CIVIL RIGHTS COMMISSION ET AL.* Sup. Ct. Ohio. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [601 U. S. 940] denied.

No. 23–6155. *WEBB v. KIMMEL ET AL.* C. A. 4th Cir.;

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No. 23–6338. *FISHMAN v. NEW YORK*. Ct. App. N. Y.; and
No. 23–6519. *VAZQUEZ v. MAYORKAS, SECRETARY OF HOME-
LAND SECURITY*. C. A. 9th Cir. Motions of petitioners for leave
to proceed *in forma pauperis* denied. Petitioners are allowed
until March 12, 2024, 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. 23–6539. *IN RE CORBIN-BEY*;
No. 23–6541. *IN RE FREEMAN*;
No. 23–6544. *IN RE HICKS*;
No. 23–6552. *IN RE PISCIOTTA*;
No. 23–6566. *IN RE TRAMMEL*;
No. 23–6595. *IN RE DAVIS*;
No. 23–6605. *IN RE LAKE*;
No. 23–6624. *IN RE JONES*; and
No. 23–6627. *IN RE HATTON*. Petitions for writs of habeas
corpus denied.

No. 22–7871. *IN RE BOWE*. Petition for writ of habeas cor-
pus denied.

Statement of JUSTICE SOTOMAYOR, with whom JUSTICE JACK-
SON joins, respecting the denial of the petition for a writ of ha-
beas corpus.

Under § 2244(b)(1) of the Antiterrorism and Effective Death
Penalty Act of 1996 (AEDPA), a federal court must dismiss a
“claim presented in a second or successive habeas corpus applica-
tion under section 2254 that was presented in a prior application.”
28 U. S. C. § 2244(b)(1). State prisoners seek federal postconvic-
tion relief under § 2254. Federal prisoners seek postconviction
relief under § 2255. This petition raises the question whether
§ 2244(b)(1)’s bar, which explicitly references only § 2254, also ap-
plies to a claim by a *federal* prisoner who brings a successive
challenge to his conviction under § 2255.

The Government agrees with *Bowe* that § 2244(b)(1)’s plain lan-
guage covers only challenges by state prisoners under § 2254.
Three Circuits now agree with that interpretation. See *Jones v.*
United States, 36 F. 4th 974, 982 (CA9 2022) (“The plain text of
§ 2244(b)(1) by its terms applies only to state prisoners’ applica-
tions”); *In re Graham*, 61 F. 4th 433, 438 (CA4 2023); *Williams*
v. United States, 927 F. 3d 427, 434 (CA6 2019). But six Circuits
disagree. See *Winarske v. United States*, 913 F. 3d 765, 768–769

(CA8 2019); *In re Bourgeois*, 902 F. 3d 446, 447 (CA5 2018); *In re Baptiste*, 828 F. 3d 1337, 1339–1340 (CA11 2016); *United States v. Winkelman*, 746 F. 3d 134, 135–136 (CA3 2014); *Gallagher v. United States*, 711 F. 3d 315 (CA2 2013) (*per curiam*); *Taylor v. Gilkey*, 314 F. 3d 832, 836 (CA7 2002).

JUSTICE KAVANAUGH has previously expressed his desire for this Court to resolve this split. *Avery v. United States*, 589 U. S. 1288, 1289 (2020) (statement respecting denial of certiorari). I now join him. There is a reason, however, that this is the first case to reach the Court presenting this question since he welcomed petitions on the split in *Avery*. There are considerable structural barriers to this Court’s ordinary review via certiorari petition.

A petition cannot reach this Court from the three Circuits that read §2244(b)(1) to apply only to state prisoners. Before a federal prisoner can file a second or successive habeas §2255 motion, a court of appeals must certify it. See 28 U. S. C. §2255(h). When a federal prisoner files a second or successive §2255 motion that raises an issue he has raised previously, neither the court of appeals nor the district court will apply §2244(b)(1)’s bar. If the court of appeals certifies the motion, the district court will decide it on the merits. The Government, because it agrees that §2244(b)(1) applies only to state prisoners, will not seek certiorari and the question will be left behind.

A petition cannot reach this Court from the six Circuits that apply §2244(b)(1) to both state and federal prisoners either. In those Circuits, the court of appeals will apply §2244(b)(1)’s bar and deny certification to any second or successive §2255 motion that raises an issue the prisoner has previously raised. Neither the Government nor the prisoner can seek review of that interpretation of §2244(b)(1) from this Court, however, because AEDPA separately bars petitions for certiorari stemming from “[t]he grant or denial of an authorization by a court of appeals to file a second or successive application.” §2244(b)(3)(E).

Here, the Eleventh Circuit denied Bowe authorization to file his successive §2255 motion based on §2244(b)(1). Faced with §2244(b)(3)(E)’s bar on petitioning for review of that denial in this Court, Bowe instead invokes this Court’s jurisdiction to entertain original habeas petitions under §2241(a). The standard for this Court’s consideration of an original habeas petition is a demanding one. A petitioner must show both that “adequate relief cannot be obtained in any other form or from any other court” and

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“exceptional circumstances warrant the exercise of the Court’s discretionary powers.” Rule 20.4(a). Whether Bowe has met that demanding standard here is questionable, because it is not clear that, absent § 2244(b)(1)’s bar, the Eleventh Circuit would have certified his § 2255 motion.

The Circuit split, however, is still an important issue for this Court to consider in a more appropriate case. I would welcome the invocation of this Court’s original habeas jurisdiction in a future case where the petitioner may have meritorious § 2255 claims. The Government also suggests that a court of appeals seeking clarity could certify the question to this Court. In the meantime, in light of the demanding standard for this Court’s jurisdiction over original habeas petitions, I encourage the courts of appeals to reconsider this question en banc, where appropriate.*

No. 23–6510. IN RE SHOVE. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of habeas corpus dismissed. See this Court’s Rule 39.8.

No. 23–673. IN RE HILL;

No. 23–6212. IN RE CURRY;

No. 23–6233. IN RE DI SANTO;

No. 23–6272. IN RE FULLER;

No. 23–6290. IN RE SGROMO; and

No. 23–6310. IN RE EMERSON. Petitions for writs of mandamus denied.

No. 23–6246. IN RE KNOWLES. Petition for writ of mandamus denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition.

No. 23–608. IN RE GOTHARD ET AL.;

No. 23–680. IN RE SALGUERO; and

No. 23–6191. IN RE HALE. Petitions for writs of mandamus and/or prohibition denied.

*For instance, it may be unnecessary to revisit the question en banc where statements from prior cases examining § 2244(b)(1)’s bar are dicta, rather than holdings. See, e.g., *Williams v. United States*, 927 F.3d 427, 435–436 (CA6 2019) (revisiting the § 2244(b)(1) analysis after concluding that statements from two published prior cases were unreasoned dicta); *King v. Brownback*, 601 U.S. 904, 904–905 (2023) (statement of SOTOMAYOR, J., respecting denial of certiorari) (noting different avenues for lower courts to reconsider the application of a statutory bar).

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No. 23–6368. *IN RE HARDY*. Petition for writ of prohibition denied.

Certiorari Denied

No. 23–218. *GOODMAN, CHAPTER 13 TRUSTEE v. DOLL*. C. A. 10th Cir. Certiorari denied. Reported below: 57 F. 4th 1129.

No. 23–227. *MOLINA ET AL. v. BOOK ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 59 F. 4th 334.

No. 23–242. *MARTINEZ v. UNITED STATES* (Reported below: 83 M. J. 439) *AIKANOFF v. UNITED STATES* (83 M. J. 440); *APGAR v. UNITED STATES* (83 M. J. 439); *BENTLEY v. UNITED STATES* (83 M. J. 442); *DOCILET v. UNITED STATES* (83 M. J. 441); *GARRETT v. UNITED STATES* (83 M. J. 441); *JOHNSON v. UNITED STATES* (83 M. J. 440); *LOPEZ v. UNITED STATES* (83 M. J. 444); *MCCAMERON v. UNITED STATES* (83 M. J. 442); *MIRAMONTES v. UNITED STATES* (83 M. J. 440); *MUNOZGARCIA v. UNITED STATES* (83 M. J. 442); *RUBIRIVERA v. UNITED STATES* (83 M. J. 443); *TARNOWSKI v. UNITED STATES* (83 M. J. 443); *VANCE v. UNITED STATES* (83 M. J. 441); *VEERATHANONGDECH v. UNITED STATES* (83 M. J. 439); and *ZIMMER v. UNITED STATES* (83 M. J. 443). C. A. Armed Forces.

No. 23–243. *RUSH ET AL. v. O'MALLEY, COMMISSIONER OF SOCIAL SECURITY*. C. A. 4th Cir. Certiorari denied. Reported below: 65 F. 4th 114.

No. 23–267. *WILLIAMS v. BOEHRINGER INGELHEIM PHARMACEUTICALS, INC., ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–274. *FELKNER v. NAZARIAN ET AL.* Sup. Ct. R. I. Certiorari denied. Reported below: 291 A. 3d 1001.

No. 23–291. *LITTLE, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED v. DOGUET ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 71 F. 4th 340.

No. 23–315. *VIRNETX INC. v. MANGROVE PARTNERS MASTER FUND, LTD., ET AL.*; and *VIRNETX INC. ET AL. v. APPLE INC.* C. A. Fed. Cir. Certiorari denied.

No. 23–317. *CRANDEL, AS DEPENDENT ADMINISTRATOR OF AND ON BEHALF OF WORL, ET AL. v. HALL ET AL.* (Reported below: 75 F. 4th 537); and *EDMISTON ET AL. v. BORREGO ET AL.* (75 F. 4th 551). C. A. 5th Cir. Certiorari denied.

No. 23–332. *CYPRESS-FAIRBANKS INDEPENDENT SCHOOL DISTRICT v. ROE*. C. A. 5th Cir. Certiorari denied. Reported below: 53 F. 4th 334.

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No. 23–362. *HOPMAN v. UNION PACIFIC RAILROAD*. C. A. 8th Cir. Certiorari denied. Reported below: 68 F. 4th 394.

No. 23–387. *CARLISLE, INDIVIDUALLY AND AS REPRESENTATIVE MEMBER OF A CLASS, ET AL. v. LOPINTO, SHERIFF, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 23–389. *REILLY ET AL. v. CITY OF HARRISBURG, PENNSYLVANIA, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–437. *ANDERSON v. UNITED STATES*. C. A. Armed Forces. Certiorari denied. Reported below: 83 M. J. 291.

No. 23–444. *MOSS v. MINIARD, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 62 F. 4th 1002.

No. 23–472. *BONNER v. TRIPLE S MANAGEMENT CORP. ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 68 F. 4th 677.

No. 23–486. *POWELL ET AL. v. WHITMER, GOVERNOR OF MICHIGAN, ET AL.*; and

No. 23–497. *WOOD v. WHITMER, GOVERNOR OF MICHIGAN, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 71 F. 4th 511.

No. 23–507. *SIMPSON-VLACH ET AL., ON BEHALF OF A. S. ET AL., ET AL. v. MICHIGAN DEPARTMENT OF EDUCATION ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–531. *CARPENTER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–560. *MCCALLISTER, CHAPTER 13 TRUSTEE v. EVANS ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 69 F. 4th 1101.

No. 23–563. *ABDULKY ET AL., AS PARENTS AND NEXT FRIENDS OF ABDULKY v. LUBIN & MEYER, P. C., ET AL.* App. Ct. Mass. Certiorari denied. Reported below: 102 Mass. App. 441, 205 N. E. 3d 381.

No. 23–566. *MASSIE, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS A MEMBER OF THE UNITED STATES HOUSE OF REPRESENTATIVES, ET AL. v. JOHNSON, SPEAKER OF THE UNITED STATES HOUSE OF REPRESENTATIVES, ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 72 F. 4th 319.

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No. 23–570. *AVERY v. SEDGWICK CLAIMS MANAGEMENT SERVICES, INC., ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–573. *VENESKEY v. SULIER.* Ct. App. N. C. Certiorari denied. Reported below: 285 N. C. App. 644, 878 S. E. 2d 633.

No. 23–575. *TEHRANI v. HAMILTON TECHNOLOGIES LLC.* C. A. Fed. Cir. Certiorari denied.

No. 23–579. *SHENZHEN SANLIDA ELECTRICAL TECHNOLOGY CO., LTD., ET AL. v. WHIRLPOOL CORP. ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 80 F. 4th 536.

No. 23–580. *O’BRIEN ET AL. v. UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK.* C. A. 2d Cir. Certiorari denied.

No. 23–581. *THOMPSON v. THOMPSON.* Ct. App. Tenn. Certiorari denied.

No. 23–584. *SNYDER v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist., Div. 4. Certiorari denied.

No. 23–585. *FORDHAM v. GEORGIA DEPARTMENT OF ADMINISTRATIVE SERVICES ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–586. *UNITED BEHAVIORAL HEALTH ET AL. v. D. K. ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 67 F. 4th 1224.

No. 23–588. *MIRANDA v. O’MALLEY, COMMISSIONER OF SOCIAL SECURITY.* C. A. 5th Cir. Certiorari denied.

No. 23–589. *PARIKH ET AL. v. PARIKH-SMITH ET AL.* App. Ct. Md. Certiorari denied.

No. 23–590. *ALEMAN ET AL. v. BESHEAR, GOVERNOR OF KENTUCKY, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–591. *MILEY v. BURNS ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–594. *HUNT v. DEUTSCHE BANK TRUST COMPANY AMERICAS.* C. A. 11th Cir. Certiorari denied.

No. 23–595. *HALL v. FULTON ET AL.* Sup. Ct. Del. Certiorari denied. Reported below: 303 A. 3d 1230.

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No. 23–597. *MAYFIELD ET AL. v. BUTLER SNOW, L. L. P., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 75 F. 4th 494.

No. 23–598. *ABING ET AL. v. EVERS ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–599. *GLADDEN v. WOODFORD ET AL.* App. Ct. Md. Certiorari denied. Reported below: 257 Md. App. 736 and 757.

No. 23–603. *THOMAS v. CALIFORNIA DEPARTMENT OF JUSTICE ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–604. *JACOB v. TEXAS* (two judgments). Ct. Crim. App. Tex. Certiorari denied.

No. 23–607. *GLOVER v. COHEN ET AL.* C. A. Fed. Cir. Certiorari denied.

No. 23–609. *SALGUERO v. COURT OF APPEAL OF CALIFORNIA, SECOND APPELLATE DISTRICT, ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 23–610. *SALGUERO v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 23–611. *MARTINEZ v. JENNEIAHN ET AL.* C. A. 10th Cir. Certiorari denied.

No. 23–613. *SOTO SOTO ET AL. v. QUILES CARRASQUILLO*. Sup. Ct. P. R. Certiorari denied.

No. 23–614. *ROCKY BRANCH TIMBERLANDS LLC v. UNITED STATES ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–615. *CASTLEMAN ET AL. v. BURMAN, CHAPTER 7 TRUSTEE*. C. A. 9th Cir. Certiorari denied. Reported below: 75 F. 4th 1052.

No. 23–619. *PUERTO RICO SUPPLIES GROUP, INC., ET AL. v. BAUTISTA CAYMAN ASSET Co.* Sup. Ct. P. R. Certiorari denied.

No. 23–623. *AKERMAN v. NEVADA NATIONAL GUARD*. Sup. Ct. Nev. Certiorari denied. Reported below: 139 Nev. —, 530 P. 3d 19.

No. 23–627. *PARKER ET AL. v. GOVERNOR OF PENNSYLVANIA ET AL.* C. A. 3d Cir. Certiorari denied.

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No. 23–630. *PIETRANGELO v. SUNUNU, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS THE GOVERNOR OF NEW HAMPSHIRE, ET AL.* C. A. 1st Cir. Certiorari denied.

No. 23–632. *WARBIRD ADVENTURES, INC. v. FEDERAL AVIATION ADMINISTRATION.* C. A. 11th Cir. Certiorari denied.

No. 23–633. *HIGHTSHOE v. O’MALLEY, COMMISSIONER OF SOCIAL SECURITY.* C. A. 7th Cir. Certiorari denied.

No. 23–634. *BURNS ET AL. v. SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 284 ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 75 F. 4th 857.

No. 23–637. *JINGJING ZHENG ET VIR v. SHADY GROVE FERTILITY.* App. Ct. Md. Certiorari denied.

No. 23–639. *FERGUSON v. HAMM, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 69 F. 4th 1243.

No. 23–642. *KARSJENS ET AL. v. HARPSTEAD ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 74 F. 4th 561.

No. 23–646. *TINIUS ET AL. v. CHOI ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 23–647. *KING v. META PLATFORMS, INC., FKA FACEBOOK, INC.* C. A. 9th Cir. Certiorari denied.

No. 23–651. *LOWERY v. PARRIS, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 23–653. *STEVENS ET AL. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 9th Cir. Certiorari denied. Reported below: 72 F. 4th 1015.

No. 23–654. *LEEAL v. NEWREZ LLC, DBA SHELLPOINT MORTGAGE SERVICING, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–656. *HAIRSTON v. DEPARTMENT OF VETERANS AFFAIRS MARTINSBURG ET AL.* C. A. 4th Cir. Certiorari denied.

No. 23–657. *MACDONALD v. MINNESOTA OFFICE OF LAWYERS PROFESSIONAL RESPONSIBILITY.* Sup. Ct. Minn. Certiorari denied.

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No. 23–658. *MEDICAL TRANSPORTATION MANAGEMENT, INC. v. HARRIS ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 77 F. 4th 746.

No. 23–661. *TUG HILL OPERATING, LLC v. ROGERS.* C. A. 4th Cir. Certiorari denied. Reported below: 76 F. 4th 279.

No. 23–662. *FARM CREDIT SERVICES OF AMERICA, FLCA v. TOPP, DBA BILL TOPP FARM ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 75 F. 4th 959.

No. 23–663. *McDUFF v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–667. *COLEMAN v. KENDALL, SECRETARY OF THE AIR FORCE.* C. A. 4th Cir. Certiorari denied. Reported below: 74 F. 4th 610.

No. 23–670. *KIRSCHNER, SOLELY IN HIS CAPACITY AS TRUSTEE OF THE MILLENNIUM LENDER CLAIM TRUST v. JPMORGAN CHASE BANK, N. A., ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 79 F. 4th 290.

No. 23–671. *JOHNSON v. FREBORG.* Sup. Ct. Minn. Certiorari denied. Reported below: 995 N. W. 2d 374.

No. 23–672. *ROGERS v. RIGGS ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 71 F. 4th 1256.

No. 23–684. *KNAPP ET AL. v. BROWN.* C. A. 6th Cir. Certiorari denied. Reported below: 75 F. 4th 638.

No. 23–688. *KING, BY AND THROUGH HIS GUARDIAN AD LITEM, RAYMUNDO, ET AL. v. DEWS ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–692. *MINIX v. KENTUCKY.* Sup. Ct. Ky. Certiorari denied.

No. 23–693. *YI-CHI SHIH, AKA YUGI SHI v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 73 F. 4th 1077.

No. 23–694. *SMITH v. O'MALLEY, COMMISSIONER OF SOCIAL SECURITY, ET AL.* C. A. 10th Cir. Certiorari denied.

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No. 23–697. *EVERS, GOVERNOR OF WISCONSIN v. DEAN ET AL.* C. A. 7th Cir. Certiorari denied.

No. 23–698. *CITY OF PASADENA, TEXAS v. CROWN CASTLE FIBER, L. L. C.* C. A. 5th Cir. Certiorari denied. Reported below: 76 F. 4th 425.

No. 23–705. *DECK v. CALIFORNIA.* C. A. 9th Cir. Certiorari denied.

No. 23–706. *HEBERT ET AL. v. FMC TECHNOLOGIES, INC.* C. A. 5th Cir. Certiorari denied.

No. 23–709. *JOHNSON v. ILLINOIS.* C. A. 7th Cir. Certiorari denied.

No. 23–710. *NELSON v. ACRE MORTGAGE & FINANCIAL INC. ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–716. *HENRY v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 84 F. 4th 190.

No. 23–718. *HEFFNER v. HEFFNER ET AL.* Ct. App. Tex., 2d Dist. Certiorari denied.

No. 23–730. *PEZHMAN v. BLOOMINGDALE’S, INC.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 215 App. Div. 3d 603, 188 N. Y. S. 3d 37.

No. 23–731. *KYROS LAW P. C. ET AL. v. WORLD WRESTLING ENTERTAINMENT, INC., ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 78 F. 4th 532.

No. 23–736. *GADSON v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 77 F. 4th 16.

No. 23–742. *KISER ET AL. v. LANGER.* C. A. 9th Cir. Certiorari denied. Reported below: 57 F. 4th 1085.

No. 23–744. *LOPEZ v. OUR LADY QUEEN OF ANGELS CATHOLIC CHURCH.* Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 23–747. *PIERRE v. ATTORNEY GRIEVANCE COMMISSION OF MARYLAND* (Reported below: 485 Md. 56, 300 A. 3d 201); and *WEINBERG v. ATTORNEY GRIEVANCE COMMISSION OF MARYLAND* (485 Md. 504, 301 A. 3d 142). Sup. Ct. Md. Certiorari denied.

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No. 23–751. 0.12 ACRES OF LAND, MORE OR LESS, IN WASHINGTON COUNTY, MARYLAND, ET AL. *v.* COLUMBIA GAS TRANSMISSION, LLC. C. A. 4th Cir. Certiorari denied.

No. 23–752. Y. Y. G. M. SA, DBA BRANDY MELVILLE *v.* RED-BUBBLE, INC. C. A. 9th Cir. Certiorari denied. Reported below: 75 F. 4th 995.

No. 23–759. MADDOX *v.* MARYLAND PAROLE COMMISSION ET AL. C. A. 4th Cir. Certiorari denied.

No. 23–760. BAKER ET AL. *v.* CSX TRANSPORTATION, INC., ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 70 F. 4th 785.

No. 23–762. SILVERBERG *v.* DISTRICT OF COLUMBIA ET AL. C. A. D. C. Cir. Certiorari denied.

No. 23–764. FACEBOOK, INC. *v.* VARGAS ET AL. C. A. 9th Cir. Certiorari denied.

No. 23–765. PATEL *v.* McDONOUGH, SECRETARY OF VETERANS AFFAIRS. C. A. 4th Cir. Certiorari denied.

No. 23–767. CRAIN *v.* CRAIN ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 72 F. 4th 269.

No. 23–775. DAVIS, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF DAVIS, DECEASED, AND MINOR CHILDREN, JC ET AL., ET AL. *v.* CRANFIELD AEROSPACE SOLUTIONS, LTD. C. A. 9th Cir. Certiorari denied. Reported below: 71 F. 4th 1154.

No. 23–789. DIRKZWAGER *v.* ARCHER-DANIELS-MIDLAND CO. C. A. 8th Cir. Certiorari denied.

No. 23–790. FLINDERS *v.* STATE BAR OF CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 23–795. ABELAR ET AL. *v.* INTERNATIONAL BUSINESS MACHINES CORP. C. A. 2d Cir. Certiorari denied. Reported below: 76 F. 4th 74.

No. 23–807. EL PAPEL, LLC, ET AL. *v.* CITY OF SEATTLE, WASHINGTON, ET AL. C. A. 9th Cir. Certiorari denied.

No. 23–5311. HOLMES *v.* GRANUAILE, LLC, ET AL. C. A. 4th Cir. Certiorari denied.

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No. 23–5505. *WALKER v. VIRGINIA*. Sup. Ct. Va. Certiorari denied. Reported below: 302 Va. 304, 887 S. E. 2d 544.

No. 23–5566. *ANTHONY v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 23–5743. *TAYLOR v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 60 F. 4th 1233.

No. 23–5755. *JOSEPH v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5823. *GONZALES v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 23–5875. *VARGAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 74 F. 4th 673.

No. 23–5890. *SMITH v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied.

No. 23–5908. *CHOULAT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 75 F. 4th 489.

No. 23–5943. *WALKER v. UNITED STATES FEDERAL GOVERNMENT ET AL.* C. A. 4th Cir. Certiorari denied.

No. 23–5964. *ROGERS v. POUNDS, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 69 F. 4th 381.

No. 23–6005. *SADEEK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 77 F. 4th 320.

No. 23–6008. *JOHNSON v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 74 F. 4th 334.

No. 23–6083. *DETLING v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–6096. *OLIVER v. MICHAUD ET AL.* C. A. 1st Cir. Certiorari denied.

No. 23–6104. *McRAE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

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No. 23–6108. *CAVETT v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 23–6113. *LEWIS v. TEXAS*. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 23–6114. *JACKSON v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 23–6124. *ESTRADA v. SUPERIOR COURT OF CALIFORNIA, SAN BERNARDINO COUNTY, ET AL.* Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 23–6126. *ENGLISH v. PARCEL EXPRESS, INC.* Ct. App. Tex., 5th Dist. Certiorari denied.

No. 23–6127. *KARNES ET AL. v. MONTENGO ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–6132. *RUSSELL v. STARK COUNTY JOB AND FAMILY SERVICES ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–6136. *LEFTWICH v. STATE FARM INSURANCE CO. ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–6138. *DOE v. COMMUNITY COLLEGE OF BALTIMORE COUNTY ET AL.* C. A. 4th Cir. Certiorari denied.

No. 23–6146. *RANDOLPH v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND*. C. A. 4th Cir. Certiorari denied.

No. 23–6153. *HARRIS v. HUNT ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–6154. *DEES v. COLORADO*. Dist. Ct. Colo., Jefferson County. Certiorari denied.

No. 23–6159. *KING v. AIKENS ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–6163. *AARONOFF v. OLSON*. Ct. App. Cal., 2d App. Dist., Div. 2. Certiorari denied.

No. 23–6168. *RIAZ v. SUPERIOR COURT OF CALIFORNIA, TULARE COUNTY, ET AL.* Ct. App. Cal., 5th App. Dist. Certiorari denied.

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No. 23–6171. *HILL v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 23–6172. *BELL v. BIRMINGHAM BOARD OF EDUCATION*. C. A. 11th Cir. Certiorari denied.

No. 23–6173. *AAEBO AKHAN v. AKHAN*. Ct. App. D. C. Certiorari denied.

No. 23–6174. *DOTSON v. TENNESSEE*. Sup. Ct. Tenn. Certiorari denied. Reported below: 673 S. W. 3d 204.

No. 23–6180. *FOLLANSBEE v. ARIZONA*. Ct. App. Ariz. Certiorari denied.

No. 23–6181. *PFEIFER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–6185. *WILSON v. STEVENS, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 23–6189. *KLEINMAN v. NORTON, JUDGE, UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF MISSOURI; and KLEINMAN v. FINK ET AL.* C. A. 8th Cir. Certiorari denied.

No. 23–6190. *HUDSON v. DEBOW ET AL.* Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 23–6192. *HOLLAND v. TEXAS*. Ct. App. Tex., 7th Dist. Certiorari denied.

No. 23–6194. *CANALES v. HOFFMAN, ACTING WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 23–6198. *PLUMMER v. WELLPATH ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–6202. *GAINES v. JACKSON, WARDEN*. C. A. 4th Cir. Certiorari denied.

No. 23–6203. *GLOVER v. MCGINLEY, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT COAL TOWNSHIP, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–6204. *SANCHEZ v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist., Div. 6. Certiorari denied.

No. 23–6208. *SCOTT v. MIAMI DADE COUNTY, FLORIDA, ET AL.* C. A. 11th Cir. Certiorari denied.

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No. 23–6209. *SAVAGE v. SUPREME COURT OF OHIO*. Sup. Ct. Ohio. Certiorari denied.

No. 23–6211. *HARDRICK v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 23–6214. *SEALED v. SEALED*. Sup. Ct. Fla. Certiorari denied.

No. 23–6215. *D. E. v. RUSSELL COUNTY DEPARTMENT OF HUMAN RESOURCES*. Ct. Civ. App. Ala. Certiorari denied.

No. 23–6216. *HALL v. BROCHU-REYNOLDS*. Sup. Ct. N. H. Certiorari denied.

No. 23–6222. *JOHNSON v. BECERRA, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 23–6223. *SINDONE v. MICHIGAN DEPARTMENT OF CORRECTIONS ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–6225. *RAMSEY v. PLATKIN, ATTORNEY GENERAL OF NEW JERSEY, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–6227. *ANTONIO CORTEZ v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 23–6228. *WILLIAMS v. LANE ET AL.; and WILLIAMS v. VESS*. Sup. Ct. Ala. Certiorari denied.

No. 23–6229. *CARY v. WILLIAMS, EXECUTIVE DIRECTOR, COLORADO DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 10th Cir. Certiorari denied.

No. 23–6237. *EZEANI v. ANDERSON, WARDEN, ET AL.*;

No. 23–6294. *EZEANI v. KELLY*; and

No. 23–6295. *EZEANI v. McCLAIN*. C. A. 3d Cir. Certiorari denied.

No. 23–6238. *JARVIS v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–6239. *EVERSON v. QUIROS, COMMISSIONER, CONNECTICUT DEPARTMENT OF CORRECTION, ET AL.* C. A. 2d Cir. Certiorari denied.

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No. 23–6241. *MARTINEZ v. HOOKS*, SECRETARY, NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY. C. A. 4th Cir. Certiorari denied.

No. 23–6243. *BROWN v. NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 80 F. 4th 712.

No. 23–6248. *GUPTE v. DAVIS ET AL.* C. A. 2d Cir. Certiorari denied.

No. 23–6249. *GREER v. MICHIGAN.* Sup. Ct. Mich. Certiorari denied. Reported below: 513 Mich. 855, 995 N. W. 2d 345.

No. 23–6253. *FORD v. AMERICAN HOMES 4 RENT ET AL.* C. A. 5th Cir. Certiorari denied.

No. 23–6254. *GRAVES v. FLORIDA.* Sup. Ct. Fla. Certiorari denied.

No. 23–6255. *HUNTER v. LUMPKIN*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 23–6256. *BRABHAM v. FLORIDA.* Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 372 So. 3d 1254.

No. 23–6257. *JORDAN v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 23–6261. *SELLERS v. UNITED STATES.* Sup. Ct. N. C. Certiorari denied. Reported below: 385 N. C. 396, 892 S. E. 2d 604.

No. 23–6262. *ROBIDEAU v. MINNESOTA.* Ct. App. Minn. Certiorari denied.

No. 23–6265. *STONE v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 23–6266. *KERR v. POLLEX ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–6267. *GONZALEZ v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 23–6270. *FRENCH v. WASHINGTON.* Ct. App. Wash. Certiorari denied. Reported below: 24 Wash. App. 2d 1040.

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No. 23–6271. *MADDOX v. ILLINOIS*. App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 2023 IL App (4th) 220529–U.

No. 23–6273. *LUCAS v. OTTINGER ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–6274. *FELIPE v. GARLAND, ATTORNEY GENERAL*. C. A. 5th Cir. Certiorari denied.

No. 23–6280. *GASPARD v. BAC HOME LOANS SERVICING, LP, ET AL.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 363 So. 3d 1054.

No. 23–6281. *HOGAN v. PAYNE, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTIONS*. Sup. Ct. Ark. Certiorari denied. Reported below: 2023 Ark. 99, 668 S. W. 3d 466.

No. 23–6282. *CHASTAIN v. BEDFORD REGIONAL WATER AUTHORITY*. Sup. Ct. Va. Certiorari denied.

No. 23–6283. *MITCHELL v. ARKANSAS*. Sup. Ct. Ark. Certiorari denied. Reported below: 2023 Ark. 101, 668 S. W. 3d 483.

No. 23–6284. *PONTIER v. JOSEPH DANG, DBA LAW OFFICE OF JOSEPH DANG*. C. A. 9th Cir. Certiorari denied.

No. 23–6287. *MAY v. TIMS ET AL.* C. A. 8th Cir. Certiorari denied.

No. 23–6288. *VELASQUEZ v. BALDOCK ET AL.* C. A. 10th Cir. Certiorari denied.

No. 23–6291. *SGROMO v. SCOTT ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–6293. *HAWKINS v. VANDERGRIFF, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 23–6296. *BAILEY v. BLEY*. Sup. Ct. Ore. Certiorari denied.

No. 23–6298. *SMITH v. COOK COUNTY, ILLINOIS*. C. A. 7th Cir. Certiorari denied.

No. 23–6300. *PAIVA v. RHODE ISLAND*. Super. Ct. Providence County, R. I. Certiorari denied.

No. 23–6301. *OLDHAM v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

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No. 23–6306. *EARL v. HARRIS ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–6307. *MCCLUSKEY v. HENDRICKS ET AL.* Ct. App. Cal., 2d App. Dist., Div. 2. Certiorari denied.

No. 23–6308. *GARCIA-PELICO v. NEBRASKA.* Ct. App. Neb. Certiorari denied. Reported below: 31 Neb. App. 707, 988 N. W. 2d 218.

No. 23–6309. *FARRIS v. VECTOR CONSTRUCTION, INC.* C. A. 7th Cir. Certiorari denied.

No. 23–6312. *REESE v. UNITED STATES.* C. A. 10th Cir. Certiorari denied.

No. 23–6316. *VINCENT v. WAKEFIELD, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SMITHFIELD, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–6317. *WEST, ON BEHALF OF WEST v. GARNET HILL REHABILITATION AND SKILLED CARE.* Ct. App. Tex., 5th Dist. Certiorari denied.

No. 23–6321. *JOHNSON-LUSTER v. WORMUTH, SECRETARY OF THE ARMY.* C. A. 5th Cir. Certiorari denied.

No. 23–6322. *OHIO EX REL. DODSON v. OHIO DEPARTMENT OF REHABILITATION AND CORRECTION ET AL.* Sup. Ct. Ohio. Certiorari denied. Reported below: 2023-Ohio-2263.

No. 23–6323. *DUNCAN v. FLORIDA.* Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 370 So. 3d 961.

No. 23–6324. *BONANNO v. VIRGINIA ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–6325. *DOWNES v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* Sup. Ct. Fla. Certiorari denied.

No. 23–6327. *GARCIA v. PHILADELPHIA DISTRICT ATTORNEY’S OFFICE ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–6328. *FIELDS v. BOULDIN ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–6329. *FINNEGAN v. CHIDESTER.* C. A. 7th Cir. Certiorari denied.

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No. 23–6334. *WOODS v. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT ET AL.* Ct. App. Cal., 2d App. Dist., Div. 8. Certiorari denied.

No. 23–6337. *AHMAD v. DAY ET AL.* C. A. 2d Cir. Certiorari denied.

No. 23–6341. *MARTIN v. FORSHEY, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 23–6345. *SPRING v. GRAY, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 23–6348. *LEANOS v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2023 IL App (1st) 191079, 236 N. E. 3d 559.

No. 23–6349. *KING v. BUDGET CAR MART, LLC.* Ct. App. Ohio, 9th App. Dist., Summit County. Certiorari denied. Reported below: 2023-Ohio-2756.

No. 23–6350. *FRANKLIN v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2023 IL App (1st) 200996, 229 N. E. 3d 364.

No. 23–6352. *WILLIAMS v. ILLINOIS.* App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 2023 IL App (4th) 220481–U.

No. 23–6354. *EASTERLING v. MISSISSIPPI.* Sup. Ct. Miss. Certiorari denied.

No. 23–6358. *BOOKER v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–6359. *NEVINS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–6362. *STESHENKO v. FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT ET AL.* Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 23–6363. *HINSON v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–6366. *MARTIN ISLAS v. DEPARTMENT OF HOMELAND SECURITY/IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF*

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CHIEF COUNSEL-ALTERNATIVES TO DETENTION. C. A. 11th Cir. Certiorari denied.

No. 23–6367. *HUNTER v. O’MALLEY, COMMISSIONER OF SOCIAL SECURITY*. C. A. 2d Cir. Certiorari denied.

No. 23–6376. *THORPE v. BOARD OF TRUSTEES, PUBLIC EMPLOYEES’ RETIREMENT SYSTEM*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 23–6378. *DIAZ-JARAMILLO v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 23–6379. *LAFAIVE v. RECORDS CUSTODIAN, WAUKESHA COUNTY DISTRICT ATTORNEY*. Ct. App. Wis. Certiorari denied. Reported below: 2023 WI App 32, 993 N. W. 2d 180.

No. 23–6382. *BATISTA-REYES v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 23–6385. *GARCIA-VELA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6386. *KING v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–6387. *LEBEAU v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 76 F. 4th 1102.

No. 23–6390. *RAMIREZ v. ILLINOIS*. App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 2023 IL App (3d) 200470–U.

No. 23–6391. *THOMAS v. HAALAND, SECRETARY OF THE INTERIOR, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–6392. *WATKINS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–6394. *TABLACK v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 23–6396. *COVARRUBIAS-MARTINEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6397. *RIVERA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

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No. 23–6400. HEWITT *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 23–6402. ORELLANA-SIBRIAN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 23–6404. HUNTER *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 88 F. 4th 221.

No. 23–6405. ALLEN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 23–6406. EBERHARDT *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 23–6408. LAROCHE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 83 F. 4th 682.

No. 23–6410. PENA-TALAMANTES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 23–6411. CORTEZ-GARCIA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 23–6412. PAVON-RIVERA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 23–6413. SMITH *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 81 F. 4th 800.

No. 23–6416. SLATER *v.* YELLEN, SECRETARY OF THE TREASURY, ET AL. C. A. 3d Cir. Certiorari denied.

No. 23–6418. HOLLAND *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 23–6419. HARRIS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 23–6420. BURGOS *v.* GAMBOA, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 81 F. 4th 911.

No. 23–6421. RIVERA *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 76 F. 4th 1085.

No. 23–6422. KRAYNAK *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

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No. 23–6424. *FORD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–6425. *TAYLOR v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 23–6429. *GAWLIK v. SEMPLE ET AL.* C. A. 2d Cir. Certiorari denied.

No. 23–6430. *JONES v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 74 F. 4th 941.

No. 23–6432. *MARTINEZ v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 23–6439. *MOTHERSHEAD v. WOFFORD, SUPERINTENDENT, WASHINGTON CORRECTIONS CENTER FOR WOMEN*. C. A. 9th Cir. Certiorari denied.

No. 23–6440. *DE JESUS-FLORES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6441. *HERNANDEZ v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 23–6442. *HERNANDEZ ZARATE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6445. *SOLOMON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–6447. *SHERMAN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 81 F. 4th 800.

No. 23–6448. *BRUNSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6452. *THOMAS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 23–6453. *WELTON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 23–6454. *HUTCHINS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–6458. *ASTUDILLO-HERRERA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

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No. 23–6460. *DUERSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–6461. *ARMANDO JIMENEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–6466. *LERMA FLORES, AKA PENUELAS RODRIGUEZ, AKA PENCELAS RODRIGUEZ v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–6470. *GATHERCOLE v. UNITED STATES ET AL.* C. A. 4th Cir. Certiorari denied.

No. 23–6474. *DESJARLAIS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 23–6475. *REDD v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 81 F. 4th 822.

No. 23–6476. *GREEN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–6477. *HUEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–6478. *WELKER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 75 F. 4th 820.

No. 23–6479. *ROBERTS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 84 F. 4th 659.

No. 23–6484. *SANCHEZ-DELGADO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6485. *SHAW v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6486. *SMITH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6488. *GARCIA-BERTADILLO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6489. *HARRISON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 70 F. 4th 1094.

No. 23–6492. *HENDERSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

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No. 23–6493. *WILSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6494. *ARMSTRONG v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–6495. *BURNO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–6498. *CLAYTON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 81 F. 4th 1160.

No. 23–6499. *MANNING v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 23–6500. *SMART v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6502. *LAMB v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–6503. *RIVERA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–6505. *VONGPHAKDY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–6520. *BENNETT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6523. *GALLOWAY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–6526. *COATES v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 82 F. 4th 953.

No. 23–6528. *BURGETT v. O'MALLEY, COMMISSIONER OF SOCIAL SECURITY*. C. A. 8th Cir. Certiorari denied.

No. 23–6543. *POWERS v. DEPARTMENT OF HOMELAND SECURITY ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–6549. *SCOTT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6553. *MCBRIDE v. VIRGINIA*. Sup. Ct. Va. Certiorari denied. Reported below: 302 Va. 443, 893 S. E. 2d 391.

No. 22–1130. *74 PINEHURST LLC ET AL. v. NEW YORK ET AL.* C. A. 2d Cir.; and

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No. 22–1170. 335–7 LLC ET AL. *v.* CITY OF NEW YORK, NEW YORK, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: No. 22–1130, 59 F. 4th 557.

Statement of JUSTICE THOMAS respecting the denials of certiorari.

Petitioners are owners of small and midsize apartment buildings who challenge New York City’s rent stabilization laws. Among other things, they argue that New York City’s regulations grant tenants and their successors an indefinite, infinitely renewable lease terminable only for reasons outside of the landlord’s control. Petitioners argue that they have suffered a *per se* taking as a result. The constitutionality of regimes like New York City’s is an important and pressing question. There are roughly one million rental apartments affected in New York City alone. See Pet. for Cert. in No. 22–1130, p. 1; Brief in Opposition for City of New York et al. in No. 22–1130, p. 4. And, the Courts of Appeals have taken different approaches: The Second Circuit rejected petitioners’ takings claims at the pleading stage, but at least one other Court of Appeals has accepted similar claims. Compare 59 F. 4th 557 (CA2 2023) (case below), with *Heights Apartments, LLC v. Walz*, 30 F. 4th 720 (CA8 2022).

The pleadings in these petitioners’ cases, however, would complicate our review. The petitioners’ complaints primarily contain generalized allegations about their circumstances and injuries. But, to evaluate their as-applied challenges, we must consider whether specific New York City regulations prevent petitioners from evicting actual tenants for particular reasons. Similarly, petitioners’ facial challenges require a clear understanding of how New York City regulations coordinate to completely bar landlords from evicting tenants. The pleadings do not facilitate such an understanding. However, in an appropriate future case, we should grant certiorari to address this important question.

No. 23–170. COALITION FOR TJ *v.* FAIRFAX COUNTY SCHOOL BOARD. C. A. 4th Cir. Certiorari denied. Reported below: 68 F. 4th 864.

JUSTICE ALITO, with whom JUSTICE THOMAS joins, dissenting.

The Court of Appeals’ decision in this case is based on a patently incorrect and dangerous understanding of what a plaintiff must show to prove intentional race discrimination. A group rep-

resenting applicants for admission to a highly competitive public magnet school brought suit, claiming that changes in the school's admissions requirements violated the Equal Protection Clause. They alleged that the changes were made for the purpose of discriminating on the basis of race, to the detriment of Asian-American applicants. The District Court found that direct and circumstantial evidence supported that claim and issued an injunction against implementation of the changes. On appeal, however, a divided Fourth Circuit panel reversed and held that the plaintiff's claim failed simply because the challenged changes did not reduce the percentage of Asian-American admittees below the percentage of Asian-American students in the schools in the jurisdictions served by the magnet school. What the Fourth Circuit majority held, in essence, is that intentional racial discrimination is constitutional so long as it is not too severe. This reasoning is indefensible, and it cries out for correction.

I

A

Thomas Jefferson High School for Science and Technology (TJ) is a magnet school that draws students from Fairfax County and other jurisdictions in northern Virginia. Widely recognized as one of the best public high schools in the Nation,¹ the school has exceptional resources, including 13 on-campus research laboratories and a student-produced scientific research journal, and it features a rigorous curriculum. All students must study computer science and complete a science or technology research project, and the school offers 26 advanced placement and 20 "post-AP" courses.²

The Fairfax County School Board (Board), an elected 12-member body, sets the school's admissions policy. Until 2020, the school had a highly competitive race-blind admissions process that

¹ U. S. News & World Report, Thomas Jefferson High School for Science and Technology, <https://www.usnews.com/education/best-high-schools/virginia/districts/fairfax-county-public-schools/thomas-jefferson-high-school-for-science-and-technology-20461>.

² Thomas Jefferson High School for Science and Technology 2022–2023, https://tjhsst.fcps.edu/sites/default/files/media/inline-files/2022-23%20TJHSST%20Profile_0.pdf; Fairfax County Public Schools, School Summary, https://schoolprofiles.fcps.edu/schlprfl/f?p=108%3A50%3A%3A%3A%3A%3A-P0_CURRENT_SCHOOL_ID%3A300.

relied heavily on standardized tests. Eighth grade students were eligible to apply if they had at least a 3.0 GPA and had taken a course in algebra. All applicants then took three standardized tests, and after that, the highest ranked students took a fourth exam and submitted two teacher recommendations. The class was selected from that group based on a holistic review of these inputs. Admission to TJ has been very competitive. From 2012 to 2020, the admissions rate varied between 14 and 20 percent.³

In recent years, this race-neutral competitive process produced classes with a high percentage of Asian-American students. In 2019, Asian Americans constituted 71.5 percent of TJ's class, and the 2020 entering class was similar, with a 73 percent Asian-American student body.

Asian-American students, many of whom are immigrants or the children of immigrants,⁴ have often seen admission to TJ as a ticket to the American dream. In this respect, their aspirations mirror those of young people from other immigrant groups. Public magnet schools with competitive admissions based on standardized tests have served as engines of social mobility by providing unique opportunities for minorities and the children of immigrants, and these students' subsequent careers have in turn richly contributed to our country's success. For example, one such school in New York City has produced no fewer than nine Nobel laureates.⁵

While Asian Americans have striven to attend TJ, their strong representation in the student body attracted criticism from education officials. In June 2020, TJ students received an email from their principal lamenting that the school did "not reflect the ra-

³ See, *e.g.*, TJHSST Admissions Statistics for Class of 2016, <https://web.archive.org/web/20150404073947/https://www.fcps.edu/ccopr/tj/tjadmissions-0412.pdf>; Fairfax County Public Schools, TJHSST Offers Admission to 486 Students, <https://web.archive.org/web/20220824023116/https://www.fcps.edu/news/tjhsst-offers-admission-486students>.

⁴ The percentage of foreign-born residents in the jurisdictions in question is well above the national average. For example, immigrants make up approximately 30 percent of the population of Fairfax County, which is the most populous county in Virginia. And of the top five countries from which these immigrants came, four (India, Korea, Vietnam, and China) are in Asia. Fairfax County, Our Immigrant Neighbors, <https://www.fairfaxcounty.gov/demographics/our-immigrant-neighbors>.

⁵ Bronx Science Foundation, Celebrating Bronx Science Luminaries, <https://alumni.bxscience.edu/hall-of-fame-2>.

cial composition in [the Fairfax County Public Schools].” App. to Pet. for Cert. 90a. A member of the Board wrote in an email that she was “‘angry and disappointed’” at TJ’s admissions results and that she expected “‘intentful [*sic*] action forthcoming.’” *Id.*, at 100a. That Board member also contacted Scott Braband, the superintendent of the Fairfax County Public Schools, demanding that the Board and the public school system “‘be explicit in how we are going to address the underrepresentation of [b]lack and Hispanic students.’” *Ibid.*

The Board answered the call. In December 2020, it adopted the current admissions policy, which no longer relies on standardized tests. The policy fills around 450 of the 550 seats in each incoming class by allocating a specified number of seats to each public middle school in the qualifying region.⁶ The remaining 100 seats are open to the entire applicant pool. Applicants for these seats are evaluated based on their grades, a “portrait sheet,” a problem-solving essay, and “Experience Factors.” The portrait sheet is meant to describe the applicant’s “soft” skills (such as the ability to work with other students). The four “Experience Factors” are (1) eligibility for free or reduced price meals; (2) status as an English language learner; (3) eligibility for special education services; and (4) attendance at a public middle school that previously sent few students to TJ.

This new policy had an immediate effect. The percentage of white, Hispanic, and black students increased,⁷ while the percentage and number of Asian-American students sharply dropped. In prior years, the offer rate for Asian-American students had hovered between 65 and 75 percent of the school’s total offers. Under the new policy, Asian Americans received 54.36 percent of the offers. In fact, even though the entering class expanded by 64 seats, the number of seats offered to Asian Americans decreased by 56. *Id.*, at 89a.

⁶ Specifically, the number of seats given to each such school is equal to 1.5 percent of the school’s eighth grade population.

⁷ White students received 22.36 percent of admission offers, up from 17.7 percent. Hispanic students received 11.27 percent of offers, up from 3.3 percent. Black students received 7.9 percent of offers, up from less than 3 percent. Parties’ Stipulation of Uncontested Facts in No. 1:21-cv-296 (ED Va., Dec. 3, 2021), ECF Doc. 95, pp. 4–5; 2 App. in No. 22-1280 (CA4, May 11, 2022), ECF Doc. 44–2, pp. 96–98.

B

The Coalition for TJ (Coalition), an organization that includes parents of children who have applied or will apply to TJ, filed suit in Federal District Court under 42 U. S. C. § 1983, against the Board. The Coalition alleged that the new admissions policy was based on intentional racial discrimination and therefore violates the Equal Protection Clause.

After a careful review of the record, the District Court agreed. It found that both direct and circumstantial evidence clearly showed that the changes in the admissions process were motivated by racial discrimination. The court found that the Board's decisionmaking process was "rushed, not transparent, and more concerned with simply doing something to alter the racial balance at TJ than with public engagement." App. to Pet. for Cert. 106a. "The discussion of TJ admissions changes was infected with talk of racial balancing from its inception," and "emails and text messages between Board members and high-ranking [Fairfax County Public School] officials leave no material dispute that, at least in part, the purpose of the Board's admissions overhaul was to change the racial makeup [of] TJ to the detriment of Asian-Americans." *Ibid.* The court also found that "Asian-American students [were] disproportionately harmed by the Board's decision to overhaul TJ admissions," *id.*, at 99a, and it viewed this disparate impact as circumstantial evidence of unlawful discrimination. Based on this view of the evidence, the court granted summary judgment for the Coalition and enjoined use of the new policy.

The Fourth Circuit reversed the District Court in a startling 2 to 1 decision. 68 F. 4th 864 (2023). The panel majority held that the Coalition could not prevail because, as the majority saw things, the new policy "visit[ed] no racially disparate impact on Asian American students" since, even after use of the new policy began, Asian Americans still received 54.36 percent of the admissions offers. *Id.*, at 879–881. This percentage exceeded the percentage of Asian-American students in the applicant pool, and therefore, according to the panel majority's reasoning, Asian-American students had no cause to complain. As the panel majority put it, "an application of elementary arithmetic shows that Asian American students, as a class, experience no material disadvantage under the policy's functioning" and in fact perform "better in securing admission to TJ than students from any other

racial or ethnic group.” *Id.*, at 882. Although the panel also went on to discuss the Coalition’s other evidence, the panel majority concluded that it “could end [its] analysis of the Coalition’s Equal Protection Claim at th[at] juncture.” *Id.*, at 879–880, 882. As I will explain below, the panel’s “elementary arithmetic” was elementary error.

II

The “central purpose” of the Equal Protection Clause is to prohibit “official conduct discriminating on the basis of race.” *Washington v. Davis*, 426 U. S. 229, 239 (1976); see also, *e. g.*, *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U. S. 181, 206 (2023) (*SFFA*) (the “core purpose” of the Equal Protection Clause is “doing away with all governmentally imposed discrimination based on race” (internal quotation marks and alterations omitted)). When a party claims that a law or policy is racially discriminatory, that party must show that it was adopted for “a racially discriminatory purpose.” *Davis*, 426 U. S., at 240. A facially discriminatory policy is automatically subject to heightened review. Even a policy that is race neutral on its face may be unconstitutional if it is adopted for a “racially discriminatory intent or purpose.” *Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U. S. 252, 265–266 (1977). A party who challenges such a policy on equal protection grounds can show intentional discrimination by proffering a combination of direct and circumstantial evidence.

In *Arlington Heights*, we listed four factors that, among others, have a bearing on the assessment of circumstantial evidence: (1) the law’s historical background, (2) the sequence of events leading to the law’s enactment, including any departures from the normal legislative process, (3) the law’s legislative history, and (4) whether the law “bears more heavily on one race than another.” *Id.*, at 265–269. We have emphasized that disparate impact, by itself, does not establish intentional discrimination. *Davis*, 426 U. S., at 239–240.

The District Court faithfully employed this framework. In addition to noting that the record contains direct evidence of racial intent, the court noted the stark change effected by the new policy, the unusual decisionmaking process that led to the change, and the fact that the change bore “more heavily on” Asian Americans than members of other groups.

The Fourth Circuit panel majority, by contrast, completely distorted the meaning of disparate impact. Even though the new policy bore “more heavily” on Asian-American applicants (because it diminished their chances of admission while improving the chances of every other racial group), the panel majority held that there was no disparate impact because they were still overrepresented in the TJ student body.

That is a clearly mistaken understanding of what it means for a law or policy to have a disparate effect on the members of a particular racial or ethnic group. Under the old policy, each Asian-American applicant had a certain chance of admission. Under the new policy, that chance has been significantly reduced, while the chance of admission for members of other racial and ethnic groups has increased. Accordingly, the new admissions policy bore more heavily on Asian-American applicants.

The panel majority, however, thought that this did not matter. The simple fact that Asian Americans were still overrepresented in the TJ student body was enough to doom the Coalition’s equal protection claim. As far as the Fourth Circuit was concerned, the Board could have adopted a policy designed solely to reduce the Asian-American offer rate and still evaded liability. The holding below effectively licenses official actors to discriminate against any racial group with impunity as long as that group continues to perform at a higher rate than other groups.

That is indefensible. As Judge Rushing explained in dissent, under the Fourth Circuit’s view, the Constitution permits “facially neutral laws explicitly motivated by racial discrimination, as long as the law’s negative effect on the targeted racial group pushes it no lower than other racial groups.” 68 F. 4th, at 904. “It would not matter, for example, if a new law cut a racial group’s success rate from 90% to 30% and the legislature was open about its discriminatory purpose, as long as no other racial group succeeded at a higher rate.” *Ibid.* This rule defies law and logic.

Consider the following hypothetical case. Suppose that white parents in a school district where 85 percent of the students are white and 15 percent are black complain because 10 of the 12 players (83 percent) on the public high school basketball team are black. Suppose that the principal emails the coach and says: “You have too many black players. You need to replace some of them with white players.” And suppose the coach emails back: “Ok. That will hurt the team, but if you insist, I’ll do it.” The coach

then takes five of his black players aside and kicks them off the team for some contrived—but facially neutral—reason. For instance, as cover, he might institute a policy that reserves a set number of spots on the roster for each of the middle schools who feed to the high school. According to the reasoning of the Fourth Circuit majority, this action would not violate equal protection because the percentage of black players left on the team (approximately 42 percent) would exceed the percentage of black students in the school.⁸ I cannot imagine this Court’s sustaining such discrimination, but in principle there is no difference between that imaginary case and the one now before us.

III

The Fourth Circuit’s decision is based on a theory that is flagrantly wrong and should not be allowed to stand. I would not reach the question whether the District Court correctly analyzed all the evidence in this case, but I would summarily reject the holding discussed above. If the District Court’s evaluation of the evidence is correct, the panel majority’s fallacious reasoning works a grave injustice on diligent young people who yearn to make a better future for themselves, their families, and our society. In addition, the Fourth Circuit’s reasoning is a virus that may spread if not promptly eliminated. Indeed, the First Circuit has already favorably cited the Fourth Circuit’s analysis to disparage the use of a before-and-after comparison in a similar equal protection challenge to a facially neutral admissions policy. See *Boston Parent Coalition for Academic Excellence Corp. v. School Comm. for Boston*, 89 F. 4th 46, 57–58 (2023). And TJ’s model itself has been trumpeted to potential replicators as a blueprint for evading *SFFA*.⁹

⁸Should the Fourth Circuit’s reasoning be adopted elsewhere, the same would also hold true in other circuits where the court of appeals considers disparate impact to be a necessary element of a successful challenge to a facially neutral policy. See *Lewis v. Ascension Parish School Bd.*, 806 F. 3d 344, 358–359 (CA5 2015); *Doe v. Lower Merion School Dist.*, 665 F. 3d 524, 549 (CA3 2011); *Anderson v. Boston*, 375 F. 3d 71, 89 (CA1 2004).

⁹Less than two weeks after *SFFA* was decided, the dean of University of California Berkeley School of Law and the general counsel for the University of Michigan, to name just a couple of examples, openly advocated for schools to emulate TJ’s new admissions model. See Brief for Cato Institute as *Amicus Curiae* 4–7. Just as TJ offers a roadmap for other selective

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* * *

The Court's willingness to swallow the aberrant decision below is hard to understand. We should wipe the decision off the books, and because the Court refuses to do so, I must respectfully dissent.

No. 23–203. MISSOURI DEPARTMENT OF CORRECTIONS *v.* FINNEY. Ct. App. Mo., Western Dist. Certiorari denied. Reported below: 662 S. W. 3d 89.

Statement of JUSTICE ALITO respecting the denial of certiorari.

I agree that we should not grant certiorari in this case, which is complicated by a state-law procedural issue. But I write because I am concerned that the lower court's reasoning may spread and may be a foretaste of things to come.

In this case, the court below reasoned that a person who still holds traditional religious views on questions of sexual morality is presumptively unfit to serve on a jury in a case involving a party who is a lesbian. That holding exemplifies the danger that I anticipated in *Obergefell v. Hodges*, 576 U.S. 644 (2015), namely, that Americans who do not hide their adherence to traditional religious beliefs about homosexual conduct will be “labeled as bigots and treated as such” by the government. *Id.*, at 741 (dissenting opinion). The opinion of the Court in that case made it clear that the decision should not be used in that way, but I am afraid that this admonition is not being heeded by our society.

This case is about Missouri's for-cause dismissal of two jurors based on their religious beliefs. Jean Finney sued her employer, the Missouri Department of Corrections, in state court under the Missouri Human Rights Act, which prohibits employment discrimination on the basis of sex. See Mo. Rev. Stat. §213.055 (Cum. Supp. 2022). “Finney alleged that she is a lesbian who presents masculine” and that “she was improperly stereotyped and discriminated against based on sex.” App. to Pet. for Cert. 67a.

At the beginning of *voir dire*, Finney's attorney asked all the jurors what he characterized as “a tricky question,” namely, whether any of them “went to a conservative Christian church” where “it was taught that people [who] are homosexua[l] shouldn't have the same rights as everyone else” because “what they did”

schools to skirt the Equal Protection Clause, so too does the Fourth Circuit's reasoning offer a roadmap for other federal courts to provide cover.

was “a sin.” *Id.*, at 29a–30a. The question was indeed “tricky” because it conflated two separate issues: whether the prospective jurors believed that homosexual conduct is sinful and whether they believed that gays and lesbians should not enjoy the legal rights possessed by others. In response to this question, some potential jurors raised their hands, and Finney’s lawyer then questioned them individually.

During this phase of *voir dire*, Juror 4, a pastor’s wife, stated that “homosexuality, according to the Bible, is a sin.” *Id.*, at 38a. But she quickly added: “So is gossiping, so is lying.” *Ibid.* “[N]one of us can be perfect. And so I’m here because it’s an honor to sit in here and to perhaps be a part of, you know, a civic duty.” *Ibid.*

Juror 13 similarly stated that he believes homosexuality is a sin because “it’s in the Bible.” *Id.*, at 33a. But he followed by noting that “every one of us here sins. . . . It’s just part of our nature. And it’s something we struggle with, hopefully throughout our life.” *Id.*, at 33a–34a. And the fact that it is a sin “has really nothing to do with—in a negative way with whatever this case is going to be about.” *Id.*, at 34a.

Finney’s counsel moved to strike these jurors for cause, arguing that “there’s no way . . . somebody [who] looks at a gay person and says . . . you are a sinner” could ever fairly consider a case involving a lesbian plaintiff. *Id.*, at 43a. The trial judge granted that motion. She noted that both jurors said “that they could follow the law,” *id.*, at 45a, and she did not suggest that she disbelieved them. Nevertheless, she concluded that she should “err on the side of caution,” and she therefore dismissed Jurors 4 and 13 because there were “enough jurors left” without them. *Ibid.*

The Missouri Court of Appeals affirmed the dismissals for two reasons. First, it reasoned that the jurors’ belief “that Finney’s conduct was sinful (meaning immoral and wrong)” provided a sustainable ground for “concluding that they could not impartially and fairly decide her claim that she was unlawfully harassed due to her homosexuality—even if those veniremembers claimed that their religious beliefs would not prevent them from serving.” *Id.*, at 78a.

Second, the court concluded that the jurors had been dismissed, not on the basis of their religious *status*, but on the basis of their religious *beliefs*. And this distinction, it said, made all the

difference because, in its view, while dismissals based on a juror's "status as Christians" must comport with strict scrutiny, dismissals based on a juror's "views" need not. *Id.*, at 81a.

Before us, the Department of Corrections argues that these for-cause dismissals were unconstitutional, and I agree that the Court of Appeals' reasoning raises a very serious and important question that we should address in an appropriate case. The judiciary, no less than the other branches of State and Federal Government, must respect people's fundamental rights, and among these are the right to the free exercise of religion and the right to the equal protection of the laws. When a court, a quintessential state actor, finds that a person is ineligible to serve on a jury because of his or her religious beliefs, that decision implicates fundamental rights.

Under the Free Exercise Clause, state actions that "single out the religious for disfavored treatment" must survive "the 'most rigorous' scrutiny."* *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 582 U.S. 449, 460, 466 (2017) (quoting *Church of Lukumi Babalu Aye, Inc. v. Hialeah*, 508 U.S. 520, 546 (1993)). And that is true regardless of whether the differential treatment is predicated on religious status or religious belief. Cf. *Carson v. Makin*, 596 U.S. 767, 786 (2022). Our precedents make it clear that distinctions based on "religious beliefs," no less than distinctions based on religious status, must "advance 'interests of the highest order' and must be narrowly tailored in pursuit of those interests." *Lukumi*, 508 U.S., at 532, 546 (emphasis added).

Under Missouri law, "[t]he standard for determining whether a juror should be excused for cause is whether his or her views would 'prevent or substantially impair' the performance of duties as a juror." *State v. Ramsey*, 864 S. W. 2d 320, 336 (1993) (quoting *State v. McMillin*, 783 S. W. 2d 82, 91 (1990)). If a court has a sound basis for concluding that a particular juror's beliefs would "prevent or substantially impair" his or her ability to render impartial justice, dismissal for cause clears that high bar. "The Constitution guarantees both criminal and civil litigants a right to an impartial jury." *Warger v. Shauers*, 574 U.S. 40, 50 (2014).

*The Department of Corrections relies on the Equal Protection Clause, but as the Court has done in prior cases involving claims of religious discrimination, I would analyze the claim here under the Free Exercise Clause. See *Locke v. Davey*, 540 U.S. 712, 720, n. 3 (2004); *Johnson v. Robison*, 415 U.S. 361, 375, n. 14 (1974); *McDaniel v. Paty*, 435 U.S. 618 (1978).

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So a court has an indisputably significant “interest in [seating] a . . . jury that can properly and impartially apply the law to the facts of the case.” *Lockhart v. McCree*, 476 U. S. 162, 175 (1986). Jurors are duty-bound to decide cases based on the law and the evidence, and a juror who cannot carry out that duty may properly be excused. But otherwise, I see no basis for dismissing a juror for cause based on religious beliefs.

I would vote to grant review in this case were it not for the fact that the Court of Appeals concluded that the Department of Corrections did not properly preserve an objection to dismissal of the two potential jurors and, thus, that their dismissal was reviewable under state law only for plain error. Because this state-law question would complicate our review, I reluctantly concur in the denial of certiorari.

No. 23–325. SOUTH CAROLINA STATE PORTS AUTHORITY ET AL. *v.* NATIONAL LABOR RELATIONS BOARD ET AL. C. A. 4th Cir. Certiorari denied. JUSTICE KAVANAUGH would grant the petition for writ of certiorari. Reported below: 75 F. 4th 368.

No. 23–484. TREVINO ET AL. *v.* PALMER ET AL. C. A. 9th Cir. Certiorari before judgment denied.

No. 23–685. DORSEY *v.* UNITED STATES. C. A. 9th Cir. Certiorari 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 Justices of the Supreme Court of the United States, Canon 3B(2)(e) (prior government employment). Reported below: 76 F. 4th 1277.

No. 23–804. LIQUIDIA TECHNOLOGIES, INC. *v.* UNITED THERAPEUTICS CORP. C. A. Fed. Cir. Certiorari denied. JUSTICE JACKSON took no part in the consideration or decision of this petition. See 28 U. S. C. § 455 and Code of Conduct for Justices of the Supreme Court of the United States, Canon 3B(2)(d)(ii) and 3B(2)(f)(i). Reported below: 74 F. 4th 1360.

No. 23–6197. TEED *v.* WARDEN, FEDERAL CORRECTIONAL INSTITUTION, ALLENWOOD, LOW. C. A. 3d Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* granted. The order entered January 8, 2024, [601 U. S. 968] vacated. Certiorari denied.

No. 23–6403. FORD *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. See 28 U. S. C. § 455(b)(3) and Code

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of Conduct for Justices of the Supreme Court of the United States, Canon 3B(2)(e) (prior government employment).

Rehearing Denied

- No. 22–7088. GRZESLO *v.* FISHER, WARDEN, 598 U.S. 1285;
No. 22–7406. HENRY *v.* FLORIDA, 601 U.S. 823;
No. 22–7688. SMARTT *v.* UNITED STATES, 601 U.S. 831;
No. 22–7778. UEDING *v.* COLORADO DEPARTMENT OF CORRECTIONS ET AL., 601 U.S. 836;
No. 23–314. BROWN *v.* FEDERAL NATIONAL MORTGAGE ASSOCIATION, 601 U.S. 930;
No. 23–316. DAVIS *v.* BONILLA ET AL., 601 U.S. 946;
No. 23–352. ROGALSKI *v.* LAUREATE EDUCATION, INC., 601 U.S. 946;
No. 23–383. YEH HO *v.* WELLS FARGO BANK, N. A., 601 U.S. 913;
No. 23–5184. MACDONALD *v.* SUTTON, JUDGE, DISTRICT COURT OF MAINE, ET AL., 601 U.S. 865;
No. 23–5186. MACDONALD *v.* LAMBREW ET AL., 601 U.S. 856;
No. 23–5216. MACDONALD *v.* DUDDY ET AL. (two judgments), 601 U.S. 858;
No. 23–5217. MACDONALD *v.* MAINE, 601 U.S. 858;
No. 23–5252. FULLER *v.* CALIFORNIA, 601 U.S. 859;
No. 23–5281. HOLMES *v.* BOWEN, WARDEN, 601 U.S. 860;
No. 23–5287. IN RE HAAKE, 601 U.S. 807;
No. 23–5346. FARMER *v.* UNITED STATES, 601 U.S. 862;
No. 23–5508. IN RE MACDONALD, 601 U.S. 895;
No. 23–5536. MACDONALD *v.* MAINE, 601 U.S. 914;
No. 23–5737. WILSON *v.* DEPARTMENT OF JUSTICE ET AL., 601 U.S. 950;
No. 23–5768. ESCALANTE *v.* ROBERTSON, WARDEN, 601 U.S. 910;
No. 23–5849. BROWN *v.* NEW HAMPSHIRE, 601 U.S. 951;
No. 23–5867. BRYANT *v.* DELAWARE COUNTY TREASURER ET AL., 601 U.S. 951;
No. 23–5975. CAPISTRANO *v.* UNITED STATES, 601 U.S. 953; and
No. 23–5999. CHI *v.* UNITED STATES, 601 U.S. 955. Petitions for rehearing denied.
No. 21–1389. BATES *v.* TRUMP ET AL., 597 U.S. 907. Motion for leave to file petition for rehearing denied.

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Miscellaneous Order

No. 23A741. LUJAN CLAIMANTS ET AL. *v.* BOY SCOUTS OF AMERICA ET AL. Bkrtcy. Ct. Del. Application for stay, presented to JUSTICE ALITO, and by him referred to the Court, denied. The order heretofore entered by JUSTICE ALITO is vacated.

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Certiorari Dismissed

No. 23–6542. CABELLO, AKA PALUMBO *v.* UNITED STATES. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. 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*).

Miscellaneous Order

No. D–3125. IN RE DISCIPLINE OF ESPY. Chase Tristan Espy, of Vestavia, 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–3126. IN RE DISCIPLINE OF KILGUS. Mary Catherine Kilgus, of Hughesville, Pa., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring her to show cause why she should not be disbarred from the practice of law in this Court.

No. D–3127. IN RE DISCIPLINE OF REPETTO. Maureen Callahan Repetto, of Wilmington, Del., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring her to show cause why she should not be disbarred from the practice of law in this Court.

No. D–3128. IN RE DISCIPLINE OF ALLEN. George M. Allen, of Los Angeles, Cal., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring

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

No. D-3129. IN RE DISCIPLINE OF KALISH. William Kalish, of Tampa, Fla., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-3130. IN RE DISCIPLINE OF HOGAN. Michael Todd Hogan, of Louisa, Ky., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-3131. IN RE DISCIPLINE OF JENSEN. Dale Reese Jensen, of Staunton, Va., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-3132. IN RE DISCIPLINE OF BOLING. Richard Boling, of Hopkinsville, Ky., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-3133. IN RE DISCIPLINE OF BRUEGGEMAN. Edward Paul Brueggeman, of Lawrenceburg, Ind., 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-3134. IN RE DISCIPLINE OF KINGSBURY. Dorothea Jane Kingsbury, of Mayfield Village, Ohio, is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring her to show cause why she should not be disbarred from the practice of law in this Court.

No. 23M61. KATSVAIRO *v.* LIBERTY INDUSTRIES INC. ET AL.;
No. 23M62. ISRAEL LEON *v.* UNITED STATES ET AL.; and
No. 23M63. JAMES *v.* NEAL, WARDEN. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

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No. 23–250. BECERRA, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL. *v.* SAN CARLOS APACHE TRIBE. C. A. 9th Cir.; and

No. 23–253. BECERRA, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL. *v.* NORTHERN ARAPAHO TRIBE. C. A. 10th Cir. [Certiorari granted, 601 U.S. 928.] Motion of respondents for divided argument granted.

No. 23–6303. IN RE DRUMMOND. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [601 U.S. 968] denied.

No. 23–6530. BRODIE *v.* UNITED STATES. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until March 18, 2024, 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. 23–6315. IN RE GARCIA; and

No. 23–6395. IN RE BECKLEY. Petitions for writs of mandamus denied.

No. 23–6313. IN RE FISHER. Petition for writ of mandamus and/or prohibition denied.

Certiorari Denied

No. 22–1216. FERGUSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 55 F. 4th 262.

No. 23–351. AMER *v.* NEW JERSEY. Sup. Ct. N. J. Certiorari denied. Reported below: 254 N. J. 405, 297 A. 3d 364.

No. 23–423. PORTER *v.* MARTINEZ, SHERIFF OF SAN DIEGO COUNTY, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 68 F. 4th 429.

No. 23–434. ERIE INDEMNITY CO. *v.* ERIE INSURANCE EXCHANGE, BY STEPHENSON ET AL., TRUSTEES AD LITEM. C. A. 3d Cir. Certiorari denied. Reported below: 68 F. 4th 815.

No. 23–537. ASHRAF *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 23–676. PADILLA *v.* HULSE, OSAGE COUNTY TREASURER, ET AL. Ct. App. Okla. Certiorari denied.

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No. 23–679. *RECHTZIGEL v. GREEN VALLEY DEVELOPMENT, LLP, ET AL.* Ct. App. Minn. Certiorari denied.

No. 23–690. *PUTNAM ET AL. v. RYAN.* C. A. 9th Cir. Certiorari denied.

No. 23–691. *GHEE v. COMCAST CABLE COMMUNICATIONS, LLC, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–707. *GOVRIN ET AL. v. CITY OF SANTA MONICA, CALIFORNIA, ET AL.* Ct. App. Cal., 2d App. Dist., Div. 3. Certiorari denied.

No. 23–723. *MAYS v. SMITH, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 70 F. 4th 198.

No. 23–728. *WARREN v. KEMP ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 79 F. 4th 967.

No. 23–735. *SHICKS v. INDIANA DEPARTMENT OF CHILD SERVICES ET AL.* C. A. 7th Cir. Certiorari denied.

No. 23–737. *MELIKOV v. GHILOTTI BROS., INC.* C. A. 9th Cir. Certiorari denied.

No. 23–756. *ROBINSON ET AL. v. MIDLAND COUNTY, TEXAS, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 80 F. 4th 704.

No. 23–761. *ALLS v. FLORIDA DEPARTMENT OF REVENUE, ON BEHALF OF GOSA.* Dist. Ct. App. Fla., 6th Dist. Certiorari denied. Reported below: 369 So. 3d 298.

No. 23–777. *CHADBOURNE v. CUMBERLAND COUNTY DISTRICT COURT.* C. A. 1st Cir. Certiorari denied.

No. 23–813. *BRUTUS TRADING, LLC v. STANDARD CHARTERED BANK ET AL.* C. A. 2d Cir. Certiorari denied.

No. 23–834. *STAFFORD v. INTERNATIONAL BUSINESS MACHINES CORP.* C. A. 2d Cir. Certiorari denied. Reported below: 78 F. 4th 62.

No. 23–5447. *CHIMNEY v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 23–5659. *HOBBS v. NORTH CAROLINA.* Sup. Ct. N. C. Certiorari denied.

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No. 23–5698. *WEST v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 70 F. 4th 341.

No. 23–5826. *GERMAN v. SOUTH CAROLINA*. Sup. Ct. S. C. Certiorari denied. Reported below: 439 S. C. 449, 887 S. E. 2d 912.

No. 23–5827. *SNEED v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 2023 IL 127968, 230 N. E. 3d 97.

No. 23–5957. *BRONSON v. DISTRICT OF COLUMBIA DEPARTMENT OF BUILDINGS*. Ct. App. D. C. Certiorari denied.

No. 23–6078. *JONES v. SOUTH CAROLINA*. Sup. Ct. S. C. Certiorari denied. Reported below: 440 S. C. 214, 891 S. E. 2d 347.

No. 23–6084. *STEPHENS v. ALASKA DIVISION OF ELECTIONS*. C. A. 9th Cir. Certiorari denied.

No. 23–6087. *WHITEHEAD v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 55 F. 4th 219.

No. 23–6342. *SHAKIR v. WALKER, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FAYETTE, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–6344. *BROOMER v. DELAWARE*. Sup. Ct. Del. Certiorari denied. Reported below: 297 A. 3d 286.

No. 23–6353. *VIRNIG v. MINNESOTA*. Ct. App. Minn. Certiorari denied.

No. 23–6355. *SINANAN v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 292 A. 3d 1082.

No. 23–6356. *SHARIFI v. ALABAMA*. Sup. Ct. Ala. Certiorari denied.

No. 23–6364. *GURIDI v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. Sup. Ct. Fla. Certiorari denied.

No. 23–6365. *HURDSMAN v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 23–6369. *CYR v. HARPE, DIRECTOR, OKLAHOMA DEPARTMENT OF CORRECTIONS*. C. A. 10th Cir. Certiorari denied.

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No. 23–6374. *DAVIS v. HILL ET AL.* C. A. 4th Cir. Certiorari denied.

No. 23–6377. *DUNCAN v. FLORIDA COMMISSION ON OFFENDER REVIEW.* Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 370 So. 3d 1028.

No. 23–6380. *AUSTIN v. HOOPER, WARDEN.* Sup. Ct. La. Certiorari denied. Reported below: 2023–00678 (La. 10/10/23), 371 So. 3d 442.

No. 23–6381. *JACKSON v. LOUISIANA.* Sup. Ct. La. Certiorari denied. Reported below: 2023–00447 (La. 9/19/23), 370 So. 3d 464.

No. 23–6388. *BARNETT v. GUTEN, DISTRICT JUDGE, DISTRICT COURT OF TULSA COUNTY, OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied.

No. 23–6389. *BOYD v. LAY, WARDEN, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 23–6393. *BROOKS v. LEBLANC, LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS.* C. A. 5th Cir. Certiorari denied.

No. 23–6398. *KIFOR v. MASSACHUSETTS ET AL.* C. A. 1st Cir. Certiorari denied.

No. 23–6401. *JOHNSON v. CONTRA COSTA COUNTY CLERK RECORDER ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–6407. *WOODS v. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT ET AL.* Ct. App. Cal., 2d App. Dist., Div. 8. Certiorari denied.

No. 23–6415. *CRUZ v. FLORIDA.* Sup. Ct. Fla. Certiorari denied. Reported below: 372 So. 3d 1237.

No. 23–6423. *FRAZIER v. REAGLE, COMMISSIONER, INDIANA DEPARTMENT OF CORRECTION.* C. A. 7th Cir. Certiorari denied.

No. 23–6435. *WILLIAMS v. COLORADO DEPARTMENT OF CORRECTIONS TIME COMPUTATION DEPARTMENT ET AL.* Ct. App. Colo. Certiorari denied.

No. 23–6459. *OSTERHOUDT v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

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No. 23–6464. *AGUILAR v. THORNELL, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, REHABILITATION AND REENTRY, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–6473. *BERGERON v. BOLIN, WARDEN, ET AL.* Ct. App. Minn. Certiorari denied.

No. 23–6501. *KEITH v. MAY, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 78 F. 4th 307.

No. 23–6514. *JANIS v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 73 F. 4th 628.

No. 23–6524. *NORTON v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

No. 23–6525. *DUKES v. WOOD ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–6531. *BROWN v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 74 F. 4th 527.

No. 23–6534. *JACKSON v. FLORIDA.* Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 369 So. 3d 293.

No. 23–6536. *SAVAGE v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 85 F. 4th 102.

No. 23–6545. *PLUNKETT v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–6546. *HANSMEIER v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 23–6548. *AVITABLE, AKA LARSON v. WYOMING.* Sup. Ct. Wyo. Certiorari denied.

No. 23–6554. *FEISTE v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 84 F. 4th 713.

No. 23–6556. *THRASHER v. GEORGIA.* Ct. App. Ga. Certiorari denied.

No. 23–6567. *WILKE v. WISCONSIN.* Ct. App. Wis. Certiorari denied.

No. 23–6570. *HERNANDEZ v. INSLEE, GOVERNOR OF WASHINGTON.* Sup. Ct. Wash. Certiorari denied.

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No. 23–6571. *PANOWICZ v. HANCOCK ET AL.* C. A. 4th Cir. Certiorari denied.

No. 23–6575. *JACKSON v. CLARK, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 23–6590. *HOLTON v. GEORGIA.* Ct. App. Ga. Certiorari denied.

No. 23–6641. *GRAY v. WISCONSIN.* Ct. App. Wis. Certiorari denied.

No. 23–6659. *LOGAN v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2022 IL App (1st) 190021–U.

No. 23–6662. *ROLLINS v. ILLINOIS.* App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 2023 IL App (2d) 200744, 237 N. E. 3d 602.

No. 23–6258. *FIELDS v. TRUMP, FORMER PRESIDENT OF THE UNITED STATES, ET AL.* C. A. D. C. Cir. Certiorari denied. JUSTICE JACKSON took no part in the consideration or decision of this petition. See 28 U. S. C. § 455 and Code of Conduct for Justices of the Supreme Court of the United States, Canon 3B(2)(e) (prior judicial service).

Rehearing Denied

No. 23–338. *BUSH ET UX. v. RELIANT BANK ET AL.*, 601 U. S. 946;

No. 23–448. *VASHISHT-ROTA v. HOWELL MANAGEMENT SERVICES, LLC*, 601 U. S. 974;

No. 23–5464. *OKEYO v. UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, NEWARK OFFICE, ET AL.*, 601 U. S. 978; and

No. 23–5973. *DUERSON v. UNITED STATES*, 601 U. S. 955. Petitions for rehearing denied.

No. 23–6247. *IN RE KNOWLES*, 601 U. S. 968. Petition for rehearing denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition.

FEBRUARY 28, 2024

Certiorari Granted

No. 23–939 (23A745). *TRUMP v. UNITED STATES.* Application for stay presented to THE CHIEF JUSTICE is referred by him

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to the Court. The Special Counsel's request to treat the stay application as a petition for writ of certiorari is granted, and that petition is granted limited to the following question: "Whether and if so to what extent does a former President enjoy Presidential immunity from criminal prosecution for conduct alleged to involve official acts during his tenure in office." Without expressing a view on the merits, this Court directs the Court of Appeals to continue withholding issuance of the mandate until the sending down of the judgment of this Court. Application for stay dismissed as moot. The case will be set for oral argument during the week of April 22, 2024. Petitioner's brief on the merits, and any *amicus curiae* briefs in support or in support of neither party, are to be filed on or before Tuesday, March 19, 2024. Respondent's brief on the merits, and any *amicus curiae* briefs in support, are to be filed on or before Monday, April 8, 2024. The reply brief, if any, is to be filed on or before 5 p.m., Monday, April 15, 2024.

Certiorari Denied

No. 23–6791 (23A761). *CREECH v. IDAHO*. Sup. Ct. Idaho. Application for stay of execution of sentence of death, presented to JUSTICE KAGAN, and by her referred to the Court, denied. Certiorari denied.

No. 23–6830 (23A782). *CREECH v. TEWALT, DIRECTOR, IDAHO DEPARTMENT OF CORRECTION, ET AL.* 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.

No. 23–6831 (23A783). *CREECH v. IDAHO COMMISSION OF PAROONS AND PAROLE ET AL.* 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.

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Certiorari Granted—Vacated and Remanded

No. 23–156. *SPEECH FIRST, INC. v. SANDS*. C. A. 4th Cir. Certiorari granted. Judgment with respect to the Bias Policy claims vacated, and case remanded with instructions to dismiss those claims as moot. See *United States v. Munsingwear, Inc.*, 340 U. S. 36 (1950). Reported below: 69 F. 4th 184.

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THOMAS, J., dissenting

JUSTICE JACKSON, dissenting.

I would deny the petition. In my view, the party seeking vacatur has not established equitable entitlement to that remedy. See *Acheson Hotels, LLC v. Laufer*, 601 U. S. 1, 14 (2023) (JACKSON, J., concurring in judgment).

JUSTICE THOMAS, with whom JUSTICE ALITO joins, dissenting.

Speech First, a national membership organization seeking to protect free speech on college campuses, brought suit against Virginia Tech to enjoin the university’s “bias intervention and response team policy.” Under that policy, Virginia Tech encourages students to report one another for expressions of “bias”—defined as any “expressio[n] against a person or group because of” an enumerated list of characteristics. App. in No. 21–2061 (CA4), p. 140. Students are instructed to “[r]eview” their “language, images, and other forms of communication to make sure all groups are fairly represented.” *Id.*, at 144. A “bias intervention and response team” made up of university officials then investigates reports, with the option to refer students for discipline or to the police. Speech First argues that this policy amounts to “a literal speech police.” Pet. for Cert. i. It contends that the policy violates the First Amendment by chilling its student-members’ speech, causing students to stay silent on controversial or unpopular issues for fear of being reported to the university. The Court of Appeals for the Fourth Circuit held that Speech First lacked standing to bring this claim because the university’s policy does not objectively chill students’ speech. 69 F. 4th 184, 197 (2023).¹ It acknowledged that this conclusion diverged from that of three other Courts of Appeals. *Id.*, at 197–198.

Speech First asks us to review whether Virginia Tech’s bias response policy objectively chills students’ speech.² I would

¹To establish organizational standing under our precedent, Speech First must first show that one of its student-members has suffered an injury. See *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U. S. 181, 199 (2023). The Courts of Appeals have reasoned that Speech First’s students suffered an injury sufficient to confer standing if it could show the bias response policies chilled students’ speech.

²Shortly before Speech First petitioned for certiorari, Virginia Tech changed its policy. Other universities have attempted a similar maneuver, but two Courts of Appeals have found that these policy changes did not moot Speech First’s challenges. See *Speech First, Inc. v. Fenves*, 979 F. 3d 319, 328 (CA5 2020) (“This is not the first appeal in which a public university

grant the petition. It raises an important question affecting universities nationwide; Speech First estimates that over 450 universities have similar bias-reporting schemes. Pet. for Cert. 7. Yet, because of the split among the Courts of Appeals, many of these universities face no constitutional scrutiny simply based on geography. I have serious concerns that bias response policies, such as Virginia Tech's, objectively chill students' speech.

The First Amendment provides that "Congress shall make no law . . . abridging the freedom of speech." "[S]tate colleges and universities," including Virginia Tech, "are not enclaves immune from the sweep of the First Amendment." *Papish v. Board of Curators of Univ. of Mo.*, 410 U.S. 667, 670 (1973) (*per curiam*) (internal quotation marks omitted). Although the First Amendment applies most straightforwardly to government regulations that directly restrict speech, this Court has recognized that "constitutional violations [can also] arise from the deterrent, or 'chilling,' effect of governmental regulations." *Laird v. Tatum*, 408 U.S. 1, 11 (1972). After all, "the threat of invoking legal sanctions and other means of coercion, persuasion, and intimidation" may cause self-censorship in violation of the First Amendment just as acutely as a direct bar on speech. *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 67 (1963).

In applying these principles, the Courts of Appeals have divided over whether bias response policies have a "chilling effect" on students' speech. Compare *Speech First, Inc. v. Cartwright*, 32 F. 4th 1110, 1124 (CA11 2022); *Speech First, Inc. v. Fenves*, 979 F. 3d 319, 338 (CA5 2020); and *Speech First, Inc. v. Schlissel*, 939 F. 3d 756, 765 (CA6 2019), with 69 F. 4th, at 197; and *Speech First, Inc. v. Killeen*, 968 F. 3d 628, 644 (CA7 2020). In this case, the Fourth Circuit held that Virginia Tech's bias response policy does not chill students' speech because the bias response team lacks authority to discipline or otherwise punish students and the implementation of the policy is not so heavyhanded that it deters students' speech. 69 F. 4th, at 196–197.

has had a sudden change of heart, during litigation, about the overbreadth and vagueness of its speech code, and then advocated mootness"); see also *Speech First, Inc. v. Schlissel*, 939 F. 3d 756, 769–770 (CA6 2019). Of course, a defendant's voluntary cessation of its challenged conduct does not always moot a case. See *Friends of the Earth, Inc. v. Laidlaw Environmental Services (TOC), Inc.*, 528 U.S. 167, 189 (2000). I thus refer to Virginia Tech's policy in the present tense.

I am skeptical of the Fourth Circuit's conclusion. The scope of Virginia Tech's policy combined with how it is enforced suggests that the university is stifling students' speech, at least enough to provide Speech First standing to pursue its First Amendment claim. First, the university's bias response policy appears limitless in scope. According to Virginia Tech, "bias incidents" are "expressions against a person or group" based on "age, color, disability, gender, gender identity, gender expression, genetic information, national origin, political affiliation, race, religion, sexual orientation, veteran status, or any other basis protected by law." App. in No. 21-2061 (CA4), at 140. The university provided examples of bias incidents, such as "words or actions that contradict the spirit of the Principles of Community" and "jokes that are demeaning to a particular group of people." *Ibid.* Unsurprisingly, such an expansive policy has prompted students to report any and all perceived slights. For example, one report was submitted when "a student in a University residence hall overheard several male students privately talking crap about the women who were playing in a snowball fight, calling them not 'athletic.'" 2021 WL 4315459, *10 (WD Va., Sept. 22, 2021) (some internal quotation marks and alteration omitted). Another person submitted a report after someone "observed the words Saudi Arabia on the white board of [a] room"—despite acknowledging that "[i]t was unclear what the motive or complete message of the text originally was." Decl. of C. Norris in No. 7:21-cv-00203 (WD Va., Apr. 12, 2021), ECF Doc. 4-2, p. 123. Other universities with bias response policies have received similar reports. See, e.g., App. in No. 21-2061 (CA4), at 254 (explaining that Ohio State University received a report for "a chalk message stating 'Build the Wall'"); *id.*, at 252 (highlighting that Texas Tech University received a report for a student group tweeting "'All lives don't matter . . . #BlackLivesMatter'").

Second, the threshold for reporting is intentionally low. The policy permits anonymous reporting, meaning there is little to no social cost for accusing a classmate of bias. And, students are encouraged to report other students for anything that even hints of "bias." Indeed, the university ran a campaign: "[I]f you hear or see something that feels like a bias incident, statement, or expression, we encourage you to make a report. In short, if you see something, say something!" *Id.*, at 200. The policy does not limit the ability to report to fellow students—anyone in the "uni-

versity community” may report Virginia Tech students for bias incidents. *Id.*, at 141. Reports may also cover incidents that take place outside the university, including off campus or on social media. Thus, the policy follows Virginia Tech students wherever they go. From the moment a student enters the university until graduation, he is under the university’s surveillance.

Third, a report can have weighty consequences. After a report is filed, it goes to the bias response team. The team includes university officials from the Office of the Dean of Students, Office for Equity and Accessibility, Office for Inclusion and Diversity, Student Conduct, and the Virginia Tech Police Department. The university officials may call in the accused student—whom the policy pre-emptively labels as the “perpetrator”—for a meeting. The team may require “[i]nterventions of either an educational or restorative nature.” *Id.*, at 372. The team even possesses the authority to refer a student for formal discipline or to the police. And, of course, every report—regardless of whether the team determines bias exists—is recorded and kept on permanent file by the university. See *ibid.*; see also 69 F. 4th, at 212 (Wilkinson, J., dissenting). Thus, even if the “perpetrator” is not technically required to accept the team’s invitation to meet, it is hard to believe a college student could so easily ignore a university official’s request, especially when the report will be filed and “the referral power lurks in the background of the invitation.” *Schlissel*, 939 F. 3d, at 765.

Considering the scope and enforcement of the university’s policy, it is at least a close question whether “students [may] self-censor, fearing the consequences of a report to [the bias response team] and thinking that speech is no longer worth the trouble.” 69 F. 4th, at 204 (Wilkinson, J., dissenting). This seems particularly true regarding controversial issues where dissenting opinions might be deemed biased.

This petition presents a high-stakes issue for our Nation’s system of higher education. Until we resolve it, there will be a patchwork of First Amendment rights on college campuses: Students in part of the country may pursue challenges to their universities’ policies, while students in other parts have no recourse and are potentially pressured to avoid controversial speech to escape their universities’ scrutiny and condemnation. We should grant certiorari to resolve this issue.

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Certiorari Dismissed

No. 23–6409. *CARAFFA v. ARIZONA DEPARTMENT OF CORRECTIONS ET AL.* C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U.S. 1 (1992) (*per curiam*).

Miscellaneous Orders

No. 23A701. *AKERMAN v. MERIT SYSTEMS PROTECTION BOARD.* C. A. Fed. Cir. Application for stay, addressed to JUSTICE GORSUCH and referred to the Court, denied.

No. 23M64. *DUBEREK v. UNITED STATES.* Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

No. 22–842. *NATIONAL RIFLE ASSOCIATION OF AMERICA v. VULLO.* C. A. 2d Cir. [Certiorari granted, 601 U.S. 906.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 23–5930. *COLE v. KEYES, WARDEN.* C. A. 7th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [601 U.S. 966] denied.

No. 23–6059. *FERRELL v. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.* C. A. Fed. Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [601 U.S. 968] denied.

No. 23–6701. *VINCENTE FONSECA v. UNITED STATES.* C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until March 25, 2024, 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. 23–816. *IN RE AKULA;*

No. 23–6414. *IN RE RAIMONDO;* and

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No. 23–6437. *IN RE WEEMS*. Petitions for writs of mandamus denied.

No. 23–745. *IN RE KLEIN*. Petition for writ of mandamus and/or prohibition denied.

Certiorari Denied

No. 23–436. *PAULSON ET AL. v. UNITED STATES*; and

No. 23–571. *PICKENS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 68 F. 4th 528.

No. 23–550. *BOWES, AS EXECUTOR OF THE ESTATE OF PALMER v. LIBERTY UNIVERSITY, INC.*; and

No. 23–703. *LIBERTY UNIVERSITY, INC. v. BOWES, AS EXECUTOR OF THE ESTATE OF PALMER*. C. A. 4th Cir. Certiorari denied.

No. 23–565. *HASBRO, INC., ET AL. v. MARKHAM CONCEPTS, INC., ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 71 F. 4th 80.

No. 23–587. *JAKOB ET AL. v. CHEEKS*. C. A. 8th Cir. Certiorari denied. Reported below: 80 F. 4th 872.

No. 23–644. *CITY OF CHARLOTTE, NORTH CAROLINA, ET AL. v. ALEMAN, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF GALINDO CHAVEZ*. C. A. 4th Cir. Certiorari denied. Reported below: 80 F. 4th 264.

No. 23–695. *TACZAK ET AL. v. CREMEANS ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–699. *EMPOSIMATO v. NORTH*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 23–712. *IRELAND v. BEND NEUROLOGICAL ASSOCIATES, LLC, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–714. *FRANKLIN v. BWD PROPERTIES 2, LLC, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–763. *JDH PACIFIC, INC. v. PRECISION-HAYES INTERNATIONAL, INC.* Ct. App. Tex., 2d Dist. Certiorari denied.

No. 23–778. *ABREU VELANDIA v. GARLAND, ATTORNEY GENERAL*. C. A. 5th Cir. Certiorari denied.

No. 23–781. *MOSER v. HALIFAX COUNTY BOARD OF SUPERVISORS ET AL.* Sup. Ct. Va. Certiorari denied.

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No. 23–794. *PACILIO ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 85 F. 4th 450.

No. 23–805. *GEORGE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–826. *HARRIS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5903. *CATES v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 73 F. 4th 795.

No. 23–5918. *WILLIAMS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–5970. *WILSON v. GIERACH, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 69 F. 4th 410.

No. 23–6133. *REAVES v. MONMOUTH UNIVERSITY ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–6139. *GOBERT v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 23–6150. *MALOID v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 71 F. 4th 795.

No. 23–6383. *ARBELAEZ v. FLORIDA ET AL.* Sup. Ct. Fla. Certiorari denied. Reported below: 369 So. 3d 1141.

No. 23–6417. *HALL v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied.

No. 23–6426. *NYAMUSEVYA v. CITIMORTGAGE, INC., ET AL.* Ct. App. Ohio, 10th App. Dist., Franklin County. Certiorari denied. Reported below: 2023-Ohio-1583.

No. 23–6428. *PIERZNIK v. O'MALLEY, COMMISSIONER OF SOCIAL SECURITY*. C. A. 3d Cir. Certiorari denied.

No. 23–6431. *MADRID v. FORD, ATTORNEY GENERAL OF NEVADA, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–6434. *GEDEON v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA*. C. A. 3d Cir. Certiorari denied.

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No. 23–6438. *MERILIEN v. MCFARLANE, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–6446. *GAUL v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 23–6468. *RAHMAN v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied.

No. 23–6487. *BOZIC v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 289 A. 3d 67.

No. 23–6511. *SOSNOWSKI v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 23–6532. *BROWN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 76 F. 4th 1073.

No. 23–6547. *SEABOLT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–6550. *HOWELL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 71 F. 4th 195.

No. 23–6551. *MCGAULEY v. ILLINOIS*. App. Ct. Ill., 5th Dist. Certiorari denied. Reported below: 2023 IL App (5th) 190372–U.

No. 23–6555. *ACEVES-RAMIREZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6557. *STEVENSON v. LILLEY, SUPERINTENDENT, EASTERN CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 23–6560. *WOLAK v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–6572. *SELLS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 23–6576. *WILLIAMS ET AL. v. MISSOURI*. Sup. Ct. Mo. Certiorari denied. Reported below: 673 S. W. 3d 467.

No. 23–6577. *DADYAN ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 76 F. 4th 955.

No. 23–6580. *RAMON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 23–6584. *HILL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

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No. 23–6585. *FAGOT-MAXIMO v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–6587. *BRAVO v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 23–6588. *RAMIREZ ESPINOZA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–6589. *MCCOY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 88 F. 4th 908.

No. 23–6592. *CARVAJAL, AKA MENDEZ-ACEVEDO v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 85 F. 4th 602.

No. 23–6594. *RAMIREZ-GOMEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6599. *BLEVINS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 23–6600. *DANIEL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–6601. *FISHBURNE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–6608. *MOONEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–6609. *MCCALL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 84 F. 4th 1317.

No. 23–6612. *CAPLE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–6615. *VEAL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–6616. *FAN YANG v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–6619. *SMITH v. UNITED STATES* (two judgments). C. A. 8th Cir. Certiorari denied.

No. 23–6623. *JACKSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

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No. 23–6626. *GIBSON v. KING*, ACTING SUPERINTENDENT, CLINTON CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 23–6629. *BICKNELL v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 74 F. 4th 474.

No. 23–6634. *COLON-MIRANDA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 23–6635. *FULWILER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6638. *HOWARD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–6639. *FOLK v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 23–6652. *MEEKER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 23–6656. *BODDIE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–6663. *GIL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6672. *WILLIAMS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 85 F. 4th 844.

No. 23–6673. *AKWUBA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–6674. *HAMBRICK v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 70 F. 4th 1086.

No. 23–6677. *SANCHEZ v. THORNELL*, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, REHABILITATION AND REENTRY, ET AL. C. A. 9th Cir. Certiorari denied.

No. 23–6680. *MAYO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–6681. *LOWE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

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No. 23–6686. DAVIS *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied.

No. 23–6687. FRANCIS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 23–6688. ESTRELLA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 69 F. 4th 958.

No. 23–6689. MENA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 23–6690. COMBS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 23–6697. HERNANDEZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 23–6707. WATHEN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 23–6712. NATARENO-CALDERON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 23–6714. CORTEZ-RODRIGUEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 23–6715. WILBORNE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 23–6716. WALKER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 68 F. 4th 1227.

No. 23–6644. DURHAM *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. 23–5624. PORTER *v.* UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA, 601 U. S. 914;

No. 23–5792. CHANDLER *v.* NEAL, WARDEN, 601 U. S. 951;

No. 23–5905. LAK *v.* CALIFORNIA, 601 U. S. 982;

No. 23–5992. IN RE BAILEY, 601 U. S. 944; and

No. 23–6015. ASKIA *v.* UNITED STATES, 601 U. S. 984. Petitions for rehearing denied.

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Miscellaneous Order

No. 23–411. MURTHY, SURGEON GENERAL, ET AL. *v.* MISSOURI ET AL. C. A. 5th Cir. [Certiorari granted, 601 U.S. 888.] Motion of respondent Jayanta Bhattacharya et al. for leave to file out of time, for divided argument, and for enlargement of time for oral argument denied.

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Miscellaneous Orders

No. 23A820. SPECTRUM WT ET AL. *v.* WENDLER ET AL. C. A. 5th Cir. Application for writ of injunction pending appeal, presented to JUSTICE ALITO, and by him referred to the Court, denied.

No. 23–235. FOOD AND DRUG ADMINISTRATION ET AL. *v.* ALLIANCE FOR HIPPOCRATIC MEDICINE ET AL.; and

No. 23–236. DANCO LABORATORIES, L. L. C. *v.* ALLIANCE FOR HIPPOCRATIC MEDICINE ET AL. C. A. 5th Cir. [Certiorari granted, 601 U.S. 963.] Motion of the Solicitor General for divided argument granted.

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Dismissal Under Rule 46

No. 23–6757. KENNERT *v.* UNITED STATES. C. A. 6th Cir. Certiorari dismissed under this Court’s Rule 46.

Certiorari Dismissed

No. 23–696. COLORADO REPUBLICAN STATE CENTRAL COMMITTEE *v.* ANDERSON ET AL. Sup. Ct. Colo. Certiorari dismissed as moot.

No. 23–6596. REID *v.* UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

Miscellaneous Orders

No. 23A718. CORONAVIRUS REPORTER ET AL. *v.* APPLE, INC. C. A. 9th Cir. Application for writ of injunction, addressed to JUSTICE THOMAS and referred to the Court, denied.

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No. 23M65. NGUYEN *v.* UNITED STATES; and

No. 23M66. SALOOJAS, INC. *v.* AETNA HEALTH OF CALIFORNIA, INC. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 23–50. CHIAVERINI ET AL. *v.* CITY OF NAPOLEON, OHIO, ET AL. C. A. 6th Cir. [Certiorari granted, 601 U.S. 962.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 23–235. FOOD AND DRUG ADMINISTRATION ET AL. *v.* ALLIANCE FOR HIPPOCRATIC MEDICINE ET AL.; and

No. 23–236. DANCO LABORATORIES, L. L. C. *v.* ALLIANCE FOR HIPPOCRATIC MEDICINE ET AL. C. A. 5th Cir. [Certiorari granted, 601 U.S. 963.] Motion of Charlotte Lozier Institute for leave to file brief as *amicus curiae* out of time granted.

No. 23–506. OCCIDENTAL EXPLORATION & PRODUCTION CO. *v.* ANDES PETROLEUM ECUADOR LTD. C. A. 2d Cir. Joint motion to defer consideration of the petition for writ of certiorari granted.

No. 23–6360. IN RE SETTS. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [601 U.S. 995] denied.

No. 23–6427. MELVIN *v.* HAMPTON-NEWPORT COMMUNITY NEWS SERVICES BOARD. C. A. 4th Cir.;

No. 23–6450. CORREA DIZON *v.* VECTRUS SYSTEMS CORP. C. A. 5th Cir.;

No. 23–6734. HOLMES *v.* MILGRAM, ADMINISTRATOR, DRUG ENFORCEMENT ADMINISTRATION. C. A. 4th Cir.; and

No. 23–6783. JACKSON *v.* APPLIED MATERIALS CORP. ET AL. C. A. 9th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until April 8, 2024, within which to pay the docketing fees required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

Certiorari Denied

No. 23–279. GRIFFIN *v.* NEW MEXICO EX REL. WHITE ET AL. Sup. Ct. N. M. Certiorari denied.

No. 23–446. JUNJIE LI *v.* RHODE ISLAND. Sup. Ct. R. I. Certiorari denied. Reported below: 297 A. 3d 908.

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No. 23–509. *DOE v. ROLLINS COLLEGE*. C. A. 11th Cir. Certiorari denied. Reported below: 77 F. 4th 1340.

No. 23–562. *MCDONALD’S USA, LLC, ET AL. v. DESLANDES ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 81 F. 4th 699.

No. 23–616. *ESTATE OF MANSTROM-GREENING, THROUGH MANSTROM, PERSONAL REPRESENTATIVE v. LANE COUNTY, OREGON, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–620. *BURNS v. SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES*. Ct. App. S. C. Certiorari denied.

No. 23–732. *PLISHKA v. SKURLA ET AL.* Ct. App. Ohio, 8th App. Dist., Cuyahoga County. Certiorari denied. Reported below: 2022-Ohio-4744, 204 N. E. 3d 1250.

No. 23–733. *JADA KU v. GREAT FALLS COLLEGE MONTANA STATE UNIVERSITY*. Sup. Ct. Mont. Certiorari denied.

No. 23–738. *WRIGHT v. CITY OF PONCA CITY, OKLAHOMA, ET AL.* C. A. 10th Cir. Certiorari denied.

No. 23–739. *SCHWENDIMANN, FKA DALVEY v. NEENAH, INC., ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 82 F. 4th 1371.

No. 23–740. *GOLDEN v. QUALCOMM, INC.* C. A. Fed. Cir. Certiorari denied.

No. 23–746. *NIKOLENKO v. NIKOLENKO*. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 23–748. *AUSTIN ET AL. v. GLYNN COUNTY, GEORGIA, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 80 F. 4th 1342.

No. 23–749. *SUNDBY, AS TRUSTEE v. MYERS ET AL.* Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 23–750. *CARMONA, INDIVIDUALLY, AND AS PARENT AND NATURAL GUARDIAN OF B. A., ET AL. v. NEW JERSEY DEPARTMENT OF EDUCATION ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–754. *VAN SANT & Co. v. TOWN OF CALHAN, COLORADO, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 83 F. 4th 1254.

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No. 23–758. *CHANCEY v. BASF CORP.* C. A. 5th Cir. Certiorari denied.

No. 23–766. *ORA v. HOLLYWOOD CHAMBER OF COMMERCE.* Ct. App. Cal., 2d App. Dist., Div. 2. Certiorari denied.

No. 23–770. *DOE v. CROUCH, CABINET SECRETARY OF THE WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 23–771. *STEIN ET AL. v. FEDERAL ELECTION COMMISSION.* C. A. D. C. Cir. Certiorari denied. Reported below: 77 F. 4th 868.

No. 23–772. *BARDES v. BUSH ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–774. *GROO v. EDDY, JUDGE, MONTANA 11TH JUDICIAL DISTRICT COURT.* Sup. Ct. Mont. Certiorari denied. Reported below: 413 Mont. 415, 537 P. 3d 111.

No. 23–782. *WARREN v. DEPARTMENT OF EDUCATION.* C. A. 10th Cir. Certiorari denied.

No. 23–783. *KOSSEN v. ASIA PACIFIC AIRLINES ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–787. *SIERRA NEVADA TRANSPORTATION, INC. v. NEVADA TRANSPORTATION AUTHORITY.* C. A. 9th Cir. Certiorari denied.

No. 23–791. *THOMPSON v. SULLIVAN ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–792. *AGRAMA v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 23–801. *GEORGE ET AL. v. TRITON PROPERTY INVESTMENTS, LLC.* Ct. App. Cal., 1st App. Dist., Div. 3. Certiorari denied.

No. 23–808. *JOE v. SUPREME COURT OF CALIFORNIA.* C. A. 9th Cir. Certiorari denied.

No. 23–809. *KLEIDMAN v. BARASH, JUDGE, UNITED STATES BANKRUPTCY COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied.

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No. 23–811. *AHURUONYE v. DEPARTMENT OF THE INTERIOR*. C. A. D. C. Cir. Certiorari denied.

No. 23–827. *CLIFTON CAPITAL GROUP, LLC v. SHARP*. C. A. 9th Cir. Certiorari denied. Reported below: 80 F. 4th 901.

No. 23–835. *ASSOCIATION OF CLUB EXECUTIVES OF DALLAS, INC., ET AL. v. CITY OF DALLAS, TEXAS*. C. A. 5th Cir. Certiorari denied. Reported below: 83 F. 4th 958.

No. 23–838. *SWANSON v. RAFFENSPERGER, GEORGIA SECRETARY OF STATE*. C. A. 11th Cir. Certiorari denied.

No. 23–845. *VASQUEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–859. *SPIEGEL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–864. *HOLTON v. HENON ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–865. *LAUE v. STATE BAR OF CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 23–884. *PEREZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 86 F. 4th 1311.

No. 23–888. *RASCO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–895. *ROGALINSKI v. META PLATFORMS, INC.* C. A. 9th Cir. Certiorari denied.

No. 23–907. *PASTRANA v. NEW YORK*. Ct. App. N. Y. Certiorari denied.

No. 23–5105. *GRIFFITH v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 65 F. 4th 1216.

No. 23–5633. *RAMOS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 65 F. 4th 427.

No. 23–5793. *BACA v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 23–6069. *SAINTVIL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

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No. 23–6157. *NETRO-PERALES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6160. *HENDERSON v. POUNDS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 23–6399. *SALINAS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–6436. *MANSO v. MCGILL, ADMINISTRATOR, NORTHERN STATE PRISON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–6444. *MADRIZ v. ARON ET AL.* Sup. Ct. Del. Certiorari denied. Reported below: 303 A. 3d 36.

No. 23–6449. *SWINT v. DISH NETWORK ET AL.* C. A. 10th Cir. Certiorari denied.

No. 23–6455. *FISHER v. UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI* (three judgments). C. A. 8th Cir. Certiorari denied.

No. 23–6456. *FORD v. MARCENO ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–6457. *GRIGG v. BENSON*. C. A. 9th Cir. Certiorari denied.

No. 23–6462. *HARRIS v. NEW REZ, LLC, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–6465. *SLAUGHTER v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 218 App. Div. 3d 694, 191 N. Y. S. 3d 504.

No. 23–6467. *EARLS v. SYED ET AL.* C. A. 7th Cir. Certiorari denied.

No. 23–6471. *STEINER v. KEMPSTER ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–6472. *ALLEN v. NEBRASKA*. Sup. Ct. Neb. Certiorari denied. Reported below: 314 Neb. 663, 992 N. W. 2d 712.

No. 23–6482. *BARNETT v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 23–6483. *ANTROBUS v. NEW YORK CITY HEALTH AND HOSPITALS CORPORATION*. C. A. 2d Cir. Certiorari denied.

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No. 23–6497. *MARQUEZ v. GARRETT, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–6509. *GOOD v. WALWORTH ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–6535. *ARMSTRONG v. UNITED STATES FEDERAL GOVERNMENT ET AL.* C. A. 7th Cir. Certiorari denied.

No. 23–6540. *LOPEZ v. CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–6559. *JOHNSON v. IRWIN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FOREST, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–6563. *TAYLOR v. HOOPER, WARDEN.* Sup. Ct. La. Certiorari denied. Reported below: 2023–00575 (La. 9/19/23), 370 So. 3d 458.

No. 23–6574. *BAKER v. JEA.* C. A. 11th Cir. Certiorari denied.

No. 23–6581. *GRUENINGER v. DOTSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS.* C. A. 4th Cir. Certiorari denied.

No. 23–6586. *GAIL v. VIRGINIA.* Sup. Ct. Va. Certiorari denied.

No. 23–6604. *JOHNSON v. MASSACHUSETTS DEPARTMENT OF CHILDREN AND FAMILIES.* App. Ct. Mass. Certiorari denied. Reported below: 103 Mass. App. 1105, 219 N. E. 3d 260.

No. 23–6611. *ERVIN v. INDIANA.* Sup. Ct. Ind. Certiorari denied.

No. 23–6618. *MABIOR v. NEBRASKA.* Sup. Ct. Neb. Certiorari denied. Reported below: 314 Neb. 932, 994 N. W. 2d 65.

No. 23–6630. *TERRY v. HOOPER, WARDEN.* C. A. 5th Cir. Certiorari denied. Reported below: 85 F. 4th 750.

No. 23–6632. *RANDHAWA v. WISCONSIN.* Ct. App. Wis. Certiorari denied. Reported below: 2023 WI App 44, 995 Wis. 2d 488, 995 N. W. 2d 488.

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No. 23–6640. *GREGORY v. SOUTH DAKOTA*. Sup. Ct. S. D. Certiorari denied. Reported below: 996 N. W. 2d 916.

No. 23–6645. *JOHNSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6685. *WOODS v. RAY, WARDEN*. C. A. 4th Cir. Certiorari denied.

No. 23–6694. *BRAXTON v. WARDEN, ANDERSON COUNTY DETENTION CENTER*. C. A. 4th Cir. Certiorari denied.

No. 23–6695. *CURTIS v. ELLER, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 23–6696. *DANIELS v. MILLER, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 23–6709. *AKERMAN v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied.

No. 23–6711. *COLLINS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6725. *CURRY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–6729. *BUSH v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 23–6730. *CALLOWAY v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 23–6735. *FUHAI LI v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 23–6739. *BRINSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–6740. *RIOS v. ARIZONA*. Ct. App. Ariz. Certiorari denied. Reported below: 255 Ariz. 124, 528 P. 3d 479.

No. 23–6741. *ORTIZ v. MACOMBER, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION*. C. A. 9th Cir. Certiorari denied.

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No. 23–6742. *PENNINGTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6743. *LARSON v. ALASKA*. Ct. App. Alaska. Certiorari denied. Reported below: 528 P. 3d 133.

No. 23–6748. *MINTER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 80 F. 4th 753.

No. 23–6749. *MORRISON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 74 F. 4th 1163.

No. 23–6750. *ABOITE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–6751. *ADAMS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–6754. *ABADAM v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–6756. *COLEMAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6759. *RICE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–6763. *MOORE v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 2023 IL App (2d) 220289, 236 N. E. 3d 1097.

No. 23–6767. *HUDSON v. ANDREWJESKI, SUPERINTENDENT, COYOTE RIDGE CORRECTIONS CENTER*. C. A. 9th Cir. Certiorari denied.

No. 23–6768. *GARZA-MORIN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6769. *JONES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 88 F. 4th 571.

No. 23–6770. *BURNS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–6774. *SILAS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 23–6777. *SULLIVAN v. WYOMING*. Sup. Ct. Wyo. Certiorari denied.

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No. 23–6780. *TEACHERSON v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 11th Cir. Certiorari denied.

No. 23–6790. *HAMILTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6793. *BURKS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6794. *CARDONA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 88 F. 4th 69.

No. 23–6796. *TELLEZ, AKA TELLEZ-CRESPO v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 86 F. 4th 1148.

No. 23–6798. *GORDON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–6802. *IRIZARRY-SISCO v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 87 F. 4th 38.

No. 23–6803. *GARCIA BRISENO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6808. *KING v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–6809. *MACKEY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 83 F. 4th 672.

No. 23–6818. *PRIDE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–6820. *CARCAMO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–450. *M. C. ET AL. v. INDIANA DEPARTMENT OF CHILD SERVICES*. Ct. App. Ind. Motion of Abigail Martinez for leave to file brief as *amicus curiae* denied. Certiorari denied. Reported below: 198 N. E. 3d 1.

No. 23–6443. *ROSADO-SANCHEZ v. CRESPO-CLAUDIO ET AL.* C. A. 1st Cir. Certiorari before judgment denied.

No. 23–6569. *NYAMUSEVYA v. UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO*. C. A. 6th Cir. Certiorari before judgment denied.

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No. 23–6593. *RUSH, AKA THOMAS v. ZAKEN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GREENE, ET AL.* C. A. 3d Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 23–6620. *QUARLES v. TERRA, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT PHOENIX, ET AL.* C. A. 3d Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 23–6722. *HOLLAND v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 23–6799. *KING v. UNITED STATES.* C. A. 11th Cir. Certiorari 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 Justices of the Supreme Court of the United States, Canon 3B(2)(e) (prior government employment).

No. 23–6817. *SANTIAGO-LUGO v. UNITED STATES.* C. A. 1st Cir. Certiorari 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 Justices of the Supreme Court of the United States, Canon 3B(2)(e) (prior government employment).

Rehearing Denied

No. 23–527. *RAB v. WEBER, CALIFORNIA SECRETARY OF STATE, ET AL.,* 601 U. S. 996;

No. 23–528. *BARTH v. UNITED STATES,* 601 U. S. 976;

No. 23–559. *OMOYOSI v. MICHAEL E. DEBAKEY VETERANS AFFAIRS MEDICAL CENTER ET AL.,* 601 U. S. 977;

No. 23–596. *KENNO v. COLORADO GOVERNOR’S OFFICE OF INFORMATION TECHNOLOGY ET AL.,* 601 U. S. 1001;

No. 23–5481. *OHAN v. FONTOURA, SHERIFF, ESSEX COUNTY, NEW JERSEY, ET AL.,* 601 U. S. 901;

No. 23–5582. *MANUEL REYES v. WASHINGTON COUNTY, OREGON, ET AL.,* 601 U. S. 914;

No. 23–5804. *CLARKE v. ADAMS ET AL.,* 601 U. S. 980;

No. 23–5864. *STARLING v. MIMS, WARDEN,* 601 U. S. 981;

No. 23–5984. *CURTIN v. UNITED STATES,* 601 U. S. 983;

No. 23–6071. *TAKHVAR v. WARNER BROS. DISCOVERY INC. ET AL.,* 601 U. S. 1002;

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No. 23–6125. LANCASTER *v.* BEATS ELECTRONICS LLC ET AL., 601 U.S. 988;

No. 23–6137. IN RE BOYAJIAN, 601 U.S. 999; and

No. 23–6311. CLUM *v.* UNITED STATES, 601 U.S. 1004. Petitions for rehearing denied.

No. 20–6272. USHER *v.* UNITED STATES, 592 U.S. 1271. Motion for leave to file petition for rehearing denied.

No. 21–7103. REAM *v.* FLORIDA, 596 U.S. 916. Motion for leave to file petition for rehearing denied.

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Miscellaneous Order

No. 23A814. UNITED STATES *v.* TEXAS ET AL.; and

No. 23A815. LAS AMERICAS IMMIGRANT ADVOCACY CENTER ET AL. *v.* MCCRAW, DIRECTOR TEXAS DEPARTMENT OF PUBLIC SAFETY, ET AL. C. A. 5th Cir. Applications to vacate stay, presented to JUSTICE ALITO, and by him referred to the Court, denied. The orders heretofore entered by JUSTICE ALITO are vacated.

JUSTICE BARRETT, with whom JUSTICE KAVANAUGH joins, concurring.

If the Fifth Circuit had issued a stay pending appeal, this Court would apply the four-factor test set forth in *Nken v. Holder*—including, as relevant in this Court, an assessment of certworthiness—to decide whether to vacate it. 556 U.S. 418, 434 (2009); *Doe v. Mills*, 595 U.S. 1029 (2021) (BARRETT, J., concurring in denial of application for injunctive relief). But the Fifth Circuit has *not* entered a stay ending appeal. Instead, in an exercise of its docket-management authority, it issued a temporary administrative stay and deferred the stay motion to a merits panel, which is considering it in conjunction with Texas’s challenge to the District Court’s injunction of S. B. 4. Thus, the Fifth Circuit has not yet rendered a decision on whether a stay pending appeal is warranted. That puts this case in a very unusual procedural posture.

Administrative stays do not typically reflect the court’s consideration of the merits of the stay application. Rather, they “freeze legal proceedings until the court can rule on a party’s request for expedited relief.” R. Bayefsky, *Administrative Stays: Power and*

Procedure, 97 Notre Dame L. Rev. 1941, 1942 (2022) (Bayefsky). Deciding whether to grant a stay pending appeal requires consideration of the four *Nken* factors, which include an assessment of the applicant's likelihood of success on the merits. That is not always easy to evaluate in haste, and an administrative stay buys the court time to deliberate.¹ In *June Medical Services, L. L. C. v. Gee*, for example, JUSTICE ALITO stayed the issuance of the lower court's mandate "[b]ecause the filings regarding the application for a stay in this matter were not completed until earlier today and the Justices need time to review these filings." Order in No. 18A774 (Feb. 1, 2019). At the same time, we stressed that the administrative stay reflected no view of the underlying merits. *Ibid.* *June Medical* is not an outlier. After receiving an emergency application, this Court frequently issues an administrative stay to permit time for briefing and deliberation—as JUSTICE ALITO did in this very case. Order in No. 23A814 etc. Mar. 4, 2024). See also, *e.g.*, *Murthy v. Missouri*, order in No. 23A243 (Sept. 14, 2023) (ALITO, J.); *Yeshiva Univ. v. YU Pride Alliance*, 597 U. S. 960 (2022). The courts of appeals use the procedure to the same end. See, *e.g.*, *Trump v. Vance*, 2019 WL 5703884 (CA2, Oct. 7, 2019); *United States v. McGowan*, 2020 WL 3867418 (CA6, June 28, 2020); *Brady v. National Football League*, 638 F. 3d 1004 (CA8 2011); *Al Otro Lado v. Wolf*, 945 F. 3d 1223 (CA9 2019); *Cobell v. Norton*, 2004 WL 603456 (CADDC, Mar. 24, 2004) (*per curiam*); *Marine Polymer Technologies, Inc. v. HemCon, Inc.*, 395 Fed. Appx. 701 (CA Fed. 2010).

That such stays are “administrative” does not mean they are value neutral. Their point is to minimize harm while an appellate court deliberates, so the choice to issue an administrative stay reflects a first-blush judgment about the relative consequences of staying the lower court judgment versus allowing it go to into effect.² Take this case. Texas argues that the District Court's

¹ While we have not explained the source of a federal court's authority to enter an administrative stay, commentators have pointed to a court's inherent authority to manage its docket, as well as to the All Writs Act, 28 U. S. C. § 1651. Bayefsky 1960–1964.

² Courts (including this Court) have sometimes described stays as devices meant to maintain the status quo. See, *e.g.*, *Nken v. Holder*, 556 U. S. 418, 429 (2009) (“A stay ‘simply suspend[s] judicial alteration of the status quo.’” (quoting *Ohio Citizens for Responsible Energy, Inc. v. NRC*, 479 U. S. 1312,

injunction of S. B. 4 prevents it from addressing an escalating crisis at the border; the United States argues that S. B. 4 undermines foreign relations and injures its sovereign interest in enforcing federal law, including those provisions granting certain migrants reprieve from removal.³ In the end, the Fifth Circuit might decide that the *Nken* factors favor the United States and decline to stay the injunction pending appeal. But for the brief period of uncertainty—*i. e.*, the time it takes the court to deliberate—the Fifth Circuit apparently concluded that the consequences of erroneously enjoining the enforcement of S. B. 4 would be worse than those of erroneously lifting the injunction.

“Minimizing the harm” is not necessarily the exclusive justification for an administrative stay. Because an administrative stay precedes a ruling on a stay pending appeal, the *Nken* factors are obviously on the court’s radar, and unsurprisingly, they can influence the stopgap decision, even if they do not control it. Thus, for example, judges have cited the underlying merits as a reason to grant an administrative stay. *United States v. Texas*, 595 U. S. 1022, 1023 (2021) (SOTOMAYOR, J., concurring in part and dissenting in part); *BST Holdings, L. L. C. v. OSHA*, 2021 WL 5166656, *1 (CA5, Nov. 6, 2021) (*per curiam*); *National Urban League v. Ross*, 977 F. 3d 698, 705 (CA9 2020) (Bumatay, J., dissenting) (“We should have granted an administrative stay here because defendants are likely to succeed on the merits”). But such orders rarely generate opinions, which means that there is no jurisprudence of administrative stays, much less a one-size-fits-all test that courts

1313 (1986) (Scalia, J., in chambers))). That is a tricky metric, because there is no settled way of defining “the status quo.” See Bayefsky 1945 (“[I]t is not always easy to ascertain what counts as the status quo”). Compare *Prometheus Radio Project v. FCC*, 2003 WL 22052896, *1 (CA3, Sept. 3, 2003) (*per curiam*); *Doe v. Trump*, 944 F. 3d 1222, 1223 (CA9 2019) (defining status quo as the state of affairs prior to the challenged law or rule), with *Veasey v. Abbott*, 870 F. 3d 387, 392 (CA5 2017) (*per curiam*); *Golden Gate Restaurant Assn. v. City and Cty. of San Francisco*, 512 F. 3d 1112, 1116–1117 (CA9 2008) (defining status quo as the state of affairs prior to judicial intervention). The “status quo” in this case is not self-evident. Is it the day before Texas enacted S. B. 4? The day before the lawsuit was filed? The day Texas’s appeal and stay motion was docketed in the Fifth Circuit?

³The private applicants argue that S. B. 4 will increase the cost of operating their organizations.

apply before entering one. That does not strike me as a problem: Play in the joints seems appropriate for a measure that functions as a flexible, short-term tool.

So far as I know, this Court has never reviewed the decision of a court of appeals to enter—or not enter—an administrative stay. I would not get into the business. When entered, an administrative stay is supposed to be a short-lived prelude to the main event: a ruling on the motion for a stay pending appeal. I think it unwise to invite emergency litigation in this Court about whether a court of appeals abused its discretion at this preliminary step—for example, by misjudging whether an administrative stay is the best way to minimize harm while the court deliberates.

The real problem—and the one lurking in this case—is the risk that a court will avoid *Nken* for too long. An administrative stay should last no longer than necessary to make an intelligent decision on the motion for a stay pending appeal. Once the court is equipped to rule, its obligation to apply the *Nken* factors is triggered—a point that some judges have pressed their Circuits to consider. See, e.g., *Doe v. Trump*, 944 F. 3d 1222, 1226 (CA9 2019) (Bress, J., dissenting); *National Urban League*, 977 F. 3d, at 705, n. 5 (Bumatay, J., dissenting). The United States suggests that, on several occasions, the Fifth Circuit has allowed administrative stays to linger for so long that they function like stays pending appeal. Application to Vacate Stay 15, n. 3.

The time may come, in this case or another, when this Court is forced to conclude that an administrative stay has effectively become a stay pending appeal and review it accordingly. But at this juncture in this case, that conclusion would be premature. The applicants' opposition to the administrative stay included a request that any such stay itself be stayed for seven days pending an application to this Court, and the Fifth Circuit granted that request in its order. It is surprising that both the parties and the panel contemplated from the start that this Court might review an administrative stay. Before this Court intervenes on the emergency docket, the Fifth Circuit should be the first mover: It should apply the *Nken* factors and decide the motion for a stay pending appeal. It can presumably do so promptly. Texas's motion for a stay pending appeal was fully briefed in the Fifth Circuit by March 5, almost two weeks ago. Merits briefing on

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SOTOMAYOR, J., dissenting

Texas’s challenge to the District Court’s injunction of S. B. 4 is currently underway. If a decision does not issue soon, the applicants may return to this Court.

JUSTICE SOTOMAYOR, with whom JUSTICE JACKSON joins, dissenting.

Today, the Court invites further chaos and crisis in immigration enforcement. Texas passed a law that directly regulates the entry and removal of noncitizens and explicitly instructs its state courts to disregard any ongoing federal immigration proceedings. That law upends the federal-state balance of power that has existed for over a century, in which the National Government has had exclusive authority over entry and removal of noncitizens. The District Court here declared that Texas’s law amounts to “nullification of federal law and authority—a notion that is antithetical to the Constitution and has been unequivocally rejected by the federal courts since the Civil War.” 719 F. Supp. 3d 640, 652 (WD Tex. 2024).

Texas appealed that ruling and sought to begin enforcing its law while it appeals. With no reasoned analysis, the Court of Appeals issued an administrative order allowing it to do so. Texas can now immediately enforce its own law imposing criminal liability on thousands of noncitizens and requiring their removal to Mexico. This law will disrupt sensitive foreign relations, frustrate the protection of individuals fleeing persecution, hamper active federal enforcement efforts, undermine federal agencies’ ability to detect and monitor imminent security threats, and deter noncitizens from reporting abuse or trafficking.

The Court gives a green light to a law that will upend the longstanding federal-state balance of power and sow chaos, when the only court to consider the law concluded that it is likely unconstitutional. This law implicates serious issues that are subject to ongoing political debate, and Texas’s novel scheme requires careful and reasoned consideration in the courts to determine which provisions may be unconstitutional. Although the Court today expresses no view on whether Texas’s law is constitutional, and instead defers to a lower court’s management of its docket, the Court of Appeals abused its discretion by entering an unreasoned and indefinite administrative stay that altered the status quo. This Court stands idle. Because I cannot, I dissent.

I

A

“The Government of the United States has broad, undoubted power over the subject of immigration and the status of [noncitizens].” *Arizona v. United States*, 567 U. S. 387, 394 (2012). That power is near exclusive when it comes to the admission and removal of noncitizens, and it precludes States from regulating entry and removal in a patchwork across the Nation. “It is fundamental that foreign countries concerned about the status, safety, and security of their nationals in the United States must be able to confer and communicate on this subject with one national sovereign, not the 50 separate States.” *Id.*, at 395. Congress has enacted a comprehensive and detailed scheme concerning the entry and removal of noncitizens. See, e. g., 8 U. S. C. § 1229a(a)(3) (federal removal proceedings are “the sole and exclusive procedure for determining whether [a noncitizen] may be admitted to the United States or, if the [noncitizen] has been so admitted, removed from the United States”).

Over a century of this Court’s precedent confirms that the “authority to control immigration—to admit or exclude [noncitizens]—is vested solely in the Federal Government.” *Truax v. Raich*, 239 U. S. 33, 42 (1915). “[T]he removal process is entrusted to the discretion of the Federal Government,” because removal decisions “touch on foreign relations and must be made with one voice.” *Arizona*, 567 U. S., at 409.

B

Texas Senate Bill 4 (S. B. 4) permits the State to arrest and remove to Mexico noncitizens who enter, attempt to enter, or reside in Texas, while instructing state courts to disregard any ongoing federal immigration proceedings. See S. B. 4, 88th Leg., 4th Called Sess. (2023). As the Governor of Texas declared, S. B. 4 embodies Texas’s view that its constitutional authority “is the supreme law of the land and supersedes any federal statutes to the contrary.” Governor Greg Abbott, Press Release, Statement on Texas’s Constitutional Right to Self-Defense (Jan. 24, 2024).

Specifically, S. B. 4 makes it a crime for a noncitizen to “ente[r] or attempt[t] to enter [Texas] directly from a foreign nation at any location other than a lawful port of entry.” Tex. Penal Code Ann. § 51.02(a) (West 2024). It also makes it a crime for a noncitizen

to “ente[r], attemp[t] to enter,” or be found in Texas after previously having been “denied admission to or excluded, deported, or removed from the United States,” or having “departed from the United States while an order of . . . removal [wa]s outstanding.” § 51.03(a). These crimes are punishable by thousands of dollars in fines and up to one year in prison. § 51.03(b).

Once Texas charges a noncitizen under S. B. 4, a state judge may, with the consent of the noncitizen, enter an order that “require[s] the person to return to the foreign nation from which the person entered or attempted to enter” before any conviction. Tex. Code Crim. Proc. Ann., Arts. 5B.002(a)–(c) (Vernon 2024). Once a noncitizen is convicted under S. B. 4, however, the judge “shall enter” an “order requiring the person to return to the foreign nation from which the person entered or attempted to enter” after he completes his state prison sentence. Art. 5B.002(d). Failure to comply with these state removal orders is a second-degree felony punishable by up to 20 years in prison. Tex. Penal Code Ann. §§ 51.04, 12.21. Strikingly, state judges must explicitly disregard any parallel federal immigration proceedings. Tex. Code Crim. Proc. Ann., Art. 5B.003 (“A court may not abate the prosecution of [the relevant S. B. 4 offense] on the basis that a federal determination regarding the immigration status of the defendant is pending or will be initiated”).

C

The United States, two private organizations, and the County of El Paso challenged S. B. 4. In a thorough 114-page opinion, the District Court granted a preliminary injunction, which it then declined to stay pending appeal. The District Court concluded that “the Supremacy Clause and Supreme Court precedent affirm that states may not exercise immigration enforcement power except as authorized by the federal government,” and it concluded that “SB 4 conflicts with key provisions of federal immigration law, to the detriment of the United States’ foreign relations and treaty obligations.” 719 F. Supp. 3d, at 652. Therefore, “to allow Texas to permanently supersede federal directives on the basis of an invasion would amount to nullification of federal law and authority.” *Ibid.*

Texas appealed to the Fifth Circuit and requested a stay pending appeal while the Fifth Circuit considered the District Court’s preliminary injunction. The next day, in a one-sentence order, a

divided panel of the Fifth Circuit granted a “temporary administrative stay,” expedited the appeal, and deferred consideration of the motion for a stay pending appeal to the merits panel. App. to Application to Vacate Stay in No. 23A814, p. 2a. Oral argument is set for April 3, 2024.

II

Procedure can be just as consequential as substance. The District Court concluded that S. B. 4 was likely unconstitutional and would cause immediate chaos were it to go into effect. Texas nonetheless asked for permission to enforce that law while appealing the preliminary injunction. Without any reasoned analysis, the Fifth Circuit granted that relief in a one-line administrative order. The Fifth Circuit abused its discretion, and this Court makes the same mistake by permitting a temporary administrative stay to alter the status quo that has existed for over a century.

When a court concludes that a law is (or likely is) unconstitutional, that decision generally takes immediate effect absent a stay. A stay “suspend[s] judicial alteration of the status quo.” *Nken v. Holder*, 556 U. S. 418, 429 (2009). Because it can take time to provide considered review of difficult questions, it is sometimes necessary to “grant preliminary relief to preserve the status quo ante—before the law went into effect.” *Whole Woman’s Health v. Jackson*, 594 U. S. 975, 977 (2021) (ROBERTS, C. J., dissenting). To enter a stay, a court must first decide that the underlying decision is likely wrong, will cause irreparable injury, and is contrary to the public interest. *Nken*, 556 U. S., at 429. Even this preliminary decision whether to grant a stay can take time, however.

That is where administrative stays come in. An administrative stay, or a “temporary stay,” is even more preliminary. It is intended to pause the action on the ground for a short period of time until a court can consider a motion for a stay pending appeal. For that reason, at a minimum, administrative relief should (1) maintain the status quo and (2) be time limited. The Fifth Circuit’s administrative stay here was neither, and thus constituted an abuse of discretion.

Here, the Fifth Circuit’s administrative stay upends the status quo because it allows S. B. 4—a brand new state law that alters the delicate balance of federal and state power in immigration enforcement—to go into effect. The District Court preliminarily

enjoined S. B. 4 and declined to stay that injunction. The Fifth Circuit did not need to enter an administrative stay to preserve the status quo; the District Court's decision already achieved that. The Fifth Circuit abused its discretion in entering the status-altering administrative stay.

The Fifth Circuit's administrative stay is also temporally unbounded. Because the Fifth Circuit deferred consideration of the motion for a stay pending appeal, the administrative stay is likely to last until the merits panel receives briefing, hears oral argument, and renders a decision on either Texas's appeal or at least Texas's motion for a stay pending appeal. That timeline would leave the administrative stay in effect for well over a month.*

This Court owes respect and deference to a lower court's management of its own docket. Yet an administrative stay that not only upends the status quo but also extends that disruption indefinitely defeats the purpose of this Court's stay analysis and threatens to evade effective review of this unprecedented law. Cf. 16 C. Wright, A Miller, & E. Cooper, *Federal Practice and Procedure* §3922.1 (3d ed. 2023) (temporary restraining orders that extend for too long are "apt to be held appealable as a preliminary injunction"). In my view, even a single day of the status quo disruption likely to be caused by S. B. 4 based on an unreasoned order is one day too many. Whether the Fifth Circuit calls this an administrative stay or something else, it has all the hallmarks of a stay pending appeal. To grant a stay pending appeal, however, a court must apply the relevant factors.

Applying those factors, the District Court concluded that the applicants are likely to succeed on the merits of their claims because federal law pre-empts S. B. 4. Control of the Nation's borders, including the entry and exit of noncitizens, has long been the exclusive province of the Federal Government. See *supra*, at 1027–1089; see also *Chy Lung v. Freeman*, 92 U. S. 275, 280 (1876) ("The passage of laws which concern the admission of citizens and

*The Fifth Circuit recently has developed a troubling habit of leaving "administrative" stays in place for weeks if not months. See, e.g., *United States v. Abbott*, No. 23–50632 (85 days, from Sept. 7, 2023, to Dec. 1, 2023); *Petteway v. Galveston Cty.*, No. 23–40582 (41 days, from Oct. 18, 2023, to Nov. 28, 2023); *Missouri v. Biden*, No. 23–30445 (66 days, from July 14, 2023, to Sept. 18, 2023); *R. J. Reynolds v. FDA*, No. 23–60037 (57 days, from Jan. 25, 2023, to Mar. 23, 2023); *Campaign Legal Ctr. v. Scott*, No. 22–50692 (48 days, from Aug. 12, 2022, to Sept. 29, 2022).

subjects of foreign nations to our shores belongs to Congress, and not to the States”). Because S. B. 4 appears to intrude on the exclusive federal authority to regulate entry and removal of noncitizens and does so in a way that conflicts with multiple provisions of federal law, the District Court concluded that S. B. 4 was likely unconstitutional. The District Court also found that S. B. 4 would cause irreparable harm if it went into effect. See *infra*, at 1092–1093. Texas identifies its harm as the failure of the Executive Branch to enforce immigration law, undoubtedly an issue on which there is ongoing political debate. Yet this Court has recently emphasized that “the Executive Branch also retains discretion over whether to remove a noncitizen from the United States,” despite claims of harm to a State. *United States v. Texas*, 599 U. S. 670, 679 (2023).

In sum, the District Court concluded that S. B. 4 was both likely unconstitutional and would cause immediate turmoil, and denied Texas’s request for permission to enforce the law nonetheless while appealing the preliminary injunction. Without any reasoned analysis, the Fifth Circuit granted that relief, and this Court now permits the Fifth Circuit’s temporary administrative stay to linger indefinitely.

III

The real world consequences of S. B. 4, many of which the District Court recognized, see 719 F. Supp. 3d, at 695–702, illustrate why the Fifth Circuit and this Court should have proceeded carefully and deliberately to maintain the status quo before letting S. B. 4 go into effect.

First, S. B. 4 “immediately disrupt[s] sensitive foreign relations agreements, particularly around the destination for the removal of noncitizens,” and “irreparably derail[s]” ongoing discussions with Mexico intended “to reduce irregular migration at the southern border.” *Id.*, at 695–696. The United States has treaty obligations concerning where it may remove citizens of other Nations that S. B. 4 disregards by removing all targeted noncitizens to Mexico. “Mexico . . . has already protested the law and will likely continue to do so as Texas deports Central and South American immigrants into the country.” *Id.*, at 701.

Second, S. B. 4 “frustrates the United States’ efforts and obligations to protect individuals fleeing from persecution or torture.” *Id.*, at 696. In particular, as the District Court noted, “state judges may not consider federal asylum applications as a reason

to abate state removal proceedings.” *Id.*, at 698. As a result, “Texas may remove or incarcerate many noncitizens with valid asylum or withholding claims, in violation of U.S. treaty obligations.” *Id.*, at 701.

Third, S. B. 4 hampers active federal immigration enforcement efforts and places federal immigration officers in danger. The Department of Homeland Security (DHS) may “lose the ability to pursue expedited removals, which must be used to remove noncitizens within 14 days of their arrival into the country.” *Id.*, at 697. As the District Court noted, “[b]y changing immigration patterns to more dangerous terrain, SB 4 will also risk placing DHS officers in more danger as they mount emergency responses to individuals in life-threatening situations.” *Ibid.* That same “[t]errain along these borders” may “resul[t] in more immigrant deaths.” *Ibid.*

Fourth, S. B. 4 can harm “federal agencies’ ability to detect security risks . . . as Texas police disrupt DHS’s ability to centrally and timely monitor illicit drug trades, human trafficking, and imminent threats.” *Id.*, at 701. For example, “[e]ven if Texas does share all data related to noncitizen arrests with DHS, the agency will have a diminished ability to detect time-sensitive threats,” which may hinder “counterterrorism efforts.” *Id.*, at 697.

Fifth, S. B. 4 may force El Paso County, one of the applicants, to “have to pay to expand its jail, provide counsel for indigent defendants, and hire more Sheriff deputies and court personnel. El Paso County may lose the ability to focus on high risk or violent criminals, harming its jail cost containment efforts.” *Id.*, at 698 (citation omitted).

Sixth, S. B. 4 “would immediately impose criminal liability on thousands of noncitizens who re-entered the state. The removal of noncitizens cannot be undone, even if a stay on [the District Court’s] injunction is ultimately lifted. Thousands of individuals should not be arrested, incarcerated, or removed prior to resolution of SB 4’s constitutionality.” *Id.*, at 701. Even if a state officer only “escorts a noncitizen to the border” and “departs after the noncitizen enters the other country,” S. B. 4 still forces a noncitizen to “either depart into Mexico or . . . face 20 years in prison if they do not.” *Id.*, at 669.

The District Court did not ignore Texas’s own harm arguments, of course. “[T]he Court does not doubt the risk that cartels and

drug trafficking pose to many people in Texas. But as explained, Texas can (and does) already criminalize those activities.” *Id.*, at 701.

In light of the consequences detailed by the District Court, the Fifth Circuit should have considered the constitutionality and irreparable harm caused by S. B. 4 before allowing the law to go into effect. Instead, it opened the door to profound disruption. This Court makes the same mistake.

* * *

The Court confronts a state immigration law that will transform the balance of power at the border and have life-altering consequences for noncitizens in Texas. Texas’s novel scheme requires careful and reasoned consideration in the courts. The District Court gave S. B. 4 careful consideration and found that it was likely unconstitutional. The Fifth Circuit has not yet weighed in, but nevertheless issued a one-sentence administrative order that is maximally disruptive to foreign relations, national security, the federal-state balance of power, and the lives of noncitizens. The Court should not permit this state of affairs. I dissent.

JUSTICE KAGAN, dissenting.

I respectfully dissent from the Court’s denial of this application to vacate the stay. In my judgment, the applicants satisfy the four-factor test set out in *Nken v. Holder*, 556 U.S. 418, 434 (2009), governing when a stay pending appeal is appropriate. My views of the merits are, as always in this posture, preliminary. But the subject of immigration generally, and the entry and removal of noncitizens particularly, are matters long thought the special province of the Federal Government. See *Arizona v. United States*, 567 U.S. 387, 394 (2012); *Chy Lung v. Freeman*, 92 U.S. 275, 280 (1876). Given that established understanding, I would not allow Texas Senate Bill 4 to go into effect. And in the circumstances, I do not think the Fifth Circuit’s use of an administrative stay, rather than a stay pending appeal, should matter. Administrative stays surely have their uses. But a court’s unreasoned decision to impose one for more than a month, rather than answer the stay pending appeal issue before it, should not spell the difference between respecting and revoking long-settled immigration law.

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Certiorari Denied

No. 23–7041 (23A855). *PYE v. OLIVER, COMMISSIONER, GEORGIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.

No. 23–7042 (23A856). *PYE v. EMMONS, WARDEN.* Sup. Ct. Ga. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.

MARCH 25, 2024

Certiorari Granted—Vacated and Remanded

No. 23–46. *UNITED STATES v. JONES.* C. A. 4th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Pulsifer v. United States*, 601 U.S. 124 (2024). Reported below: 60 F. 4th 230.

Certiorari Dismissed

No. 23–6508. *BRUNSON v. NORTH CAROLINA.* Gen. Ct. Justice, Super. Ct. Div., Cumberland County. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

Miscellaneous Orders

No. 23M67. *HADSELL v. UNITED STATES.* Motion to direct the clerk to file petition for writ of certiorari out of time denied.

No. 23–6591. *GREEN v. U. S. BANK N. A.* C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until April 15, 2024, 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. 23–6864. *IN RE ROBERTS.* Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of habeas corpus dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal mat-

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ters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

No. 23–6529. *IN RE RAMIREZ*. Petition for writ of mandamus denied.

No. 23–6728. *IN RE PITAWANAKWAT*. Petition for writ of mandamus and/or prohibition denied.

No. 23–6507. *IN RE HEARN*. Petition for writ of prohibition denied.

Certiorari Denied

No. 22–828. *PACE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 48 F. 4th 741.

No. 22–6076. *RAUBER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 22–6391. *PALOMARES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 52 F. 4th 640.

No. 22–6536. *JACKSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 22–6803. *THOMAS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 22–7059. *HAYNES v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 55 F. 4th 1075.

No. 22–7436. *KOLKMAN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 22–7650. *WASHINGTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7702. *MONTERO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7709. *THACKERSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7756. *ZENO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 22–7807. *HOLGUIN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

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No. 23–377. *DUTRA ET AL. v. JACKSON*; and
No. 23–514. *JACKSON v. DUTRA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–463. *BROKAMP v. JAMES, ATTORNEY GENERAL OF NEW YORK, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 66 F. 4th 374.

No. 23–551. *GMS MINE REPAIR v. FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 72 F. 4th 1314.

No. 23–636. *RAFAY v. JACKSON.* C. A. 9th Cir. Certiorari denied.

No. 23–652. *DOTSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS v. JUSTUS.* C. A. 4th Cir. Certiorari denied. Reported below: 78 F. 4th 97.

No. 23–660. *GRUPO UNIDOS POR EL CANAL, S. A., ET AL. v. AUTORIDAD DEL CANAL DE PANAMA.* C. A. 11th Cir. Certiorari denied. Reported below: 78 F. 4th 1252.

No. 23–666. *CUNNINGHAM v. UNITED STATES.* C. A. Armed Forces. Certiorari denied. Reported below: 83 M. J. 367.

No. 23–674. *HERNÁNDEZ-MONTAÑEZ v. FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO*; and

No. 23–678. *PIERLUISI, GOVERNOR OF PUERTO RICO, ET AL. v. FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO.* C. A. 1st Cir. Certiorari denied. Reported below: 77 F. 4th 49.

No. 23–780. *MISQUITH v. ST. MARY’S MEDICAL CENTER.* Dist. Ct. App. Fla., 4th Dist. Certiorari denied.

No. 23–784. *ROSELLINI v. NEW JERSEY OFFICE OF ATTORNEY ETHICS.* Sup. Ct. N. J. Certiorari denied. Reported below: 254 N. J. 442, 297 A. 3d 1243.

No. 23–793. *ARMENTA v. CALIFORNIA.* Super. Ct. Cal., County of Los Angeles. Certiorari denied.

No. 23–798. *EEE MINERALS, LLC, ET AL. v. NORTH DAKOTA ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 81 F. 4th 809.

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No. 23–822. *SANDMANN v. NEW YORK TIMES CO. ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 78 F. 4th 319.

No. 23–829. *OKLAHOMA CITY, OKLAHOMA, ET AL. v. DEER CREEK WATER CORP.* C. A. 10th Cir. Certiorari denied. Reported below: 82 F. 4th 972.

No. 23–850. *JONES v. MCKEAGUE, SENIOR JUDGE, UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 23–857. *SALIS v. ATTORNEY GRIEVANCE COMMITTEE FOR THE FIRST JUDICIAL DEPARTMENT.* Ct. App. N. Y. Certiorari denied. Reported below: 40 N. Y. 3d 965, 218 N. E. 3d 146.

No. 23–875. *ESTATE OF TOWNSEND ET AL. v. BERMAN ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 81 F. 4th 1264.

No. 23–882. *EMICK v. COLORADO ET AL.* Ct. App. Colo. Certiorari denied.

No. 23–896. *GARNAND ET AL. v. MOORE ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–898. *THORNTON v. WISCONSIN.* Ct. App. Wis. Certiorari denied.

No. 23–904. *GOLDEN v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied.

No. 23–908. *WOJIN CHO v. NEW YORK.* Sup. Ct. N. Y., App. Term, 1st Jud. Dept. Certiorari denied. Reported below: 79 Misc. 3d 127(A), 190 N. Y. S. 3d 574.

No. 23–948. *TEXAS AROMATICS, L. P., ET AL. v. INTERCONTINENTAL TERMINALS CO., L. L. C.* C. A. 5th Cir. Certiorari denied. Reported below: 85 F. 4th 343.

No. 23–5149. *ESCALERA v. UNITED STATES; OLVERA v. UNITED STATES; and MARTINEZ v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–5304. *HUTCHISON v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–5604. *ORDUNEZ v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

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No. 23–5691. *GARCIA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6029. *BUSTAM v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6490. *PATTERSON v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 374 So. 3d 779.

No. 23–6491. *HOPSON v. HUNT*. C. A. 6th Cir. Certiorari denied.

No. 23–6504. *PRALL v. PLATKIN, ATTORNEY GENERAL OF NEW JERSEY, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–6512. *SOKELL v. PEDRO, SUPERINTENDENT, EASTERN OREGON CORRECTIONAL INSTITUTION*. C. A. 9th Cir. Certiorari denied.

No. 23–6513. *MOGAN v. SACKS, RICKETTS & CASE LLP, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–6515. *HALL v. LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 23–6516. *WHATLEY ET AL. v. CITY OF NORTH CHARLESTON, SOUTH CAROLINA, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 23–6518. *BAILEY v. NEVADA PAROLE BOARD ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–6522. *SALAHUDDIN v. WILKES, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–6533. *BRADLEY v. COOPER, GOVERNOR OF NORTH CAROLINA, ET AL.* Gen. Ct. Justice, Super. Ct. Div., Columbus County, N. C. Certiorari denied.

No. 23–6537. *STESHENKO v. FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT ET AL.* Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 23–6538. *YE-YING CEN v. CASS*. Ct. App. Minn. Certiorari denied.

No. 23–6561. *THOMPSON v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

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No. 23–6564. *TEATS v. WATWOOD, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 23–6578. *SUNDWALL v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 367 So. 3d 1238.

No. 23–6582. *EMERSON v. UNITED STATES DISTRICT COURT, ET AL.* (two judgments). Sup. Ct. Ohio. Certiorari denied. Reported below: 170 Ohio St. 3d 1510, 2023-Ohio-2600, 214 N. E. 3d 571 (first judgment); 170 Ohio St. 3d 1510, 2023-Ohio-2600, 214 N. E. 3d 575 (second judgment).

No. 23–6583. *KHAN v. SAP LABS, LLC*. C. A. 9th Cir. Certiorari denied.

No. 23–6598. *MOHAMED v. FORSHEY, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 23–6603. *JACKSON v. SPROUL, SHERIFF, DOUGHERTY COUNTY, GEORGIA, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–6617. *HARVEY v. BECERRA, SECRETARY OF HEALTH AND HUMAN SERVICES*. C. A. 8th Cir. Certiorari denied.

No. 23–6651. *MARTIN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–6653. *MARVIN v. UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA*. C. A. D. C. Cir. Certiorari denied.

No. 23–6655. *HALL v. ANNUCCI ET AL.* C. A. 2d Cir. Certiorari denied.

No. 23–6660. *MANNING v. NEW JERSEY*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 23–6766. *JORDAN v. NEWMAN ET AL.* C. A. 4th Cir. Certiorari denied.

No. 23–6800. *ESPINOSA v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 40 N. Y. 3d 1065, 225 N. E. 3d 849.

No. 23–6821. *ZACARIAS DIAZ v. OREGON DEPARTMENT OF CORRECTIONS ET AL.* C. A. 9th Cir. Certiorari denied.

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No. 23–6853. *CAMPBELL v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 23–6856. *AGUIAR v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 23–6857. *GIBSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–6862. *ABDELHAQ v. AMES, SUPERINTENDENT, MOUNT OLIVE CORRECTIONAL COMPLEX*. C. A. 4th Cir. Certiorari denied.

No. 23–6866. *ABREU v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 23–6868. *NELSON v. SALMONSEN ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–6869. *FORBITO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6876. *BRONSON v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 23–6878. *AVALOS-SANCHEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6880. *LUNSFORD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 23–6881. *SALINAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6882. *BROWN v. ADKINS, WARDEN, ET AL.* C. A. 7th Cir. Certiorari denied.

No. 23–524. *AMERICAN FOREST RESOURCE COUNCIL ET AL. v. UNITED STATES ET AL.* C. A. D. C. Cir. Certiorari denied. JUSTICE GORSUCH and JUSTICE KAVANAUGH would grant the petition for writ of certiorari. Reported below: 77 F. 4th 787.

No. 23–525. *MURPHY CO. ET AL. v. BIDEN, PRESIDENT OF THE UNITED STATES, ET AL.* C. A. 9th Cir. Certiorari denied. JUSTICE GORSUCH and JUSTICE KAVANAUGH would grant the petition for writ of certiorari. Reported below: 65 F. 4th 1122.

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No. 23–555. *WILSON v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. JUSTICE KAVANAUGH took no part in the consideration or decision of this petition. Reported below: 77 F. 4th 837.

Rehearing Denied

No. 23–5712. *GWEN v. MAYES, ATTORNEY GENERAL OF ARIZONA, ET AL.*, 601 U. S. 950;

No. 23–5798. *OLIVER v. FLORIDA COMMISSION ON OFFENDER REVIEW*, 601 U. S. 980;

No. 23–5883. *MALIK BEY v. OHIO*, 601 U. S. 981;

No. 23–5924. *OHAN v. AMERICAN MEDICAL ASSN. ET AL.*, 601 U. S. 982;

No. 23–6056. *SORBEL v. SOUTH DAKOTA EX REL. SOUTH DAKOTA DEPARTMENT OF SOCIAL SERVICES ET AL.*, 601 U. S. 1002;

No. 23–6089. *BLOCKSON v. OLIVER, WARDEN, ET AL.*, 601 U. S. 1002;

No. 23–6288. *VELASQUEZ v. BALDOCK ET AL.*, 601 U. S. 1031; and

No. 23–6337. *AHMAD v. DAY ET AL.*, 601 U. S. 1033. Petitions for rehearing denied.

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Miscellaneous Orders

No. 23A802. *SHEKAR v. ILLINOIS*. Application for stay, addressed to THE CHIEF JUSTICE and referred to the Court, denied.

No. 23M68. *BARNETT v. DRUMMOND*, DISTRICT JUDGE, DISTRICT COURT OF TULSA COUNTY, OKLAHOMA. Motion for leave to file petition for writ of certiorari with supplemental appendix under seal granted.

No. 23M69. *CAMERON v. CAMERON*. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 23M70. *BUTLER v. UNITED STATES*. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

No. 23–6510. *IN RE SHOVE*. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [601 U. S. 1017] denied.

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No. 23–6613. ALLEN *v.* ALLEN ET AL. Sup. Ct. N. C.; and
No. 23–6614. ALLEN *v.* ALLEN ET AL. Sup. Ct. N. C. Mo-
tions of petitioner for leave to proceed *in forma pauperis* denied.
Petitioner is allowed until April 22, 2024, 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. 23–6944. IN RE WEST. Petition for writ of habeas cor-
pus denied.

No. 23–6565. IN RE THOMPSON; and

No. 23–6606. IN RE ALONSO JIMENEZ. Petitions for writs of
mandamus denied.

Certiorari Denied

No. 23–665. GOEDE *v.* ASTRAZENECA PHARMACEUTICALS, LP,
ET AL. Ct. App. Minn. Certiorari denied. Reported below: 992
N. W. 2d 700.

No. 23–786. MYERS *v.* MYERS ET AL. App. Ct. Mass. Certio-
rari denied. Reported below: 102 Mass. App. 1118, 210 N. E.
3d 440.

No. 23–796. FICEP CORP. *v.* PEDDINGHAUS CORP. C. A. Fed.
Cir. Certiorari denied.

No. 23–800. SHETTY ET AL. *v.* BLOCK ET AL. C. A. 9th Cir.
Certiorari denied.

No. 23–806. INDIEZONE, INC., ET AL. *v.* ROOKE ET AL. C. A.
9th Cir. Certiorari denied.

No. 23–810. JEAN-BAPTISTE *v.* ALMONTE STREAM FOOD CORP.
C. A. 2d Cir. Certiorari denied.

No. 23–815. MCRAY ET AL. *v.* DOW GOLUB REMELS & GIL-
BREATH PLLC. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 23–817. DONATELLI ET AL. *v.* TOWN OF OLD ORCHARD
BEACH, MAINE, ET AL. Sup. Jud. Ct. Me. Certiorari denied.

No. 23–821. SMITH *v.* KRUPP, JUDGE, SUPERIOR COURT OF
MASSACHUSETTS, NORFOLK COUNTY, ET AL. C. A. 1st Cir. Cer-
tiorari denied.

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No. 23–823. *SALEM v. ILLINOIS ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 85 F. 4th 438.

No. 23–839. *LITTLEFIELD ET AL. v. DEPARTMENT OF THE INTERIOR ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 85 F. 4th 635.

No. 23–849. *RATFIELD v. COHEN ET AL.* C. A. 11th Cir. Certiorari denied.

No. 23–872. *PATRICK v. PEREZ.* C. A. 6th Cir. Certiorari denied. Reported below: 83 F. 4th 1029.

No. 23–881. *BRUCE v. CITY OF MIAMISBURG, OHIO.* C. A. 6th Cir. Certiorari denied.

No. 23–892. *BROCK v. DEPARTMENT OF TRANSPORTATION.* C. A. Fed. Cir. Certiorari denied.

No. 23–903. *STONE ET AL. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 11th Cir. Certiorari denied. Reported below: 86 F. 4th 1320.

No. 23–905. *HANSON v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

No. 23–912. *ADKINS v. RITZ-CARLTON HOTEL Co., L. L. C.* C. A. 4th Cir. Certiorari denied.

No. 23–921. *BLOUNT v. UNITED STATES ET AL.* C. A. 8th Cir. Certiorari denied.

No. 23–922. *MCCRAY v. CITY OF BELOIT, WISCONSIN, ET AL.* Ct. App. Wis. Certiorari denied.

No. 23–945. *BANGIYEVA v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 75 F. 4th 445.

No. 23–6607. *LOTT v. OHIO JOB AND FAMILY SERVICES DEPARTMENT.* Ct. App. Ohio, 4th App. Dist., Washington County. Certiorari denied.

No. 23–6610. *HELFRICK v. RABB, DEPUTY COMMONWEALTH’S ATTORNEY OF CULPEPER COUNTY.* C. A. 4th Cir. Certiorari denied.

No. 23–6625. *FRAZER v. BAKERY & DRIVERS LOCAL 550 ET AL.* C. A. 2d Cir. Certiorari denied.

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No. 23–6628. *SINDACO v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 23–6633. *GREEN v. PRINCE GEORGE’S COUNTY OFFICE OF CHILD SUPPORT ET AL.* C. A. 4th Cir. Certiorari denied.

No. 23–6636. *OLIVER v. MIHELIC ET AL.* C. A. 9th Cir. Certiorari denied.

No. 23–6637. *ALEMAN HERNANDEZ v. PALM BEACH COUNTY STATE ATTORNEY*. C. A. 11th Cir. Certiorari denied.

No. 23–6665. *HOUGEN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 76 F. 4th 805.

No. 23–6670. *FERNANDEZ v. BOARD OF PEMBERTON TOWNSHIP ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–6675. *ANTONIO SGROMO v. RYAN, JUDGE, SUPERIOR COURT OF ARIZONA, MARICOPA COUNTY, ET AL.* Sup. Ct. Ariz. Certiorari denied.

No. 23–6676. *ANTONIO SGROMO v. BESTWAY USA INC. ET AL.* Ct. App. Ariz. Certiorari denied.

No. 23–6683. *POTEAT v. LYDON ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–6703. *COLLINGS v. VANDERGRIFF, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 23–6727. *ERB v. RIVELLO, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HUNTINGDON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–6733. *JANVIER v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 23–6784. *ELBEBLAWY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 23–6785. *ROGERS v. WELLS FARGO BANK, N. A.* Ct. App. N. C. Certiorari denied. Reported below: 289 N. C. App. 268, 887 S. E. 2d 123.

No. 23–6789. *MAYA v. FLORIDA*. Dist. Ct. App. Fla., 6th Dist. Certiorari denied. Reported below: 363 So. 3d 1191.

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No. 23–6822. *BROZENICK v. PENNSYLVANIA ET AL.* C. A. 3d Cir. Certiorari denied.

No. 23–6823. *ALEXANDER v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

No. 23–6824. *LYNCH v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 23–6825. *MACK v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–6827. *LEON-MOYA v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 23–6829. *PARSON v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 84 F. 4th 930.

No. 23–6834. *SESTAK v. UNITED STATES.* C. A. 10th Cir. Certiorari denied.

No. 23–6836. *RUIXUE SHI v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 23–6837. *CARBONARO v. UNITED STATES.* C. A. 3d Cir. Certiorari denied.

No. 23–6840. *KAYE v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 23–6845. *BIESTER-VILLEDA v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–6849. *SALAZAR-GRIMALDO v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–6850. *LUJAN v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–6851. *PORTILLO-GONZALEZ v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 80 F. 4th 910.

No. 23–6855. *HUNGERFORD v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–6870. *PEREZ-LAINEZ v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 23–6871. *POWELL v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 78 F. 4th 203.

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No. 23–6884. *DUBEREK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6886. *TORRES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 23–6889. *BARTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 23–6893. *RUBINI v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied.

No. 23–6894. *GONZALES, FKA MONTOUR v. EPLETT, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 77 F. 4th 585.

No. 23–6895. *CROFT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 87 F. 4th 644.

No. 23–6896. *RIMAS v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 23–6899. *ROBINSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 23–6900. *HILL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 80 F. 4th 595.

No. 23–6935. *GAEDE v. NORTH DAKOTA*. Sup. Ct. N. D. Certiorari denied. Reported below: 2023 ND 242, 999 N. W. 2d 626.

No. 23–851. *DOE v. PURDUE UNIVERSITY ET AL.* C. A. 7th Cir. Certiorari denied. JUSTICE BARRETT took no part in the consideration or decision of this petition.

Rehearing Denied

No. 23–539. *DE BOTTON v. QUALITY LOAN SERVICE CORPORATION OF WASHINGTON ET AL.*, 601 U. S. 1000;

No. 23–742. *KISER ET AL. v. LANGER*, 601 U. S. 1024;

No. 23–5765. *DAY v. PRECYTHE, DIRECTOR, MISSOURI DEPARTMENT OF CORRECTIONS, ET AL.*, 601 U. S. 979;

No. 23–6027. *SWEET v. SWEET ET AL.*, 601 U. S. 1001;

No. 23–6153. *HARRIS v. HUNT ET AL.*, 601 U. S. 1027;

No. 23–6193. *SMITH v. UNITED STATES*, 601 U. S. 990;

No. 23–6292. *CROWELL v. SEVIER, WARDEN*, 601 U. S. 1004;
and

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No. 23–6324. *BONANNO v. VIRGINIA ET AL.*, 601 U. S. 1032. Petitions for rehearing denied.

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*Miscellaneous Orders**

No. 23A862. *TREVINO ET AL. v. PALMER ET AL.* D. C. W. D. Wash. Application for stay, presented to JUSTICE KAGAN, and by her referred to the Court, denied.

APRIL 4, 2024

Certiorari Denied

No. 23–7136 (23A878). *SMITH v. OKLAHOMA*. Ct. Crim. App. Okla. Application for stay of execution of sentence of death, presented to JUSTICE KAVANAUGH, and by him referred to the Court, denied. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this application and this petition.

APRIL 9, 2024

Certiorari Denied

No. 23–7119 (23A876). *DORSEY v. VANDERGRIF, 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. Reported below: 685 S. W. 3d 18.

No. 23–7153 (23A890). *DORSEY v. VANDERGRIF, 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. Reported below: 685 S. W. 3d 18.

*For the Court's orders prescribing amendments to the Federal Rules of Appellate Procedure, see 601 U. S. —; restyled rules, amendments, and an addition to the Federal Rules of Bankruptcy Procedure, see 601 U. S. —; an amendment to the Federal Rules of Civil Procedure, see 601 U. S. —; and amendments and an addition to the Federal Rules of Evidence, see 601 U. S. —.