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MARCH 21 THROUGH APRIL 28, 2025

Page Proof Pending Publication

REBECCA A. WOMELDORF

REPORTER OF DECISIONS



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REPORTER'S NOTE

Orders commencing with March 21, 2025, begin with page 1208. The preceding orders in 604 U.S., from October 7, 2024, through March 20, 2025, were reported in Part 1, at 901–1207. These page numbers are the same as they will be in the bound volume, thus making the *permanent* citations available upon publication of the preliminary prints of the United States Reports.

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Miscellaneous Orders

No. 23–1275. MEDINA, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES *v.* PLANNED PARENTHOOD SOUTH ATLANTIC ET AL. C. A. 4th Cir. [Certiorari granted *sub nom. Kerr v. Planned Parenthood South Atlantic*, 604 U. S. 1071.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 24–20. FULD ET AL. *v.* PALESTINE LIBERATION ORGANIZATION ET AL.; and WALDMAN ET AL. *v.* PALESTINE LIBERATION ORGANIZATION ET AL.; and

No. 24–151. UNITED STATES *v.* PALESTINE LIBERATION ORGANIZATION ET AL. (two judgments). C. A. 2d Cir. [Certiorari granted, 604 U. S. 1041.] Motion of petitioners for divided argument granted.

No. 24–154. CATHOLIC CHARITIES BUREAU, INC., ET AL. *v.* WISCONSIN LABOR AND INDUSTRY REVIEW COMMISSION ET AL. Sup. Ct. Wis. [Certiorari granted, 604 U. S. 1064 and 1066.] Motion of the Deputy Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

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Certiorari Dismissed

No. 24–6269. MERILIEN *v.* MCFARLANE, WARDEN. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 24–6320. ABADI *v.* ADAMS ET AL. C. A. 2d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

No. 24–6385. TAAL *v.* CRONIN ET AL. C. A. 2d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and

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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. 24A730. *AKERMAN v. MERIT SYSTEMS PROTECTION BOARD*. C. A. Fed. Cir. Application for stay, addressed to JUSTICE THOMAS and referred to the Court, denied.

No. 24A731. *AKERMAN v. MERIT SYSTEMS PROTECTION BOARD*. C. A. Fed. Cir. Application for stay, addressed to JUSTICE THOMAS and referred to the Court, denied.

No. 24M66. *RICHARD v. WINN ET AL.* Motion for leave to proceed as a veteran denied.

No. 24M67. *DAVIS v. UNITED STATES*. Motion for leave to file petition for writ of certiorari with supplemental appendix under seal granted.

No. 24M68. *INDIANA GREEN PARTY ET AL. v. MORALES*. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 24M69. *SEALED APPELLANT v. BURGERMEISTER ET AL.* Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record denied.

No. 24-6367. *SEKEL v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA*. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until April 14, 2025, 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. 24-6375. *IN RE DRUMMOND*; and

No. 24-6620. *IN RE REED*. Petitions for writs of habeas corpus denied.

No. 24-6278. *IN RE CADET*; and

No. 24-6359. *IN RE CURRY*. Petitions for writs of mandamus denied.

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No. 24–749. *IN RE BOND*. Petition for writ of mandamus denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 24–763. *IN RE ZOU*; and

No. 24–6501. *IN RE BENDER*. Petitions for writs of mandamus and/or prohibition denied.

Certiorari Denied

No. 23–934. *ESCOBAR v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 24–370. *VALLEY HEALTH SYSTEM, LLC, DBA DESERT SPRINGS HOSPITAL MEDICAL CENTER, ET AL. v. NATIONAL LABOR RELATIONS BOARD*; and *VALLEY HOSPITAL MEDICAL CENTER, INC. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 9th Cir. Certiorari denied.

No. 24–458. *WEINLEIN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 24–461. *ISLAND INTELLECTUAL PROPERTY LLC v. TD AMERITRADE, INC., ET AL.* C. A. Fed. Cir. Certiorari denied.

No. 24–524. *LIGHTING DEFENSE GROUP v. SNAPRAYS, DBA SNAPPPOWER*. C. A. Fed. Cir. Certiorari denied.

No. 24–535. *ROGERS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 24–610. *UNION PACIFIC RAILROAD Co. v. DEGEER*. C. A. 8th Cir. Certiorari denied.

No. 24–628. *BNP PARIBAS SA ET AL. v. KASHEF ET AL.* C. A. 2d Cir. Certiorari denied.

No. 24–630. *UNION PACIFIC RAILROAD Co. v. DEFRIES*; *UNION PACIFIC RAILROAD Co. v. DONAHUE ET AL.*; and *UNION PACIFIC RAILROAD Co. v. BLANKINSHIP*. C. A. 9th Cir. Certiorari denied.

No. 24–643. *UNION PACIFIC RAILROAD Co. v. ZARAGOZA*. C. A. 5th Cir. Certiorari denied.

No. 24–645. *JULIANA ET AL. v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied.

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No. 24–651. *QUICKWAY TRANSPORTATION, INC. v. NATIONAL LABOR RELATIONS BOARD ET AL.* C. A. 6th Cir. Certiorari denied.

No. 24–670. *BOWERS DEVELOPMENT, LLC v. ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AGENCY ET AL.* App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied.

No. 24–721. *RODGERS v. TEXAS.* Ct. App. Tex., 5th Dist. Certiorari denied.

No. 24–722. *LARRY E. PARRISH, P. C. v. STRONG ET AL.* Sup. Ct. Tenn. Certiorari denied.

No. 24–727. *CENTERVILLE CLINICS INC. v. DOE.* C. A. 3d Cir. Certiorari denied.

No. 24–731. *MICHIGAN v. WOOLLEY.* Ct. App. Mich. Certiorari denied.

No. 24–742. *ENOCH v. HAMILTON COUNTY SHERIFF’S OFFICE ET AL.* C. A. 6th Cir. Certiorari denied.

No. 24–746. *DOE v. UNIVERSITY OF IOWA ET AL.* C. A. 8th Cir. Certiorari denied.

No. 24–751. *RTSKHILADZE v. DEPARTMENT OF JUSTICE ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 24–752. *THOMAS v. HARDER ET AL.* C. A. 9th Cir. Certiorari denied.

No. 24–761. *VIEHWEG v. INSURANCE PROGRAMS MANAGEMENT GROUP, LLC, ET AL.* C. A. 7th Cir. Certiorari denied.

No. 24–762. *PISNER v. MCCARTHY ET AL.* C. A. 4th Cir. Certiorari denied.

No. 24–767. *RIETH-RILEY CONSTRUCTION Co., INC. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 6th Cir. Certiorari denied.

No. 24–769. *STORMO, AS ASSIGNEE OF CLARK v. STATE NATIONAL INSURANCE Co.* C. A. 1st Cir. Certiorari denied.

No. 24–772. *CHIJOKE-UCHE v. CHAPMAN CHEVROLET LLC ET AL.; and CHIJOKE-UCHE v. EQUIFAX INFORMATION SERVICES, LLC, ET AL.* C. A. 3d Cir. Certiorari denied.

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No. 24–785. *SILLOWAY ET AL. v. CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 24–789. *ECB USA, INC., ET AL. v. CHUBB INSURANCE COMPANY OF NEW JERSEY ET AL.* C. A. 11th Cir. Certiorari denied.

No. 24–790. *AKAHOSHI, FORMER CHIEF COMPLIANCE OFFICER v. OFFICE OF THE COMPTROLLER OF THE CURRENCY*. C. A. 9th Cir. Certiorari denied.

No. 24–791. *BYRNES v. BYRNES*. C. A. 10th Cir. Certiorari denied.

No. 24–792. *REULE ET AL. v. JACKSON, JUDGE, DISTRICT COURT OF TEXAS, 114TH DISTRICT, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 24–794. *RAE v. WOBURN PUBLIC SCHOOLS ET AL.* C. A. 1st Cir. Certiorari denied.

No. 24–802. *STOYANOV v. HOWARD COUNTY, MARYLAND, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 24–824. *RUTLAND v. REGIONS BANK, AS TRUSTEE OF THE WILLIAM HUNTER RUTLAND FAMILY TRUST*. Ct. App. Miss. Certiorari denied.

No. 24–829. *WYNN v. ASSOCIATED PRESS ET AL.* Sup. Ct. Nev. Certiorari denied.

No. 24–830. *LUO v. OWEN J. ROBERTS SCHOOL DISTRICT ET AL.* C. A. 3d Cir. Certiorari denied.

No. 24–834. *PISTRAK v. GOLUBEVA*. Sup. Ct. Wash. Certiorari denied.

No. 24–835. *HEALEY v. VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES ET AL.* Sup. Ct. Vt. Certiorari denied.

No. 24–841. *SUETHOLZ v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 24–843. *SANDERS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 24–847. *STRONG v. UNITED STATES*. C. A. Armed Forces. Certiorari denied.

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No. 24–851. *OSTERMAN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 24–854. *MILLER ET AL. v. NELSON, TEXAS SECRETARY OF STATE, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 24–861. *CHAVEZ-GUEVARA v. BONDI, ATTORNEY GENERAL, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 24–862. *MACDONALD v. SIMON, MINNESOTA SECRETARY OF STATE*. Sup. Ct. Minn. Certiorari denied.

No. 24–864. *ESTATE OF BRIDE, BY AND THROUGH HIS APPOINTED ADMINISTRATOR BRIDE, ET AL. v. YOLO TECHNOLOGIES, INC.* C. A. 9th Cir. Certiorari denied.

No. 24–879. *NORMAN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 24–880. *NEXPOINT ASSET MANAGEMENT, L. P., FKA HIGHLAND CAPITAL MANAGEMENT FUND ADVISORS, L. P., ET AL. v. HIGHLAND CAPITAL MANAGEMENT, L. P.* C. A. 5th Cir. Certiorari denied.

No. 24–882. *CHATMAN v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied.

No. 24–885. *ROCKWATER, INC., DBA PEERLESS MANUFACTURING CO. v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 24–900. *QURESHI v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–907. *WELLS v. UNITED STATES*; and *NESTOR v. UNITED STATES*. C. A. Armed Forces. Certiorari denied.

No. 24–911. *RECHNITZ ET AL. v. HEARDEN ET AL.* C. A. 9th Cir. Certiorari denied.

No. 24–916. *KOSS CORP. v. BOSE CORP.* C. A. Fed. Cir. Certiorari denied.

No. 24–5494. *WITHAM v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 24–5553. *PHILLIPS v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

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No. 24–5947. *SALAAM v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 24–5953. *SLAUGHTER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 24–6038. *WHARTON v. TERRA, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT PHOENIX*. C. A. 3d Cir. Certiorari denied.

No. 24–6178. *HARVEL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 24–6266. *MILES v. MARYLAND*. App. Ct. Md. Certiorari denied.

No. 24–6268. *MORENO-CUEVAS v. TOWN SPORTS INTERNATIONAL, LLC, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 24–6270. *PETERSON v. SALMONSEN, WARDEN*. Sup. Ct. Mont. Certiorari denied.

No. 24–6275. *HAMILTON v. GEORGIA*. Ct. App. Ga. Certiorari denied.

No. 24–6296. *WANG v. IVERSON ET AL.* Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 24–6303. *LEACH v. ILLINOIS*. App. Ct. Ill., 4th Dist. Certiorari denied.

No. 24–6308. *GREEN v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied.

No. 24–6313. *ST. GEORGE v. LENGERICH, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied.

No. 24–6314. *LETTIERI v. CITY OF BINGHAMTON, NEW YORK, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 24–6315. *ST. GEORGE v. CITY OF LAKEWOOD, COLORADO, ET AL.* C. A. 10th Cir. Certiorari denied.

No. 24–6316. *BARRERA-MACKORTY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–6318. *CROWDER v. GEORGIA*. Sup. Ct. Ga. Certiorari denied.

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No. 24–6321. *RYAN v. TIMMERMAN ET AL.* Ct. App. Wash. Certiorari denied.

No. 24–6324. *SMITH v. EVERETT.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied.

No. 24–6325. *SMITH v. SMITH.* Sup. Ct. Fla. Certiorari denied.

No. 24–6327. *JIDEANI v. RIGSBY, JUDGE, DISTRICT OF COLUMBIA SUPERIOR COURT.* C. A. D. C. Cir. Certiorari denied.

No. 24–6328. *EAST v. JACKLEY, ATTORNEY GENERAL OF SOUTH DAKOTA, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 24–6336. *MONTOYA v. ARIZONA.* Sup. Ct. Ariz. Certiorari denied.

No. 24–6338. *SHOMO v. OHIO ET AL.* Ct. App. Ohio, 8th App. Dist., Cuyahoga County. Certiorari denied.

No. 24–6342. *A. B. v. FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES.* Sup. Ct. Fla. Certiorari denied.

No. 24–6347. *WARREN v. LOUISIANA.* Ct. App. La., 1st Cir. Certiorari denied.

No. 24–6349. *MITCHELL v. GUERRERO, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 24–6350. *WENNER v. HENSLEY ET AL.* Sup. Ct. Ind. Certiorari denied.

No. 24–6351. *GELIN v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied.

No. 24–6355. *GREEN v. GUERRERO, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 24–6356. *HARDY v. TENNESSEE.* Ct. Crim. App. Tenn. Certiorari denied.

No. 24–6358. *WATWOOD v. NEWCOMER, WARDEN.* C. A. 4th Cir. Certiorari denied.

No. 24–6360. *DIAZLEAL-DIAZLEAL v. HAYNES, SUPERINTENDENT, AIRWAY HEIGHTS CORRECTIONS CENTER.* C. A. 9th Cir. Certiorari denied.

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No. 24–6361. *CROUCH v. CANNING*. Super. Ct. Fulton County, Ga. Certiorari denied.

No. 24–6365. *GEMELLI v. NICOSIA*, DISTRICT ATTORNEY, 34TH JUDICIAL DISTRICT COURT, ET AL. C. A. 5th Cir. Certiorari denied.

No. 24–6368. *SMITH v. DIXON*, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. Dist. Ct. App. Fla., 1st Dist. Certiorari denied.

No. 24–6369. *MCPHERSON v. DIXON*, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. Sup. Ct. Fla. Certiorari denied.

No. 24–6373. *GOLDSBORO v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 24–6380. *RUST v. LABORATORY CORPORATION OF AMERICA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 24–6382. *SMITH v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 24–6384. *RYAN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 24–6386. *BOGGS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 24–6387. *BRADLEY v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied.

No. 24–6389. *CARTER v. LUNEKE*, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 24–6391. *WARD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–6403. *NIXON v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 24–6418. *BOOKER v. SOUTH CAROLINA*. Sup. Ct. S. C. Certiorari denied.

No. 24–6424. *CLOPTON v. ILLINOIS*. App. Ct. Ill., 4th Dist. Certiorari denied.

No. 24–6456. *SMITH v. MISSISSIPPI*. Ct. App. Miss. Certiorari denied.

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No. 24–6457. *BLOUNT v. ADMINISTRATOR, NEW JERSEY STATE PRISON*. C. A. 3d Cir. Certiorari denied.

No. 24–6488. *OCHOA, AKA OCHOA-CORDOVA v. LUNA, SHERIFF, LOS ANGELES COUNTY, CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 24–6504. *SLACK v. SAMPSON, WARDEN*. C. A. 11th Cir. Certiorari denied.

No. 24–6509. *CHARLEMAGNE, AKA GUTIERREZ-FARAH, AKA GUTIERREZ v. MILLER, SUPERINTENDENT, SNAKE RIVER CORRECTIONAL INSTITUTION*. C. A. 9th Cir. Certiorari denied.

No. 24–6514. *GARRETT v. KANSAS*. Sup. Ct. Kan. Certiorari denied.

No. 24–6522. *NEYHART v. DAVIS, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 24–6533. *SCHWEDER v. ARIZONA*. Ct. App. Ariz. Certiorari denied.

No. 24–6544. *BELLOT v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–6545. *PICH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–6551. *WISE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–6554. *CORTEZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 24–6557. *ROSADO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 24–6558. *GONZALEZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 24–6559. *LEYVA-FRAYRE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–6562. *JONES v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 24–6565. *GOMEZ v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

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No. 24–6567. *LOPEZ FLORES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–6571. *SANCHEZ-SOSA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–6572. *RIVERA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 24–6575. *SCARBOROUGH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 24–6577. *CUNNINGHAM v. UNITED STATES POSTAL SERVICE ET AL.* C. A. 6th Cir. Certiorari denied.

No. 24–6578. *BILLINGS v. WISCONSIN*. Ct. App. Wis. Certiorari denied.

No. 24–6580. *SMITH v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 24–6582. *MARTIN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–6583. *AGUILAR-GUTIERREZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–6584. *BAGOLA v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 24–6585. *JONES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–6589. *SANDERS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 24–6591. *SPONAUGLE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 24–6593. *GUERRERO v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 24–6595. *CARDIEL-RUIZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–6596. *SOTO v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

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No. 24–6598. *BOYLES v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 24–6601. *BAUTISTA-PEREZ v. UNITED STATES*; *ELVIRA-GARCIA v. UNITED STATES*; *GONZALEZ-PAZ v. UNITED STATES*; *JUAREZ v. UNITED STATES*; *MARTINEZ-SANCHEZ v. UNITED STATES*; *MARTINEZ-VERAZAS v. UNITED STATES*; *MORENO-CARRETO v. UNITED STATES*; *RUIZ-SANTOS v. UNITED STATES*; and *SALGADO-PEREZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–6603. *GORDON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 24–6606. *MCCOY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 24–6612. *SULLIVAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–6614. *MARSHALL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 24–6615. *DAMM v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–6618. *SHARMA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–6622. *BRADLEY v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 24–6626. *WALL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–6627. *WASHINGTON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 24–6630. *DE LA MORA CARDENAS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–6633. *WEBSTER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 24–6634. *WOLTER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

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No. 24–6635. *LEEDY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 24–6636. *DIXON v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

No. 24–6637. *MOSS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 24–6638. *DELGADO CHAVEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–6639. *ALFARO v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist., Div. 6. Certiorari denied.

No. 24–6641. *CHEEVER v. OREGON*. Ct. App. Ore. Certiorari denied.

No. 24–6644. *KASALI v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–6652. *KITCHEN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 24–6654. *HILL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–6655. *MATA-GARDEA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–6657. *VILLAREAL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–6658. *VOLTZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 24–6659. *SEWARD v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 24–6662. *WILLIAMS v. ARKANSAS*. Sup. Ct. Ark. Certiorari denied.

No. 24–330. *FRANKLIN v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 42 N. Y. 3d 157, 242 N. E. 3d 652.

Statement of JUSTICE ALITO respecting the denial of certiorari.

I agree that we should not grant certiorari in this case, but in an appropriate case we should reconsider the interpretation of the Confrontation Clause that the Court adopted in *Crawford v.*

Washington, 541 U. S. 36 (2004), and has elaborated in later cases. Overturning established precedent, the *Crawford* Court claimed that its new interpretation captured the original meaning of the Confrontation Clause as revealed by then-recent scholarship, *id.*, at 60–61, and that this interpretation would avoid the “unpredictable and inconsistent” results that had occurred under the test it overturned, *id.*, at 66.

Subsequent developments have undermined these two pillars of *Crawford*’s rationale. Historical research now calls into question *Crawford*’s understanding of the relevant common law rules at the time of the adoption of the Sixth Amendment, and whatever else may be said about that decision, there can be no dispute that it has not produced predictable and consistent results. Despite repeated attempts to explain what *Crawford* meant by “testimonial statements,” our Confrontation Clause jurisprudence continues to confound courts, attorneys, and commentators.¹

Petitioner asks us to remedy this confusion by clarifying what qualifies as a “testimonial statement” under our post-*Crawford* case law. See *Smith v. Arizona*, 602 U. S. 779, 783–789, 799–802 (2024) (discussing our “varied formulations” of *Crawford*’s “testimonial inquiry”). But the real problem may be *Crawford* itself and its conclusion that the Confrontation Clause codified a well-established common law right against the use of any “testimonial”

¹ See, e.g., R. Allen, J. Hoffmann, D. Livingston, A. Leipold, & T. Meares, *Comprehensive Criminal Procedure* 1416 (5th ed. 2020) (“astonishing”); E. Sheley, *The Dignitary Confrontation Clause*, 97 Wash. L. Rev. 207, 223 (2022) (“morass”); D. Tuerkheimer, *Exigency*, 49 Ariz. L. Rev. 801, 832, n. 173 (2007) (“incoherent”); J. Widdison, Comment, *Michigan v. Bryant*: The Ghost of *Roberts* and the Return of Reliability, 47 Gonz. L. Rev. 219, 240 (2011) (“unstable”); A. Eichner, Note, *The Failures of Melendez-Diaz v. Massachusetts and the Unstable Confrontation Clause*, 38 Am. J. Crim. L. 437 (2011) (same); M. Spottswood, *Truth, Lies, and the Confrontation Clause*, 89 U. Colo. L. Rev. 565, 611 (2018) (“unnecessarily complex”); J. Ross, *After Crawford Double-Speak: “Testimony” Does Not Mean Testimony and “Witness” Does Not Mean Witness*, 97 J. Crim. L. & C. 147 (2006) (“double-speak”); D. Crump, *Overruling Crawford v. Washington: Why and How*, 88 Notre Dame L. Rev. 115, 132 (2012) (“unworkable”); D. Noll, *Constitutional Evasion and the Confrontation Puzzle*, 56 Boston College L. Rev. 1899, 1903 (2015) (“mess” (internal quotation marks omitted)); G. Fisher, *The Crawford Debate*, 113 Mich. L. Rev. First Impressions 17, 24 (2014) (“‘inherently, and therefore permanently, unpredictable’” (quoting *Crawford*, 541 U. S., at 68, n. 10)).

statement made out of court by a person who is available to testify and was not previously subject to cross-examination by the defendant. 541 U.S., at 68.

In order to reach this conclusion, the Court was required to hold that any person who makes a “testimonial” statement (whatever that means) is a “witness” within the meaning of the Confrontation Clause, but this gave the term “witness” a meaning that is radically different from its meaning in the neighboring Compulsory Process Clause and elsewhere in the Constitution. See A. Amar, Confrontation Clause First Principles: A Reply to Professor Friedman, 86 Geo. L. J. 1045, 1045–1047 (1998); A. Amar, Foreword: Sixth Amendment First Principles, 84 Geo. L. J. 641, 647 (1996).

The Compulsory Process Clause, which follows immediately after the Confrontation Clause, gives a defendant the right “to have compulsory process for obtaining *witnesses* in his favor.” Amdt. 6 (emphasis added). And it is clear that these “witnesses” are people who are subpoenaed to appear in court and testify. The Court has understood the Clauses’ neighboring references to “witnesses” as two sides of the same coin. See *Washington v. Texas*, 388 U.S. 14, 19 (1967) (“Just as an accused has the right to confront the prosecution’s witnesses for the purpose of challenging their testimony, he has the right to present his own witnesses to establish a defense”). After *Crawford*, however, only the Compulsory Process Clause’s “witnesses” are people who must appear in court and take the stand. When a law uses the same term more than once, we presume that the term means the same thing every time it is used. See A. Scalia & B. Garner, *Reading Law: The Interpretation of Legal Texts* 170 (2012). Thus, it is startling to hold that the term “witnesses” in two provisions separated by nothing but a semicolon have very different meanings.

Other provisions of the Constitution that use the term “witnesses” also refer to people who testify in court. The Treason Clause states that “[n]o Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.” Art. III, §3, cl. 1. This provision requires two live witnesses who take the stand. See M. Hale, *Pleas of the Crown* 262 (1694); J. Langbein, *The Origins of Adversary Criminal Trial* 238–239 (2003); Amar, 86 Geo. L. J., at 1047.

These powerful textual arguments were known when *Crawford* was decided, but the Court dismissed them because its study of

history led it to believe that the Confrontation Clause was meant to codify a well-established common law right against the introduction of a certain category of what we now call hearsay. More recent scholarship, however, casts doubt on key aspects of *Crawford*'s reasoning.²

Our body of constitutional decisions would be in perpetual turmoil if we reconsidered every decision resting on an interpretation of history that is subsequently challenged in the law reviews. But as both JUSTICE GORSUCH and I recognize, the current state of our Confrontation Clause jurisprudence is unstable and badly in need of repair. If we undertake that project, we should not limit our efforts to an attempt to shore up what may be a fundamentally unsound structure.

If we reconsider *Crawford*, as I think we should, the result might be a reaffirmation of *Crawford* or the adoption of an entirely different Confrontation Clause rule. But whatever the outcome might be, reconsideration is needed.

Statement of JUSTICE GORSUCH respecting the denial of certiorari.

While Cid Franklin awaited arraignment after his arrest, an employee of the Criminal Justice Agency questioned him outside the presence of counsel. That publicly funded agency interviews “nearly all individuals arrested in New York City” in order to make bail recommendations to the arraigning judge. 42 N. Y. 3d 157, 159, 242 N. E. 3d 652, 653 (2024) (internal quotation marks omitted).

² See, e.g., T. Davies, Not “The Framers’ Design”: How the Framing-Era Ban Against Hearsay Evidence Refutes the *Crawford-Davis* “Testimonial” Formulation of the Scope of the Original Confrontation Clause, 15 J. L. & Pol’y 349 (2007); Noll, 56 Boston College L. Rev., at 1904–1905, 1918–1950; Spottswood, 89 U. Colo. L. Rev., at 595–596; D. Sklansky, Hearsay’s Last Hurrah, 2009 S. Ct. Rev. 1, 5–6, 36–38, 46–47, 54; B. Trachtenberg, Confronting Coventurers: Coconspirator Hearsay, Sir Walter Raleigh, and the Sixth Amendment Confrontation Clause, 64 Fla. L. Rev. 1669, 1677–1681 (2012); J. Bellin, The Incredible Shrinking Confrontation Clause, 92 B. U. L. Rev. 1865, 1881–1893 (2012); T. Davies, What Did the Framers Know, and When Did They Know It? Fictional Originalism in *Crawford v. Washington*, 71 Brooklyn L. Rev. 105, 106–107 (2005); R. Kry, Confrontation Under the Marian Statutes: A Response to Professor Davies, 72 Brooklyn L. Rev. 493 (2007); T. Davies, Revisiting the Fictional Originalism in *Crawford*’s “Cross-Examination Rule”: A Reply to Mr. Kry, 72 Brooklyn L. Rev. 557 (2007).

Much later, prosecutors sought to make a different use of Mr. Franklin's bail report. At trial, they introduced it as evidence of his guilt. See App. to Pet. for Cert. 33a (exhibit). And they did so without giving him a chance to cross-examine the report's author. Relying on the report, which "was central to the People's case at trial," a jury convicted Mr. Franklin. 42 N. Y. 3d, at 160, 242 N. E. 3d, at 654.

On appeal, Mr. Franklin argued that this use of the bail report violated his Sixth Amendment right to confront the witnesses against him. The New York Court of Appeals disagreed. It reasoned that the Sixth Amendment only bars the use of "'testimonial'" out-of-court statements. *Id.*, at 161, 242 N. E. 3d, at 655 (quoting *Crawford v. Washington*, 541 U. S. 36, 51 (2004)). And a statement qualifies as "testimonial," the court continued, only if it "was created for the primary purpose of serving as trial testimony." 42 N. Y. 3d, at 159, 242 N. E. 3d, at 653. Applying that test, taken from this Court's decision in *Michigan v. Bryant*, 562 U. S. 344 (2011), the Court of Appeals concluded that Mr. Franklin's bail report was written principally for "administrative" purposes and not primarily for use at trial. 42 N. Y. 3d, at 165, 242 N. E. 3d, at 658. Therefore, the court reasoned, it did not qualify as testimonial. *Ibid.*

It's hard to fault the Court of Appeals for applying a "primary-purpose" test in assessing Mr. Franklin's Sixth Amendment claim. After all, this Court endorsed the test just last year in *Smith v. Arizona*, 602 U. S. 779, 800 (2024). But even if that judge-made test may have some useful role to play, it seems to me that treating it as a necessary condition to relief under the Confrontation Clause can pose problems too, risking results that sit uneasily with the Clause's original meaning. It is a concern I raised in *Smith*—and one that, to my eyes, this case highlights. *Id.*, at 806 (opinion concurring in part).

Consider briefly some of what we know about the Sixth Amendment. Beginning in the 16th century, Parliament required magistrates "to examine suspects and witnesses" before trial and to "certify the results to the court." *Crawford*, 541 U. S., at 43–44. Apparently, an important purpose of those examinations was to ensure that the defendant and key witnesses would appear at trial, not to generate admissible evidence. See J. Langbein, *Prosecuting Crime in the Renaissance* 24 (1974). Still, prosecutors sometimes introduced those examinations at trial instead of call-

ing live witnesses, effectively denying defendants a chance to cross-examine their accusers. See *Crawford*, 541 U.S., at 44. By the founding, the common law had largely turned against that practice. See J. Beattie, *Crime and the Courts in England, 1660–1800*, pp. 270–271, 363–365 (1986). Recognizing as much, this Court in *Crawford* held that the “use of *ex parte* examinations as evidence against the accused” was one of the “principal evil[s] at which the Confrontation Clause was directed.” 541 U.S., at 50.

Now return to Mr. Franklin’s case. The Court of Appeals applied the primary-purpose test to approve something that looks very similar to what the Confrontation Clause was adopted to prevent—the use at trial of a pretrial examination as evidence against the accused “in lieu of live testimony” subject to cross-examination. *Id.*, at 43.

Perhaps there is some way to reconcile this apparent tension. But perhaps, too, the tension here should give us reason to ask some questions about the “primary-purpose” test itself. Start with this one: Where does it come from? The test appears nowhere in the text of the Sixth Amendment, nor have our decisions sought to justify it by reference to the Amendment’s original meaning and the historic practices that informed it. Really, where the primary-purpose test “comes from is anyone’s guess.” *Williams v. Illinois*, 567 U.S. 50, 135 (2012) (KAGAN, J., dissenting).

Seemingly, the first mention of “primary purpose” in our Sixth Amendment jurisprudence came in *Davis v. Washington*, 547 U.S. 813, 822 (2006). Even there, however, the Court did not purport to suggest that every Confrontation Clause claim must run the primary-purpose gauntlet. Instead, *Davis* used the phrase “primary purpose” merely as shorthand to describe some situations in which an out-of-court statement will qualify as “testimonial” and thus implicate the Confrontation Clause. *Ibid.* Reading any more into its discussion, *Davis* emphasized, would be a mistake, since it was not “attempting to produce an exhaustive classification of all conceivable statements . . . as either testimonial or nontestimonial.” *Ibid.*

Admittedly, and despite that admonition, some of our later cases seized on *Davis*’s discussion of “primary purpose” and sought to transform it into a kind of “grand unified theory” for assessing Confrontation Clause claims, a test that must be satisfied in every case. *American Legion v. American Humanist Assn.*, 588 U.S.

29, 60 (2019) (plurality opinion). But even after years of toiling with that project, our cases have never quite settled on what the primary-purpose test *is*. As we candidly acknowledged last year in *Smith*, the Court has offered a number of “varied” and seemingly inconsistent “formulations.” 602 U. S., at 800; see also *State v. Mattox*, 2017 WI 9, ¶63, 373 Wis. 2d 122, 161, 890 N. W. 2d 256, 277 (Abrahamson, J., dissenting) (“[T]he U.S. Supreme Court has not adopted a single, definitive formulation of the primary purpose test”); *People v. Fontenot*, 509 Mich. 1073, 1079, 975 N. W. 2d 919, 925 (2022) (McCormack, C. J., concurring) (“[T]he proper formulation of the primary-purpose test is unclear”).

Consider a few examples. Perhaps the most demanding articulation of the primary-purpose test came in *Bryant*, where the Court indicated that an out-of-court statement qualifies as testimonial if it was procured “with a primary purpose of creating an out-of-court *substitute for trial testimony*.” 562 U. S., at 358 (emphasis added). More forgivingly, in *Melendez-Diaz v. Massachusetts*, the Court said that a statement qualifies as “testimonial” if it was “‘made under circumstances which would lead an objective witness reasonably to believe that the statement would be *available for use at a later trial*.’” 557 U. S. 305, 310 (2009) (emphasis added). Differently still, *Davis* suggested that statements “made in the course of police interrogation . . . are testimonial when . . . the primary purpose of the interrogation is to establish or prove past events *potentially relevant to later criminal prosecution*.” 547 U. S., at 822 (emphasis added). And in yet another iteration, *Smith* said the relevant question is whether a statement was prepared with a “‘*focus on court*.’” 602 U. S., at 802 (emphasis added).

It might be possible, I suppose, to harmonize these discordant variations. But lower courts have generally felt compelled to pick one version or another, and a defendant’s conviction or acquittal can hang on that choice. See, e.g., *United States v. Miller*, 982 F. 3d 412, 436 (CA6 2020) (“Were [the statements] testimonial? It might depend on which of the Supreme Court’s varied ‘primary-purpose’ tests we apply”).

Just look again at what happened to Mr. Franklin in the Court of Appeals. There, a majority applied *Bryant*’s version of the test, asking whether the primary purpose of Mr. Franklin’s bail report “was to create an out-of-court substitute for trial testimony.” 42 N. Y. 3d, at 164, 242 N. E. 3d, at 657. Under that

standard, the report struck the majority as nontestimonial. Meanwhile, the dissent thought the bail report testimonial because, even if it wasn't created as a substitute for trial testimony, it was created for use in court and was available for use at trial, considerations *Smith* and *Melendez-Diaz* have suggested are enough to trigger the Sixth Amendment. See 42 N. Y. 3d, at 176, 242 N. E. 3d, at 666 (Aarons, J., dissenting).

If deciding which primary-purpose test to use can pose lower courts with a challenge, applying any version of it may be no easier. *Bryant* suggested that a court must “objectively” determine an out-of-court statement’s “‘primary purpose.’” 562 U. S., at 360. But how is a court supposed to do that? Must it take evidence and conduct a mini-trial about the circumstances of each utterance? See *id.*, at 370 (suggesting that courts must analyze “the statements and actions of all participants” in an out-of-court encounter). What, too, is a court supposed to do when the evidence indicates that an officer had one “primary purpose” in mind when soliciting an out-of-court statement and the declarant had another? See *id.*, at 383 (Scalia, J., dissenting). In cases like that, what is to keep an “objective” inquiry from devolving into raw judicial choice, inviting in the process different results from different judges in similar cases? See *Kennedy v. Bremerton School Dist.*, 597 U. S. 507, 533–534 (2022) (noting problems with a not-dissimilar “reasonable observer” inquiry); *Smith*, 602 U. S., at 806–807 (GORSUCH, J., concurring in part); cf. *Davis*, 547 U. S., at 841–842 (THOMAS, J., concurring in judgment in part and dissenting in part). The challenges associated with applying the primary-purpose test only seem to compound further when one considers the immense variety of out-of-court statements that prosecutors may seek to use at trial—ranging from statements from eyewitnesses at a crime scene to bail reports to expert forensic analyses. Does each type of statement demand its own primary-purpose jurisprudence? Cf. *Smith*, 602 U. S., at 802 (distinguishing among different types of laboratory records).

To my mind, all this suggests we may need to rethink our course sometime soon. The primary-purpose test came about accidentally. It has caused considerable confusion. This Court has never sought to justify it on the basis of the Sixth Amendment’s text or original meaning. Nor, for that matter, is it easy to see how one might. The Sixth Amendment guarantees “the accused . . . the right . . . to be confronted with the witnesses against

him.” What matters, as I read those words, is not the *purpose* for which an out-of-court statement was originally created, but whether the government seeks to *use* a witness’s statement at trial against a defendant in lieu of live testimony. See *Smith*, 602 U. S., at 806–807 (GORSUCH, J., concurring in part).

When it comes to vindicating many other guarantees in the Bill of Rights, we have eschewed “ambitious, abstract, and ahistorical” tests in favor of ones grounded in the constitutional text and the common law that informed it. *Kennedy*, 597 U. S., at 534 (internal quotation marks and alteration omitted) (Establishment Clause).¹ Perhaps we should consider doing the same here. As we recognized in *Crawford*, the Sixth Amendment enshrined a pre-existing right to confront one’s accusers at trial, and its broad language “admit[s] only those exceptions established at the time of the founding.” 541 U. S., at 54. In other words, the Amendment established a presumption that prosecutors cannot use out-of-court statements against a defendant without an opportunity for cross-examination, a presumption prosecutors can overcome only by identifying some historically recognized exception to the general rule. Following that approach might sometimes present courts and counsel with difficult questions, but perhaps no more so than those they face today under the primary-purpose regime. And, in any event, it is hard to see how else we might proceed if our aim is “to honor the supreme law the people have ordained rather than substituting our will for theirs.” *United States v. Rahimi*, 602 U. S. 680, 711 (2024) (GORSUCH, J., concurring); see *Crawford*, 541 U. S., at 67.

Now may not be the moment, I concede, for the Court to take up these questions. The Court issued its latest word on the Confrontation Clause in *Smith* less than a year ago. Before weighing in again, we may benefit from the insights and further experience of our lower court colleagues. Along the way, I hope only that

¹ See also, e. g., *SEC v. Jarkesy*, 603 U. S. 109 (2024) (Seventh Amendment); *Ramos v. Louisiana*, 590 U. S. 83 (2020) (Sixth Amendment jury right); *Knick v. Township of Scott*, 588 U. S. 180 (2019) (Fifth Amendment Takings Clause); *Currier v. Virginia*, 585 U. S. 493 (2018) (Fifth Amendment Double Jeopardy Clause); *District of Columbia v. Heller*, 554 U. S. 570 (2008) (Second Amendment); *United States v. Bajakajian*, 524 U. S. 321 (1998) (Eighth Amendment Excessive Fines Clause); cf. *Carpenter v. United States*, 585 U. S. 296, 397–404 (2018) (GORSUCH, J., dissenting) (urging a similar approach for the Fourth Amendment).

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they pause to consider the complications surrounding the primary-purpose test and address possible alternatives we might consider. As Chief Justice Marshall observed, all of us who serve in the judiciary are charged with being “watchful of every inroad” on the rights the Confrontation Clause protects. *United States v. Burr*, 25 F. Cas. 187, 193 (No. 14,694) (CC Va. 1807).²

No. 24–518. *PARKERVISION, INC. v. TCL INDUSTRIES HOLDINGS Co., LTD., ET AL.* (two judgments). C. A. Fed. Cir. Motion of Harris Brumfield, Trustee for Ascent Trust for leave to file brief as *amicus curiae* granted. Certiorari denied.

Rehearing Denied

No. 23–130. *SAKKAL v. UNITED STATES*, 601 U. S. 970;

No. 23–7644. *KEITA v. GIANT OF MARYLAND LLC*, 604 U. S. 1076;

No. 24–459. *CLARK v. SANTANDER BANK, N. A.* (five judgments), 604 U. S. 1078;

No. 24–600. *QUIOTIS C. v. NEBRASKA*, 604 U. S. 1105;

No. 24–5123. *SANCHEZ v. CISNEROS, WARDEN*, 604 U. S. 960;

No. 24–5583. *SANCHEZ v. FLORIDA ET AL.*, 604 U. S. 1026;

No. 24–5630. *SACOMAN v. COLE, WARDEN*, 604 U. S. 1033;

No. 24–5634. *ABBOUD v. ABBODD*, 604 U. S. 1105;

²JUSTICE ALITO also writes to criticize the various tests this Court has developed to determine what qualifies as a “testimonial” statement. As he observes, “the real problem may” lie not with any particular test but, more fundamentally, with the notion that the Confrontation Clause’s protections hinge on whether a statement is “testimonial.” *Ante*, at 1221 (statement respecting denial of certiorari). So, for instance, one study cited by JUSTICE ALITO argues that “framing-era sources did not draw *any* distinction between testimonial and nontestimonial hearsay.” T. Davies, Not “The Framers’ Design”: How the Framing-Era Ban Against Hearsay Evidence Refutes the *Crawford-Davis* “Testimonial” Formulation of the Scope of the Original Confrontation Clause, 15 J. L. & Pol’y 349, 465 (2007) (emphasis added). According to that study, “framing-era evidence doctrine imposed a virtually total ban against using unsworn hearsay evidence to prove a criminal defendant’s guilt,” regardless of the statement’s original purpose. *Id.*, at 351; cf. *Crawford v. Washington*, 541 U. S. 36, 52, n. 3 (2004) (discussing evidence of a “general bar on unsworn hearsay” at the founding). If that is true, then reexamining the relevant history might well require us not only to “reaffir[m]” *Crawford*, as JUSTICE ALITO suggests, *ante*, at 1223, but to broaden its protections, perhaps along the lines outlined above.

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No. 24–5692. *HAHN v. REAVES, WARDEN, ET AL.*, 604 U. S. 1046;
No. 24–5731. *IN RE FOSTER*, 604 U. S. 1066;
No. 24–5732. *IN RE FOSTER*, 604 U. S. 1066;
No. 24–5773. *SUTTON v. SMITH ET AL.*, 604 U. S. 1084;
No. 24–5806. *CHIWANGA v. DRUMMOND, ATTORNEY GENERAL OF OKLAHOMA*, 604 U. S. 1084;
No. 24–5885. *DOWDELL-McELHANEY v. GLOBAL PAYMENTS INC. ET AL.*, 604 U. S. 1087;
No. 24–5917. *DE JESUS v. DIGNITY HEALTH CORP.*, 604 U. S. 1087;
No. 24–5958. *IN RE FOSTER*, 604 U. S. 1043;
No. 24–6027. *IN RE HAOSH*, 604 U. S. 1076; and
No. 24–6191. *FRANK v. UNITED STATES*, 604 U. S. 1107. Petitions for rehearing denied.

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Certiorari Granted—Vacated and Remanded

No. 24–6415. *MORRISSETTE v. UNITED STATES*. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *United States v. Rahimi*, 602 U. S. 680 (2024).

Miscellaneous Orders

No. 24A796. *BARKSDALE v. MARSHALL, ATTORNEY GENERAL OF ALABAMA, ET AL.* Application for certificate of appealability, addressed to JUSTICE JACKSON and referred to the Court, denied.

No. 24–7. *DIAMOND ALTERNATIVE ENERGY, LLC, ET AL. v. ENVIRONMENTAL PROTECTION AGENCY ET AL.* C. A. D. C. Cir. [Certiorari granted, 604 U. S. 1065.] Motion of the Acting Solicitor General for divided argument granted.

No. 24–6046. *WALKER v. UNITED STATES ET AL.* C. A. 9th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [604 U. S. 1103] denied.

No. 24–6725. *YATES v. SPRING INDEPENDENT SCHOOL DISTRICT*. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until April 21, 2025, within which to pay the docketing fee required by Rule

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38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

Certiorari Denied

No. 23–918. ALLEN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 23–7386. CABAN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 23–7587. MIDDLEBROOKS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 24–504. HOSKINS *v.* WITHERS ET AL. C. A. 10th Cir. Certiorari denied.

No. 24–510. ABBEY ET AL. *v.* UNITED STATES ET AL. C. A. 9th Cir. Certiorari denied.

No. 24–577. PEREZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 24–647. MANUELIAN *v.* STARR, INDIVIDUALLY AND IN HER OFFICIAL CAPACITY AS TRUSTEE OF THE LAURA KIRKLAND TRUST DATED 3/10/05 AND IN THE CAPACITY AS TRUSTEE OF THE STARR TRUST, ET AL. Dist. Ct. App. Fla., 2d Dist. Certiorari denied.

No. 24–686. YOUNG *v.* SWANEY, SHERIFF, MADISON COUNTY, OHIO, ET AL. C. A. 6th Cir. Certiorari denied.

No. 24–750. ADAMS ET AL. *v.* RESCIGNO, AS EXECUTOR OF THE ESTATE OF CANFIELD, ET AL. C. A. 3d Cir. Certiorari denied.

No. 24–778. SMITH ET AL. *v.* MEDINA ET AL. C. A. 10th Cir. Certiorari denied.

No. 24–817. LASSEVILLE *v.* SUPERIOR COURT OF CALIFORNIA, LOS ANGELES COUNTY, ET AL. Ct. App. Cal., 2d App. Dist., Div. 7. Certiorari denied.

No. 24–840. SALAS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 24–875. SIROIS *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

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No. 24–898. *JOHN DOE CORP. v. KENNERLY, MONTGOMERY & FINLEY, P. C.* Ct. App. Tenn. Certiorari denied.

No. 24–930. *LOPEZ v. KENDALL, SECRETARY OF THE AIR FORCE, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 24–941. *SELLERS v. COLORADO.* Sup. Ct. Colo. Certiorari denied.

No. 24–5013. *FELIZ v. UNITED STATES.* C. A. 2d Cir. Certiorari denied.

No. 24–5040. *ORTIZ-ORELLANA v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

No. 24–5225. *HASAN v. UNITED STATES.* C. A. Armed Forces. Certiorari denied.

No. 24–5243. *TAYBRON ET AL. v. UNITED STATES;* and
No. 24–5314. *HUNT ET AL. v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

No. 24–5316. *JORDAN v. UNITED STATES.* C. A. 2d Cir. Certiorari denied.

No. 24–5893. *PRATER v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

No. 24–5913. *TYDINGCO v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 24–5937. *PRICE v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

No. 24–6194. *DEARDORFF v. RAYBON, WARDEN.* C. A. 11th Cir. Certiorari denied.

No. 24–6202. *DONATH v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 24–6366. *FRENO v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 24–6370. *MEDINA v. GUERRERO, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 24–6393. *PEARSON v. LOUISIANA.* Ct. App. La., 2d Cir. Certiorari denied.

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No. 24–6401. *ROBERTSON v. BIDEN, FORMER PRESIDENT OF THE UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 24–6406. *JENNINGS v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 24–6413. *GRIFFIN v. UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA, SANTA ANA*. C. A. 9th Cir. Certiorari denied.

No. 24–6417. *NWOSU v. DEUTSCHE BANK AG*. C. A. 9th Cir. Certiorari denied.

No. 24–6419. *JONES v. MOORE ET AL.* C. A. 4th Cir. Certiorari denied.

No. 24–6429. *KUCZEWSKI v. MARIEN ET AL.* Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 24–6430. *FLEMING v. GEORGIA*. Sup. Ct. Ga. Certiorari denied.

No. 24–6434. *DE LA CRUZ MARTINEZ v. SUPERIOR COURT OF PENNSYLVANIA*. C. A. 7th Cir. Certiorari denied.

No. 24–6436. *JOHNSON v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied.

No. 24–6439. *ABDUL-ALIM ET UX., INDIVIDUALLY AND ON BEHALF OF THEIR MINOR CHILDREN A. A. A. ET AL. v. CLARK COUNTY SCHOOL DISTRICT ET AL.* C. A. 9th Cir. Certiorari denied.

No. 24–6440. *LACHAUX v. EIGHTH JUDICIAL DISTRICT COURT OF NEVADA, CLARK COUNTY, ET AL.* Sup. Ct. Nev. Certiorari denied.

No. 24–6448. *BREWER v. RATCLIFFE, DIRECTOR, CENTRAL INTELLIGENCE AGENCY*. C. A. 5th Cir. Certiorari denied.

No. 24–6454. *ANDERSON v. LOUISIANA*. Ct. App. La., 2d Cir. Certiorari denied.

No. 24–6483. *JONES v. CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 24–6502. *BANDY v. BESSANT, SECRETARY OF TREASURY, ET AL.* C. A. 6th Cir. Certiorari denied.

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No. 24–6503. *BLAKNEY v. BONDI, ATTORNEY GENERAL, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 24–6518. *VERA-RIVAS v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 24–6530. *DASLER, INDIVIDUALLY AND ON BEHALF OF T. D. v. WASHBURN.* C. A. 2d Cir. Certiorari denied.

No. 24–6553. *CALDWELL v. MORRISON, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 24–6563. *TORLUCCI v. UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES.* C. A. 9th Cir. Certiorari denied.

No. 24–6592. *MATTISON v. DEPARTMENT OF VETERANS AFFAIRS.* C. A. Fed. Cir. Certiorari denied.

No. 24–6600. *BOUTIN v. CHICOPEE HOUSING AUTHORITY.* App. Ct. Mass. Certiorari denied.

No. 24–6628. *SMACK v. MASON, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT MAHANOEY, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 24–6643. *HUBER v. VALLEY, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 24–6661. *BROOME v. SCHEIBNER, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 24–6663. *TURNER v. UNITED STATES.* C. A. 7th Cir. Certiorari denied.

No. 24–6670. *HART v. DANIELS, WARDEN.* C. A. 5th Cir. Certiorari denied.

No. 24–6675. *STEWART v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 24–6679. *BLACKMAN v. CISNEROS, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 24–6681. *EL-BATTOUTY v. UNITED STATES.* C. A. 3d Cir. Certiorari denied.

No. 24–6682. *RUCKER v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

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No. 24–6686. *BROWN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–6702. *VASSOR v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 24–6705. *ROBINSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 24–6711. *JACKSON v. SOAVE AUTOMOTIVE GROUP, INC., ET AL.* Ct. App. Kan. Certiorari denied.

No. 24–6713. *MONTANO FUENTES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–6715. *TURNER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 24–6718. *GAMEZ-SALAS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–6726. *KRUMBACK v. PIRRAGLIA, ACTING WARDEN, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 24–517. *SHOCKLEY v. VANDERGRIFF, WARDEN*. C. A. 8th Cir. Certiorari denied.

JUSTICE SOTOMAYOR, with whom JUSTICE JACKSON joins, dissenting.

A prisoner who seeks to appeal the denial of his petition for habeas corpus may do so only if “a circuit justice or judge issues a certificate of appealability.” 28 U. S. C. § 2253(c)(1). Several Circuits have interpreted that requirement to mean that a certificate must issue so long as “one of the judges to whom the application was referred” votes to grant it. *Thomas v. United States*, 328 F. 3d 305, 309 (CA7 2003); Rule 22.3 (CA3 2011) (similar language); Rule 22(a)(3) (CA4 2023) (same, explaining that “[t]he authority for a single judge to issue a certificate derives from § 2253”); Gen. Order 6.3(b) (CA9 2024) (“Pursuant to 28 U. S. C. § 2253(c), a request to grant or expand a certificate of appealability may be granted by any one Judge on the assigned panel”). In some courts, however, a panel majority can deny a certificate even if “a circuit . . . judge” on the panel votes to issue one. See, e.g., *Williams v. Kelley*, 858 F. 3d 464 (CA8 2017); *Crutsinger v. Davis*, 929 F. 3d 259 (CA5 2019); *United States v. Ellis*, 779 Fed. Appx.

570 (CA10 2019). That latter practice deprived petitioner Lance Shockley of an appeal in this case.

I would have granted certiorari to resolve the split and decide whether the Courts of Appeal can dismiss an appeal after a judge votes to grant a certificate.

I

After the District Court denied Lance Shockley's habeas petition, Shockley sought the Eighth Circuit's permission to appeal. Judge Kelly voted to grant a certificate as to one of Shockley's claims, but two other judges voted to deny. App. to Pet. for Cert. 2a. In the Third, Fourth, Seventh, and Ninth Circuits, that vote would have meant Shockley's appeal could proceed. Yet the Eighth Circuit dismissed the appeal, even over the dissent of two judges who would have granted rehearing en banc. See *id.*, at 350a.

Allowing a panel of judges to deny a certificate of appealability over a dissenting vote has significant consequences. At the certificate of appealability stage, briefing is confined to less than half the word limit of an ordinary appeal, and oral argument is presumptively denied. See Fed. Rules App. Proc. 27(d)(2) (5,200 word limit for motions), 27(e) (motions decided without oral argument unless ordered otherwise), and 28.1(e)(2) (13,000 word limit for principal brief on appeal). In that limited space, applicants must focus on establishing that their claim meets the plausibility standard for granting a certificate, rather than showing the claim is ultimately meritorious. Moreover, the grant of a certificate of appealability often marks the appointment of counsel, so its denial generally deprives indigent litigants of the opportunity for a counseled appeal. See, *e.g.*, Internal Operating Proc. 10.3.2 (CA3 2018) ("When a certificate of appealability is granted on behalf of an indigent appellant . . . the clerk appoints counsel for the appellant unless the court instructs otherwise"); Rule 22(a) (CA4) (discussing appointment of counsel after grant of certificate).

There are good reasons to think that Congress conditioned the right to an appeal on a single judge's vote. Congress normally provides that cases must be resolved by "[a] majority of the number of judges authorized to constitute a court or panel thereof," 28 U.S.C. § 46(d), or by the appropriate "court of appeals," see, *e.g.*, §§ 2349(b), 2342. It could have used the same language in the habeas statute, permitting an appeal where the court of appeals grants a certificate. Instead, Congress specified that

“a circuit justice or judge” can grant permission to appeal. § 2253(c)(1); see also *Miller-El v. Cockrell*, 537 U.S. 322, 335–336 (2003) (“Before an appeal may be entertained, a prisoner who was denied habeas relief in the district court must first seek and obtain a COA from a circuit justice or judge”); *id.*, at 349 (Scalia, J., concurring) (noting that a “circuit justice or judge” determines whether to grant a certificate of appealability); *Buck v. Davis*, 580 U.S. 100, 115 (2017) (same). Because “our cases begin (and often end) with the presumption that Congress is careful in all its word choices,” *Pulsifer v. United States*, 601 U.S. 124, 172 (2024) (GORSUCH, J., dissenting), “[w]e usually ‘presume differences in language like this convey differences in meaning.’” *Wisconsin Central Ltd. v. United States*, 585 U.S. 274, 279 (2018) (quoting *Henson v. Santander Consumer USA Inc.*, 582 U.S. 79, 86 (2017)).

Allowing an appeal whenever one judge votes to grant a certificate also reflects the substantive standard that governs habeas appeals. After all, a certificate must issue so long as “reasonable jurists could debate whether . . . the petition should have been resolved in a different manner or that the issues presented were “adequate to deserve encouragement to proceed further.”” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893, and n. 4 (1983)). When one or more jurists believes a claim has sufficient merit to proceed, that itself “might be thought to indicate that reasonable minds could differ . . . on the resolution” of the relevant claim. *Johnson v. Vandergrieff*, 600 U.S. 952, 955 (2023) (SOTOMAYOR, J., dissenting from denial of application for stay and denial of certiorari) (internal quotation marks omitted). Congress may well have conditioned the right to an appeal on the vote of a “circuit justice or judge” for that reason. 28 U.S.C. § 2253(c)(1).

Proceeding to the merits with a full panel after a judge votes to grant a certificate also promotes efficiency. Because appeals should proceed so long as they present a debatable issue, the question whether to grant a certificate should not be a contentious one. See *Buck*, 580 U.S., at 122; *Miller-El*, 537 U.S., at 336; *Slack*, 529 U.S., at 484. Indeed, a petitioner need not even prove “that some jurists would grant the petition for habeas corpus.” *Miller-El*, 537 U.S., at 338. When a petition for certificate of appealability is sufficiently weighty to engender split opinions and even en banc litigation, as it did here, judicial resources are better

spent simply considering the merits in the regular course. In order to maintain the “public perception of fairness and integrity in the justice system,” moreover, courts must “exhibit regard for fundamental rights and respect for prisoners ‘as people.’” *Rosales-Mireles v. United States*, 585 U. S. 129, 139–140 (2018) (quoting T. Tyler, *Why People Obey the Law* 164 (2006)). That requires considering debatable constitutional claims on their merits, rather than dismissing them out of hand.

II

This case exemplifies the problems with the Eighth Circuit’s contrary approach. Consider briefly the basis for Shockley’s claim. A Missouri jury convicted Shockley for the capital murder of a police officer. The prosecution argued Shockley committed the murder because the officer had been investigating Shockley’s role in a drunken-driving incident that resulted in the death of Shockley’s sister-in-law’s fiancé. During *voir dire*, a venire member volunteered that he had authored and self-published a book. Neither the court nor Shockley’s counsel followed up on that comment, and the venire member became the jury’s foreperson.

Shockley’s lawyer did not discover until after the jury returned a guilty verdict why the foreperson had thought his authorship relevant. As it turned out, the book in question was a “fictionalized autobiography” describing the “brutal and graphic revenge murder of a defendant who killed the protagonist’s wife in a drunken-driving accident.” *Shockley v. State*, 579 S. W. 3d 881, 893 (Mo. 2019). The book’s protagonist (a “fictionalized” version of the juror himself) “viewed the defendant as escaping justice in the court system because the defendant received only probation following his conviction.” *Ibid.* During the guilt-phase of Shockley’s trial, the foreperson brought this book to deliberations and handed it out to several jurors.

When, after the guilty verdict, Shockley moved for a mistrial, the trial court offered counsel the opportunity to take testimony from the foreperson and from other jurors. See *State v. Shockley*, 410 S. W. 3d 179, 201 (Mo. 2013) (concluding, on direct appeal, that the court “offered to allow jurors to be questioned or subpoenaed” for the mistrial hearing). Inexplicably, Shockley’s lawyer “[n]ot only did . . . not accept this opportunity [but] affirmatively declined to call any witnesses.” *Ibid.* As a result, the trial court did not hear evidence regarding the foreperson’s alleged

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bias and misconduct or its effect on other jurors, *ibid.*, some of whom later indicated that they had looked through the book. Accordingly, while the trial court removed the foreperson for the sentencing phase, there was no mistrial and the jury's guilt-phase verdict stood. The jury thereafter deadlocked on Shockley's sentence, and the court imposed a sentence of death. The Missouri Supreme Court affirmed, explaining that Shockley could not "claim . . . the trial court committed plain error in failing to hold . . . a hearing and itself subpoena jurors as witnesses over defense counsel's statement that he did not want such witnesses." *Ibid.*

When Shockley later created a postconviction record establishing the nature of the foreperson's book and his conduct during deliberations, the Missouri Supreme Court held that counsel had not been ineffective. 579 S. W. 3d, at 897–898. Judge Stith dissented, emphasizing that counsel had proffered no "valid strategic reason" for refusing to call witnesses at the mistrial hearing. *Id.*, at 921.

It is difficult to see how an attorney's decision not to call witnesses in support of a credible mistrial motion, when invited to do so by the presiding judge in a capital murder trial, could fail to constitute ineffective assistance of counsel under *Strickland v. Washington*, 466 U. S. 668 (1984). More importantly, reasonable jurists could obviously debate the merits of Shockley's claim, as they have done at the Missouri Supreme Court, the Eighth Circuit, and now this Court as well. The Court of Appeals plainly erred when, over multiple dissents, it treated as not even debatable the District Court's denial of relief on Shockley's ineffective-assistance claim. Had the Court instead followed the approach taken in the Third, Fourth, Seventh, and Ninth Circuits, that error would have been avoided.

* * *

This case raises an entrenched Circuit split over an important question of statutory interpretation: Can a certificate of appealability be denied notwithstanding a circuit judge's vote to grant it? Unfortunately, the Court leaves the issue for another day. The Courts of Appeal, however, remain free to reconsider their operating rules and align them with the text and purpose of § 2253.

No. 24–800. D'AUGUSTA ET AL. *v.* AMERICAN PETROLEUM INSTITUTE ET AL. C. A. 9th Cir. Certiorari denied. JUSTICE

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ALITO took no part in the consideration or decision of this petition.

No. 24–838. *LEINER v. DOW, INC., ET AL.* C. A. 6th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 24–5098. *SMITH v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied. JUSTICE KAVANAUGH took no part in the consideration or decision of this petition.

Rehearing Denied

No. 24–659. *SWANSON v. COMMISSIONER OF INTERNAL REVENUE*, 604 U. S. 1126;

No. 24–5859. *RANGEL-BOTELLO v. TEXAS*, 604 U. S. 1086;

No. 24–5878. *GONSALVES v. GLAUBERMAN, BY HIS MANAGING AGENT, KFG PROPERTIES, INC., ET AL.*, 604 U. S. 1086;

No. 24–5903. *FAROOQ v. BOLT ET AL.*, 604 U. S. 1087;

No. 24–5948. *SAVAGE ET AL. v. SAVAGE ET AL.*, 604 U. S. 1088;

No. 24–5964. *IN RE HALL*, 604 U. S. 1097;

No. 24–5966. *DEAL v. RIOS, WARDEN*, 604 U. S. 1089;

No. 24–5994. *RODRIGUEZ v. TEXAS*, 604 U. S. 1099; and

No. 24–5999. *CRUZADO LAUREANO v. UNITED STATES ATTORNEY’S OFFICE, DISTRICT OF PUERTO RICO*, 604 U. S. 1090. Petitions for rehearing denied.

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Certiorari Granted—Vacated and Remanded

No. 24–6451. *GRAY v. UNITED STATES.* C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *United States v. Rahimi*, 602 U. S. 680 (2024).

Certiorari Dismissed

No. 24–6463. *THOMAS v. ALABAMA LAW ENFORCEMENT AGENCY ET AL.* Dist. Ct. App. Fla., 2d Dist. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal matters from peti-

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tioner 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. 24A852. *RANA v. ENGLEMAN, INTERIM WARDEN, METROPOLITAN DETENTION CENTER*. C. A. 9th Cir. Application for stay, addressed to THE CHIEF JUSTICE and referred to the Court, denied.

No. 24M70. *BRANCH v. FANNIE MAE ET AL.* Motion for leave to file a petition for writ of certiorari with the declaration of indigency under seal denied.

No. 24M71. *DE JESUS v. UNITEDHEALTH GROUP, INC., DBA OPTUM360 SERVICES, INC.* Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 24M72. *TAYLOR v. COLLINS, SECRETARY OF VETERANS AFFAIRS*. Motion for leave to proceed as a veteran denied.

No. 24–275. *PARRISH v. UNITED STATES*. C. A. 4th Cir. [Certiorari granted, 604 U. S. 1096.] Motion of the Acting Solicitor General for divided argument granted.

No. 24–6444. *WHATLEY ET AL. v. CITY OF NORTH CHARLESTON, SOUTH CAROLINA, ET AL.* C. A. 4th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until April 28, 2025, 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. 24–6795. *IN RE GWEN*. Petition for writ of habeas corpus denied.

No. 24–6496. *IN RE FAISON*; and

No. 24–6498. *IN RE SAWYER*. Petitions for writs of mandamus denied.

Certiorari Granted

No. 24–482. *ELLINGBURG v. UNITED STATES*. C. A. 8th Cir. Certiorari granted. Reported below: 113 F. 4th 839.

No. 24–557. *VILLARREAL v. TEXAS*. Ct. Crim. App. Tex. Certiorari granted. Reported below: 707 S. W. 3d 138.

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Certiorari Denied

No. 24–515. BALTIMORE COUNTY, MARYLAND *v.* SCOTT ET AL. C. A. 4th Cir. Certiorari denied.

No. 24–604. XIAOQING ZHENG *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 24–637. T-MOBILE US, INC., FKA T-MOBILE USA, INC., ET AL. *v.* SIMPLY WIRELESS INC. C. A. 4th Cir. Certiorari denied.

No. 24–692. COVENANT CONSTRUCTION SERVICES, LLC, ET AL. *v.* FIVE RIVERS CARPENTERS DISTRICT COUNCIL HEALTH AND WELFARE FUND ET AL. C. A. 8th Cir. Certiorari denied.

No. 24–711. MORFORD *v.* CATTELAN. C. A. 11th Cir. Certiorari denied.

No. 24–795. ANTONYUK ET AL. *v.* JAMES, SUPERINTENDENT OF THE NEW YORK STATE POLICE, ET AL. C. A. 2d Cir. Certiorari denied.

No. 24–810. KANG *v.* WESTERN GOVERNORS UNIVERSITY. C. A. 9th Cir. Certiorari denied.

No. 24–811. QIU *v.* WOODFORD COUNTY, KENTUCKY BOARD OF EDUCATION. C. A. 6th Cir. Certiorari denied.

No. 24–818. SPREWELL *v.* FLORES. Ct. App. Cal., 2d App. Dist., Div. 7. Certiorari denied.

No. 24–819. PARRISH *v.* SUPREME COURT OF TENNESSEE. Sup. Ct. Tenn. Certiorari denied.

No. 24–821. LEWIS *v.* EMIG, WARDEN, ET AL. C. A. 3d Cir. Certiorari denied.

No. 24–822. ALERS *v.* OLYMPIA MEDICAL CENTER ET AL. Ct. App. Cal., 2d App. Dist., Div. 5. Certiorari denied.

No. 24–828. DURHAM *v.* ADAMS, WARDEN. Sup. Ct. Mo. Certiorari denied.

No. 24–832. NAJDA ET AL. *v.* CITIBANK, N. A., AS SEPARATE TRUSTEE FOR PMT NPL FINANCING 2015–1, ET AL. C. A. 1st Cir. Certiorari denied.

No. 24–846. SUSSELMAN *v.* WASHTENAW COUNTY SHERIFF’S OFFICE ET AL. C. A. 6th Cir. Certiorari denied.

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No. 24–859. *CHEESMAN ET VIR v. SNYDER*. C. A. 9th Cir. Certiorari denied.

No. 24–877. *BERNARDO-DE LA CRUZ v. BONDI, ATTORNEY GENERAL*. C. A. 7th Cir. Certiorari denied.

No. 24–891. *BALOGH v. THOMAS ET AL.* C. A. 4th Cir. Certiorari denied.

No. 24–899. *MILOS PRODUCT TANKER CORP. v. VALERO MARKETING & SUPPLY Co.* C. A. 9th Cir. Certiorari denied.

No. 24–918. *EXCLUSIVE GROUP HOLDINGS, INC. v. NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PENNSYLVANIA*. C. A. 11th Cir. Certiorari denied.

No. 24–921. *SORAK v. CISNEROS, FORMER JUDGE, COLORADO FOURTH JUDICIAL DISTRICT COURT, ET AL.* C. A. 10th Cir. Certiorari denied.

No. 24–931. *DEVORE v. UNIVERSITY OF KENTUCKY BOARD OF TRUSTEES*. C. A. 6th Cir. Certiorari denied.

No. 24–5700. *RABLE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 24–5776. *HARRIS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 24–6397. *AHMAD v. DAY ET AL.* C. A. 2d Cir. Certiorari denied.

No. 24–6432. *EL v. MOORE*. C. A. 3d Cir. Certiorari denied.

No. 24–6445. *UPPAL v. FLORIDA DEPARTMENT OF ADMINISTRATIVE HEARINGS ET AL.* Sup. Ct. Fla. Certiorari denied.

No. 24–6446. *MANNING v. KENTUCKY*. Sup. Ct. Ky. Certiorari denied.

No. 24–6447. *SPEARMAN v. WILLIAMS ET AL.* C. A. 6th Cir. Certiorari denied.

No. 24–6458. *LETTIERI v. FEDERAL BUREAU OF INVESTIGATION*. C. A. 2d Cir. Certiorari denied.

No. 24–6461. *LACK v. POSNER ET AL.* C. A. 9th Cir. Certiorari denied.

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No. 24–6465. *BURK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–6471. *MANNING v. ST. PAUL ET AL.* C. A. 3d Cir. Certiorari denied.

No. 24–6475. *GREENE-RODRIGUEZ v. PUERTO RICO DEPARTMENT OF EDUCATION ET AL.* Ct. App. P. R. Certiorari denied.

No. 24–6481. *STAMPONE v. MICHIGAN SUPREME COURT ET AL.* C. A. 6th Cir. Certiorari denied.

No. 24–6484. *KELLY v. AMERICAN BAR ASSN.* C. A. 4th Cir. Certiorari denied.

No. 24–6485. *LETTIERI v. WYOMING COUNTY SHERIFFS*. C. A. 2d Cir. Certiorari denied.

No. 24–6487. *REAVES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 24–6493. *WINDSOR v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA*. C. A. D. C. Cir. Certiorari denied.

No. 24–6508. *LINDSEY v. LOUISIANA*. Sup. Ct. La. Certiorari denied.

No. 24–6520. *JOSE v. ARIZONA*. Ct. App. Ariz. Certiorari denied.

No. 24–6524. *ANNABEL v. WASHINGTON, DIRECTOR, MICHIGAN DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 24–6532. *DASLER v. KNAPP, FKA DASLER*. C. A. 2d Cir. Certiorari denied.

No. 24–6609. *MORRIS v. JEFFREYS*. App. Ct. Ill., 4th Dist. Certiorari denied.

No. 24–6646. *HERMAN v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 24–6665. *STINGLEY v. LACZKOWSKI ET AL.* Ct. App. Wis. Certiorari denied.

No. 24–6704. *JURY v. OHIO*. Ct. App. Ohio, 6th App. Dist., Erie County. Certiorari denied.

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No. 24–6716. *DESHPANDE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 24–6719. *LUBKIN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 24–6720. *WHITE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–6729. *WILLIAMS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–6730. *DEGOUT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 24–6737. *ALEXANDER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–6738. *BARNES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 24–6741. *PRINGLE v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 24–6743. *ROACH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 24–6747. *PLANCARTE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 24–6749. *SCOTT v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–6752. *BATISTA v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 24–6753. *MARTIN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 24–849. *SMITH, AS DULY APPOINTED REPRESENTATIVE AND INDEPENDENT ADMINISTRATOR OF THE ESTATE OF MANFREDI, DECEASED, ET AL. v. BOEING CO. ET AL.* C. A. 7th Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 24–6425. *CATES v. SHLEMOVITZ, DBA JUNTO SOUNDS, ET AL.* C. A. 2d Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

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Rehearing Denied

No. 24–5769. *TYSON v. QUIKTRIP CORP.*, 604 U. S. 1047;

No. 24–6012. *HAZARI v. SUPERIOR COURT OF CALIFORNIA, SANTA CLARA COUNTY, ET AL.*, 604 U. S. 1099; and

No. 24–6074. *ROGERS v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*, 604 U. S. 1129. Petitions for rehearing denied.

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Miscellaneous Order

No. 24A904. *OFFICE OF PERSONNEL MANAGEMENT ET AL. v. AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES ET AL.* C. A. 9th Cir. Application for stay, presented to JUSTICE KAGAN, and by her referred to the Court, granted. The March 13, 2025, preliminary injunction entered by the United States District Court for the Northern District of California, case No. 3:25–cv–1780, is stayed pending disposition of the appeal in the United States Court of Appeals for the Ninth Circuit and disposition of a petition for writ of certiorari, if such a writ is timely sought. Should certiorari be denied, this stay shall terminate automatically. In the event certiorari is granted, the stay shall terminate upon the sending down of the judgment of this Court.

The District Court’s injunction was based solely on the allegations of the nine non-profit-organization plaintiffs in this case. But under established law, those allegations are presently insufficient to support the organizations’ standing. See, *e. g.*, *Clapper v. Amnesty Int’l USA*, 568 U. S. 398 (2013). This order does not address the claims of the other plaintiffs, which did not form the basis of the District Court’s preliminary injunction.

JUSTICE SOTOMAYOR would deny the application.

JUSTICE JACKSON would have declined to reach the standing question in the context of an application for emergency relief where the issue is pending in the lower courts and the applicants have not demonstrated urgency in the form of interim irreparable harm. See *Department of Education v. California*, 604 U. S. 650, 653–654 (2025) (JACKSON, J., dissenting). Thus, she would have denied the application.

Certiorari Denied

No. 24–6932 (24A948). *TANZI v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. 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.

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Dismissal Under Rule 46

No. 24–532. FEDERAL REPUBLIC OF NIGERIA *v.* ZHONGSHAN FUCHENG INDUSTRIAL INVESTMENT CO. LTD. C. A. D. C. Cir. Certiorari dismissed under this Court’s Rule 46.

APRIL 10, 2025

Miscellaneous Order

No. 24A949. NOEM, SECRETARY, DEPARTMENT OF HOMELAND SECURITY, ET AL. *v.* ABREGO GARCIA ET AL. D. C. Md. On March 15, 2025, the United States removed Kilmar Armando Abrego Garcia from the United States to El Salvador, where he is currently detained in the Center for Terrorism Confinement (CECOT). The United States acknowledges that Abrego Garcia was subject to a withholding order forbidding his removal to El Salvador, and that the removal to El Salvador was therefore illegal. The United States represents that the removal to El Salvador was the result to an “administrative error.” The United States alleges, however, that Abrego Garcia has been found to be a member of the gang MS–13, a designated foreign terrorist organization, and that his return to the United States would pose a threat to the public. Abrego Garcia responds that he is not a member of MS–13, and that he has lived safely in the United States with his family for a decade and has never been charged with a crime.

On Friday, April 4, the United States District Court for the District of Maryland entered an order directing the Government to “facilitate and effectuate the return of [Abrego Garcia] to the United States by no later than 11:59 PM on Monday, April 7.” App. to Application to Vacate Injunction 79a. On the morning of April 7, the United States filed this application to vacate the District Court’s order. THE CHIEF JUSTICE entered an administrative stay and subsequently referred the application to the Court.

The application is granted in part and denied in part, subject to the direction of this order. Due to the administrative stay issued by THE CHIEF JUSTICE, the deadline imposed by the District Court has now passed. To that extent, the Government’s emergency application is effectively granted in part and the deadline in the challenged order is no longer effective. The rest of the District Court’s order remains in effect but requires clarification on remand. The order properly requires the Government to “facilitate” Abrego Garcia’s release from custody in El Salvador and to ensure that his case is handled as it would have been had

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he not been improperly sent to El Salvador. The intended scope of the term “effectuate” in the District Court’s order is, however, unclear, and may exceed the District Court’s authority. The District Court should clarify its directive, with due regard for the deference owed to the Executive Branch in the conduct of foreign affairs. For its part, the Government should be prepared to share what it can concerning the steps it has taken and the prospect of further steps. The order heretofore entered by THE CHIEF JUSTICE is vacated.

Statement of JUSTICE SOTOMAYOR, with whom JUSTICE KAGAN and JUSTICE JACKSON join, respecting the Court’s disposition of the application.

The United States Government arrested Kilmar Armando Abrego Garcia in Maryland and flew him to a “terrorism confinement center” in El Salvador, where he has been detained for 26 days and counting. To this day, the Government has cited no basis in law for Abrego Garcia’s warrantless arrest, his removal to El Salvador, or his confinement in a Salvadoran prison. Nor could it. The Government remains bound by an Immigration Judge’s 2019 order expressly prohibiting Abrego Garcia’s removal to El Salvador because he faced a “clear probability of future persecution” there and “demonstrated that [El Salvador’s] authorities were and would be unable or unwilling to protect him.” App. to Application To Vacate Injunction 13a. The Government has not challenged the validity of that order.

Instead of hastening to correct its egregious error, the Government dismissed it as an “oversight.” Decl. of R. Cerna in No. 25–cv–951 (D Md., Mar. 31, 2025), ECF Doc. 11–3, p. 3. The Government now requests an order from this Court permitting it to leave Abrego Garcia, a husband and father without a criminal record, in a Salvadoran prison for no reason recognized by the law. The only argument the Government offers in support of its request, that United States courts cannot grant relief once a deportee crosses the border, is plainly wrong. See *Rumsfeld v. Padilla*, 542 U. S. 426, 447, n. 16 (2004); cf. *Boumediene v. Bush*, 553 U. S. 723, 732 (2008). The Government’s argument, moreover, implies that it could deport and incarcerate any person, including U. S. citizens, without legal consequence, so long as it does so before a court can intervene. See *Trump v. J. G. G.*, 604 U. S. 670, 681–682 (2025) (SOTOMAYOR, J., dissenting). That view refutes itself.

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Because every factor governing requests for equitable relief manifestly weighs against the Government, *Nken v. Holder*, 556 U. S. 418, 426 (2009), I would have declined to intervene in this litigation and denied the application in full.

Nevertheless, I agree with the Court's order that the proper remedy is to provide Abrego Garcia with all the process to which he would have been entitled had he not been unlawfully removed to El Salvador. That means the Government must comply with its obligation to provide Abrego Garcia with "due process of law," including notice and an opportunity to be heard, in any future proceedings. *Reno v. Flores*, 507 U. S. 292, 306 (1993). It must also comply with its obligations under the Convention Against Torture. See Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, S. Treaty Doc. No. 100–20, 1465 U. N. T. S. 113. Federal law governing detention and removal of immigrants continues, of course, to be binding as well. See 8 U. S. C. § 1226(a) (requiring a warrant before a noncitizen "may be arrested and detained pending a decision" on removal); 8 CFR § 287.8(c)(2)(ii) (2024) (requiring same); see also 8 CFR § 241.4(l)(1) (in order to revoke conditional release, the Government must provide adequate notice and "promptly" arrange an "initial informal interview . . . to afford the alien an opportunity to respond to the reasons for revocation stated in the notification"). Moreover, it has been the Government's own well-established policy to "facilitate [an] alien's return to the United States if . . . the alien's presence is necessary for continued administrative removal proceedings" in cases where a noncitizen has been removed pending immigration proceedings. U. S. Immigration and Customs Enforcement, Directive 11061.1, Facilitating the Return to the United States of Certain Lawfully Removed Aliens, § 2 (Feb. 24, 2012).

In the proceedings on remand, the District Court should continue to ensure that the Government lives up to its obligation to follow the law.

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Certiorari Denied

No. 24–6933 (24A956). MAHDI *v.* STIRLING, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS. Sup. Ct. S. C. Application for stay of execution of sentence of death, presented to

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THE CHIEF JUSTICE, and by him referred to the Court, denied. Certiorari denied.

APRIL 17, 2025

Miscellaneous Orders

No. 24A884. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL. *v.* CASA, INC., ET AL. C. A. 4th Cir.;

No. 24A885. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL. *v.* WASHINGTON ET AL. C. A. 9th Cir.; and

No. 24A886. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL. *v.* NEW JERSEY ET AL. C. A. 1st Cir. Consideration of the application (24A884) for partial stay, presented to THE CHIEF JUSTICE, and by him referred to the Court, deferred pending oral argument. Consideration of the application (24A885) for partial stay, presented to JUSTICE KAGAN, and by her referred to the Court, deferred pending oral argument. Consideration of the application (24A886) for partial stay, presented to JUSTICE JACKSON, and by her 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 are set for oral argument at 10 a.m. on Thursday, May 15, 2025.

No. 24–249. A. J. T., BY AND THROUGH HER PARENTS, A. T. ET AL. *v.* OSSEO AREA SCHOOLS, INDEPENDENT SCHOOL DISTRICT No. 279, ET AL. C. A. 8th Cir. [Certiorari granted, 604 U. S. 1096.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 24–297. MAHMOUD ET AL. *v.* TAYLOR ET AL. C. A. 4th Cir. [Certiorari granted, 604 U. S. 1096.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 24–304. LABORATORY CORPORATION OF AMERICA HOLDINGS, DBA LABCORP *v.* DAVIS ET AL. C. A. 9th Cir. [Certiorari granted, 604 U. S. 1101.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 24–362. MARTIN, INDIVIDUALLY AND AS PARENT AND NEXT FRIEND OF G. W., A MINOR, ET AL. *v.* UNITED STATES

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ET AL. C. A. 11th Cir. [Certiorari granted, 604 U.S. 1103.] Motion of the Solicitor General for divided argument granted.

No. 24–394. OKLAHOMA STATEWIDE CHARTER SCHOOL BOARD ET AL. *v.* DRUMMOND, ATTORNEY GENERAL OF OKLAHOMA EX REL. OKLAHOMA; and

No. 24–396. ST. ISIDORE OF SEVILLE CATHOLIC VIRTUAL SCHOOL *v.* DRUMMOND, ATTORNEY GENERAL OF OKLAHOMA EX REL. OKLAHOMA. Sup. Ct. Okla. [Certiorari granted, 604 U.S. 1101–1102.] Motion of petitioners 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 BARRETT took no part in the consideration or decision of these motions.

APRIL 19, 2025

Miscellaneous Order

No. 24A1007. A. A. R. P. ET AL. *v.* TRUMP, PRESIDENT OF THE UNITED STATES, ET AL. Appeal from D. C. N. D. Tex. There is before the Court an application on behalf of a putative class of detainees seeking an injunction against their removal under the Alien Enemies Act. The matter is currently pending before the Fifth Circuit. Upon action by the Fifth Circuit, the Solicitor General is invited to file a response to the application before this Court as soon as possible. The Government is directed not to remove any member of the putative class of detainees from the United States until further order of this Court. See 28 U.S.C. § 1651(a). JUSTICE THOMAS and JUSTICE ALITO dissent from the Court’s order.

JUSTICE ALITO, with whom JUSTICE THOMAS joins, dissenting.

Shortly after midnight, the Court hastily and prematurely granted unprecedented emergency relief. Proceeding under the All Writs Act, 28 U.S.C. § 1651, the Court ordered “[t]he Government” not to remove a “putative class of detainees” until this Court issues a superseding order. *Ante* this page. Although the order does not define the “putative class,” it appears that the Court means all members of the class that the habeas petitioners sought to have certified, namely, “[a]ll noncitizens in custody in the Northern District of Texas who were, are, or will be subject to the March 2025 Presidential Proclamation entitled

‘Invocation of the Alien Enemies Act Regarding the Invasion of the United States by Tren De Aragua’ and/or its implementation.”* Motion for Class Certification in No. 1:25-cv-59 (ND Tex., Apr. 16, 2025), ECF Doc. 3, p. 1. And although the Court does not specify what it means by “[t]he Government,” it appears that the term is intended to embrace all the named defendants, including the President. Cf. Fed. Rule Civ. Proc. 65(d)(2).

The Court did all this even though:

- It is not clear that the Court had jurisdiction. The All Writs Act does not provide an independent grant of jurisdiction. See 28 U. S. C. § 1651(a) (permitting writs “necessary or appropriate in aid of” a court’s jurisdiction); *Clinton v. Goldsmith*, 526 U. S. 529, 534–535 (1999) (“the express terms” of the All Writs Act “confine the power of [a court] to issuing process ‘in aid of’ its existing statutory jurisdiction; the Act does not enlarge that jurisdiction” (quoting § 1651(a)). Therefore, this Court had jurisdiction only if the Court of Appeals had jurisdiction of the applicants’ appeal, see § 1254 (granting this Court jurisdiction to review “[c]ases in the courts of appeals”), and the Court of Appeals had jurisdiction only if the supposed order that the applicants appealed amounted to the denial of a preliminary injunction. See § 1292(a)(1). But here, the “order” that applicants appealed was what they viewed as the District Court’s “‘constructive’” denial of their request for a temporary restraining order (TRO). Order in No. 1:25-cv-59 (ND Tex., Apr. 18, 2025), ECF Doc. 41, p. 4. That is, the District Court did not actually deny their most recent request for a TRO, but they inferred that it was constructively denied because the District Court failed to rule on that request before the expiration of a truncated counsel-imposed deadline. See Order in No. 25–10534 (CA5, Apr. 18, 2025), p. 3 (Ramirez, J., concurring). The denial of a true TRO is not appealable, and here, it is not clear that the applicants’ TRO request was actually denied. Indeed, in an order issued last night, the Fifth Circuit held

*It appears that the applicants have recently moved to amend their class petition for habeas corpus and their motion for class certification. See Motions in No. 1:25-cv-59 (ND Tex., Apr. 18, 2025), ECF No. 35. So it is not clear if the applicants will continue to defend this specific definition or will argue for a new one.

that it lacked jurisdiction for this reason. See *id.*, at 1 (*per curiam*); see also *id.*, at 3 (Ramirez, J., concurring).

- It is questionable whether the applicants complied with the general obligation to seek emergency injunctive relief in the District Court before asking for such relief from an appellate court. Fed. Rules App. Proc. 8(a)(1)(A), (a)(1)(C). When the applicants requested such relief in the District Court, they insisted on a ruling within 45 minutes on Good Friday afternoon, and when the District Court did not act within 133 minutes, they filed a notice of appeal, which the District Court held deprived it of jurisdiction. See ECF Doc. 41, at 3–4. It is doubtful that this aborted effort satisfied Federal Rule of Appellate Procedure 8(a)(1)(C).
- When this Court rushed to enter its order, the Court of Appeals was considering the issue of emergency relief, and we were informed that a decision would be forthcoming. This Court, however, refused to wait. But under this Court’s Rule 23.3, “[e]xcept in the most extraordinary circumstances, an application for a stay will not be entertained unless the relief requested was first sought in the appropriate court or courts below or from a judge or judges thereof.”
- The only papers before this Court were those submitted by the applicants. The Court had not ordered or received a response by the Government regarding either the applicants’ factual allegations or any of the legal issues presented by the application. And the Court did not have the benefit of a Government response filed in any of the lower courts either. When the applicants first raised their allegations in the District Court, that court provided the Government with 24 hours to respond, and was poised to rule expeditiously. See ECF Doc. 41, at 3–4. But the District Court dissolved the Government’s obligation to respond after counsel for applicants filed their hasty appeal which, in the District Court’s view, deprived it of jurisdiction to rule. *Id.*, at 4–5.
- The papers before us, while alleging that the applicants were in imminent danger of removal, provided little concrete support for that allegation. Members of this Court have repeatedly insisted that an All Writs Act injunction pending appeal may only be granted when, among other things, “the legal rights at issue are indisputably clear and, even then, spar-

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ingly and only in the most critical and exigent circumstances.” *South Bay United Pentecostal Church v. Newsom*, 590 U. S. 965, 966 (2020) (ROBERTS, C. J., concurring in denial of application for injunctive relief) (quoting S. Shapiro, K. Geller, T. Bishop, E. Hartnett, & D. Himmelfarb, *Supreme Court Practice* §17.4, p. 17–9 (11th ed. 2019); internal quotation marks omitted); see also *Hobby Lobby Stores, Inc. v. Sebelius*, 568 U. S. 1401, 1403 (2012) (SOTOMAYOR, J., in chambers); *Lux v. Rodrigues*, 561 U. S. 1306, 1307 (2010) (ROBERTS, C. J., in chambers).

- Although this Court did not hear directly from the Government regarding any planned deportations under the Alien Enemies Act in this matter, an attorney representing the Government in a different matter, *J. G. G. v. Trump*, No. 1:25-cv-766 (DC), informed the District Court in that case during a hearing yesterday evening that no such deportations were then planned to occur either yesterday, April 18, or today, April 19.
- Although the Court provided class-wide relief, the District Court never certified a class, and this Court has never held that class relief may be sought in a habeas proceeding.

In sum, literally in the middle of the night, the Court issued unprecedented and legally questionable relief without giving the lower courts a chance to rule, without hearing from the opposing party, within eight hours of receiving the application, with dubious factual support for its order, and without providing any explanation for its order. I refused to join the Court’s order because we had no good reason to think that, under the circumstances, issuing an order at midnight was necessary or appropriate.

Both the Executive and the Judiciary have an obligation to follow the law. The Executive must proceed under the terms of our order in *Trump v. J. G. G.*, 604 U. S. 670 (2025) (*per curiam*), and this Court should follow established procedures.

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Certiorari Granted—Vacated and Remanded

No. 24–474. FOOD AND DRUG ADMINISTRATION *v.* SWT GLOBAL SUPPLY, INC., ET AL. C. A. 5th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration

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in light of *FDA v. Wages & White Lion Investments, LLC*, 604 U. S. 542 (2025).

Certiorari Dismissed

No. 24–6526. *RIAZ v. SUPERIOR COURT OF CALIFORNIA, TULARE COUNTY, ET AL.* Sup. Ct. Cal. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 24–6531. *RUFFIN v. HENRY.* Ct. App. Tex., 14th Dist. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 24–6778. *HOFFMAN v. WESTCOTT, SECRETARY, LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS, ET AL.* C. A. 5th Cir. Certiorari dismissed as moot.

No. 24–6779. *HALL v. X CORP., FKA TWITTER, INC.* C. A. 1st Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

Miscellaneous Orders

No. 24M73. *GARADA v. DISTRICT OF COLUMBIA BOARD OF MEDICINE*;

No. 24M75. *ENGLERT v. BISHOP, SUPERINTENDENT, FIVE POINTS CORRECTIONAL FACILITY*; and

No. 24M76. *I. M. v. ILLINOIS* (two judgments). Motions for leave to file petitions for writs of certiorari with supplemental appendixes under seal granted.

No. 24M74. *OSTLY v. CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA, ET AL.* Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 24–620. *PIZARRO ET AL. v. HOME DEPOT, INC., ET AL.* The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 24–6556. *FARLEY v. MARINHO ET AL.* Sup. Ct. N. H.; and

No. 24–6804. *WHITE v. OFFICE OF PERSONNEL MANAGEMENT.* C. A. Fed. Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until May 12, 2025, within which to pay the docketing fees required by Rule

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38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

No. 24–1000. IN RE PRETE;
No. 24–6868. IN RE MANSFIELD;
No. 24–6902. IN RE ALMEDOM; and
No. 24–6909. IN RE HUDSON. Petitions for writs of habeas corpus denied.

Certiorari Granted

No. 24–351. UNITED STATES POSTAL SERVICE ET AL. *v.* KONAN. C. A. 5th Cir. Certiorari granted. Reported below: 96 F. 4th 799.

Certiorari Denied

No. 23–799. MAGELLAN TECHNOLOGY, INC. *v.* FOOD AND DRUG ADMINISTRATION. C. A. 2d Cir. Certiorari denied.

No. 23–871. LOTUS VAPING TECHNOLOGIES, LLC *v.* FOOD AND DRUG ADMINISTRATION. C. A. 9th Cir. Certiorari denied.

No. 23–1125. LOGIC TECHNOLOGY DEVELOPMENT LLC *v.* FOOD AND DRUG ADMINISTRATION. C. A. 3d Cir. Certiorari denied.

No. 24–495. KONAN *v.* UNITED STATES POSTAL SERVICE ET AL. C. A. 5th Cir. Certiorari denied.

No. 24–542. UNITED STATES EX REL. HERON *v.* NATIONSTAR MORTGAGE, LLC. C. A. 10th Cir. Certiorari denied.

No. 24–591. CSX TRANSPORTATION, INC. *v.* NORFOLK SOUTHERN RAILWAY Co. ET AL. C. A. 4th Cir. Certiorari denied.

No. 24–615. HCI DISTRIBUTION, INC., ET AL. *v.* HILGERS, ATTORNEY GENERAL OF NEBRASKA, ET AL. C. A. 8th Cir. Certiorari denied.

No. 24–639. MARQUEZ CRUZ *v.* BONDI, ATTORNEY GENERAL. C. A. 4th Cir. Certiorari denied.

No. 24–655. VIEWPOINT NEUTRALITY NOW! ET AL. *v.* BOARD OF REGENTS OF THE UNIVERSITY OF MINNESOTA ET AL. C. A. 8th Cir. Certiorari denied.

No. 24–669. CASTANEDA-MARTINEZ *v.* BONDI, ATTORNEY GENERAL. C. A. 11th Cir. Certiorari denied.

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No. 24–737. *SPROUT FOODS, INC. v. DAVIDSON ET AL.* C. A. 9th Cir. Certiorari denied.

No. 24–738. *CARTAYA v. TRAVELERS INDEMNITY Co.* Ct. App. Colo. Certiorari denied.

No. 24–764. *BRUMFIELD, TRUSTEE FOR ASCENT TRUST v. IBG LLC ET AL.* C. A. Fed. Cir. Certiorari denied.

No. 24–765. *TURNER v. JORDAN ET AL.* C. A. 11th Cir. Certiorari denied.

No. 24–773. *WADE v. UNIVERSITY OF MICHIGAN.* Ct. App. Mich. Certiorari denied.

No. 24–782. *JACOBSON, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS COMMISSIONER OF THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY v. WORTH ET AL.* C. A. 8th Cir. Certiorari denied.

No. 24–814. *GRAY v. KILICK GROUP, L. L. C.* C. A. 5th Cir. Certiorari denied.

No. 24–827. *BROADBAND iTV, INC. v. AMAZON.COM, INC., ET AL.* C. A. Fed. Cir. Certiorari denied.

No. 24–844. *SROUR v. CITY OF NEW YORK, NEW YORK, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 24–848. *RICHARD v. HORACIUS.* C. A. 11th Cir. Certiorari denied.

No. 24–863. *EDWARDS v. SOUTH DAKOTA.* Sup. Ct. S. D. Certiorari denied.

No. 24–869. *EWING ET AL. v. CARRIER ET AL.* C. A. 7th Cir. Certiorari denied.

No. 24–870. *AMN DISTRIBUTION, INC., ET AL. v. ATHENA COSMETICS, INC.* C. A. 9th Cir. Certiorari denied.

No. 24–873. *DEBOSE v. UNITED STATES ET AL.* C. A. 11th Cir. Certiorari denied.

No. 24–876. *NVWS PROPERTIES, LLC v. CASUN INVEST, A. G.* C. A. 9th Cir. Certiorari denied.

No. 24–878. *BREAUX v. LOUISIANA STADIUM AND EXPOSITION DISTRICT ET AL.* Ct. App. La., 4th Cir. Certiorari denied.

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No. 24–883. *VOGT, AS TRUSTEE FOR THE HEIRS AND NEXT OF KIN OF VOGT, DECEASED v. ANDERSON ET AL.* C. A. 8th Cir. Certiorari denied.

No. 24–886. *SCHURR v. LYOYA, PERSONAL REPRESENTATIVE FOR THE ESTATE OF LYOYA, DECEASED.* C. A. 6th Cir. Certiorari denied.

No. 24–888. *RICHARD R. ET AL. v. WASHBURN ET AL.* Ct. App. Ariz. Certiorari denied.

No. 24–890. *RYNN v. JENNINGS, JUDGE, AVONDALE CITY COURT, ET AL.* Sup. Ct. Ariz. Certiorari denied.

No. 24–893. *KATZ v. DEPARTMENT OF JUSTICE.* C. A. Fed. Cir. Certiorari denied.

No. 24–894. *AVERY BEY v. HARPER ET AL.* C. A. 10th Cir. Certiorari denied.

No. 24–901. *KIM v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY.* C. A. 3d Cir. Certiorari denied.

No. 24–912. *MEGGISON v. FLORIDA.* Dist. Ct. App. Fla., 5th Dist. Certiorari denied.

No. 24–939. *STREB v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 24–945. *LUO v. OWEN J. ROBERTS SCHOOL DISTRICT ET AL.* C. A. 3d Cir. Certiorari denied.

No. 24–947. *WILEY v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 24–950. *BHAGAT v. UNITED STATES PATENT AND TRADE-MARK OFFICE ET AL.* C. A. Fed. Cir. Certiorari denied.

No. 24–951. *CUETO ET AL. v. CHINARYAN, INDIVIDUALLY AND AS GUARDIAN AD LITEM FOR NEC, A MINOR, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 24–954. *ANTHONY VETRI v. UNITED STATES.* C. A. 3d Cir. Certiorari denied.

No. 24–955. *RAMOS HERNANDEZ v. CAUSEY.* C. A. 5th Cir. Certiorari denied.

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No. 24–956. *LOS ANGELES COUNTY, CALIFORNIA, ET AL. v. NYARECHA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 24–963. *TORRES-ESTRADA v. UNITED STATES.* C. A. 1st Cir. Certiorari denied.

No. 24–980. *JONES v. ELENA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 24–989. *FRAZIER ET AL. v. SOUTHEAST GEORGIA HEALTH SYSTEM, INC., ET AL.* C. A. 11th Cir. Certiorari denied.

No. 24–995. *MOAC MALL HOLDINGS LLC v. TRANSFORM HOLD-CO LLC ET AL.* C. A. 2d Cir. Certiorari denied.

No. 24–1004. *AFRAMAX RIVER MARINE CO. v. SUDERMAN & YOUNG TOWING CO. ET AL.* C. A. 5th Cir. Certiorari denied.

No. 24–1009. *LENTO v. PENNSYLVANIA OFFICE OF DISCIPLINARY COUNSEL.* Sup. Ct. Pa. Certiorari denied.

No. 24–1018. *I. S., BY AND THROUGH HIS ATTORNEY IN FACT, M. S., ET AL. v. FULTON COUNTY SCHOOL DISTRICT.* C. A. 11th Cir. Certiorari denied.

No. 24–5758. *WILSON v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 24–6146. *PARKER v. FLORIDA.* Dist. Ct. App. Fla., 4th Dist. Certiorari denied.

No. 24–6206. *BOWDEN v. OFFICE OF PERSONNEL MANAGEMENT.* C. A. Fed. Cir. Certiorari denied.

No. 24–6310. *BEGAY v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 24–6402. *MCCOGGLE v. FLORIDA.* Dist. Ct. App. Fla., 4th Dist. Certiorari denied.

No. 24–6472. *BURGESS v. ALABAMA.* Ct. Crim. App. Ala. Certiorari denied.

No. 24–6479. *SAWYER v. DIE ET AL.* C. A. 5th Cir. Certiorari denied.

No. 24–6513. *MAGEE v. MICHIGAN.* Cir. Ct. Oakland County, Mich. Certiorari denied.

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No. 24–6515. *SHINE-JOHNSON v. SMITH, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 24–6519. *STEELE v. UNITED STATES POSTAL SERVICE ET AL.* C. A. 5th Cir. Certiorari denied.

No. 24–6521. *WELLES v. LOWITSCH*. Ct. App. Cal., 2d App. Dist., Div. 4. Certiorari denied.

No. 24–6523. *WRIGHT v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 24–6527. *SAYED v. CALEY, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied.

No. 24–6528. *ROSASEN v. KINGDOM OF NORWAY ET AL.* C. A. 9th Cir. Certiorari denied.

No. 24–6529. *VYAS v. HUTCHESON, SHERIFF, ROCKINGHAM COUNTY, VIRGINIA, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 24–6534. *LUGO v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 24–6535. *VITTI v. JONES ET AL.* C. A. 9th Cir. Certiorari denied.

No. 24–6546. *DORGAY v. REIF ET AL.* C. A. 7th Cir. Certiorari denied.

No. 24–6547. *SANDERSON v. MYRDAL ET AL.* Sup. Ct. N. D. Certiorari denied.

No. 24–6548. *CHARLES v. CHAMBERS ET AL.* C. A. 11th Cir. Certiorari denied.

No. 24–6550. *BROWN v. MCGINLEY, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT COAL TOWNSHIP, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 24–6561. *SCOTT v. PENNSYLVANIA*. C. A. 3d Cir. Certiorari denied.

No. 24–6564. *JOHNSON v. SEAGRAVES COMPRESS, TRINITY CO.* C. A. 5th Cir. Certiorari denied.

No. 24–6566. *BROWN v. OHIO*. Ct. App. Ohio, 11th App. Dist., Trumbull County. Certiorari denied.

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No. 24–6568. *WELLS v. MECKLENBURG COUNTY CLERK OF PROBATE ESTATES ET AL.* C. A. 4th Cir. Certiorari denied.

No. 24–6570. *HELMIN v. YUEMIN XU.* Ct. App. Minn. Certiorari denied.

No. 24–6574. *MARCHETTI v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied.

No. 24–6576. *HILL v. ISHEE.* C. A. 4th Cir. Certiorari denied.

No. 24–6581. *MEZINEV v. TASHYBEKOVA.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied.

No. 24–6587. *ROSARIO v. FLORIDA.* Dist. Ct. App. Fla., 4th Dist. Certiorari denied.

No. 24–6590. *GARVIN v. COHEN, WARDEN.* C. A. 4th Cir. Certiorari denied.

No. 24–6594. *FOSTER v. FLORIDA.* Sup. Ct. Fla. Certiorari denied.

No. 24–6599. *TRENGOVE v. DEPARTMENT OF JUSTICE.* C. A. 3d Cir. Certiorari denied.

No. 24–6608. *PUSEY v. FLORIDA.* Dist. Ct. App. Fla., 5th Dist. Certiorari denied.

No. 24–6619. *AL SHARA v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied.

No. 24–6629. *CLEVELAND ET AL. v. SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES.* Ct. App. S. C. Certiorari denied.

No. 24–6647. *STILLEY v. JESTER, ARKANSAS SECRETARY OF STATE, ET AL.* Sup. Ct. Ark. Certiorari denied.

No. 24–6667. *SCOTT v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 24–6671. *KOCH v. IOWA.* Dist. Ct. Fremont County, Iowa. Certiorari denied.

No. 24–6674. *MILLETTE v. UNITED STATES.* C. A. 1st Cir. Certiorari denied.

No. 24–6678. *PATTON v. UNITED STATES.* C. A. 3d Cir. Certiorari denied.

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No. 24–6683. *WALKER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 24–6687. *JAYAVARMAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–6688. *LOMBARDI v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 24–6689. *VYAS v. DOTSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. Sup. Ct. Va. Certiorari denied.

No. 24–6690. *AHMED v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 24–6694. *SANTIAGO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 24–6695. *DELOACH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–6698. *SMITH v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied.

No. 24–6703. *MOBLEY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 24–6706. *DEWEESE v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied.

No. 24–6722. *MUSE v. LOUISIANA ET AL.* C. A. 5th Cir. Certiorari denied.

No. 24–6735. *JORDAN v. INDIANA*. Certiorari denied.

No. 24–6744. *SULU-KERR v. ARIZONA*. Ct. App. Ariz. Certiorari denied.

No. 24–6751. *JONES v. SYKES ENTERPRISES, INC.* C. A. 4th Cir. Certiorari denied.

No. 24–6757. *BRAWNER v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied.

No. 24–6761. *VAUGHN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 24–6763. *GRIEME v. COLLIE ET AL.* C. A. 8th Cir. Certiorari denied.

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No. 24–6764. *JOHNSON v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 24–6766. *GRIFFITH v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 24–6767. *GREEN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 24–6784. *SANCHEZ ADAME v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 24–6790. *BRIGGS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 24–6796. *NICHOLSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–6797. *PETERSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–6799. *CHARLES v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 24–6803. *GIATTINO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 24–6807. *PALLADINETTI v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 24–6810. *JABER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 24–6814. *JOHNSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 24–6815. *KING v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–6816. *ANDERSON v. GARZA, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 24–6817. *BYLES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–6821. *IOTOVA ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 24–6823. *CAVES v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

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No. 24–6824. *RIJO-GUERRERO v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 24–6826. *WRIGHT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 24–6827. *GIOVINCO v. FLOWERS, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 24–6830. *ALBOUSHARI v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 24–6837. *GARDING v. MONTANA DEPARTMENT OF CORRECTIONS*. C. A. 9th Cir. Certiorari denied.

No. 24–6848. *TRUMBULL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–6849. *ELLISON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–6855. *ROGERS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 24–6861. *ALHINDI v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 24–6862. *HARDISON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 24–6865. *ALFARO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 24–6879. *LINAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

Rehearing Denied

No. 23–7393. *MERCER v. VIRGINIA ET AL.*, 604 U. S. 1124;

No. 23–7840. *LEMON v. ILLINOIS*, 604 U. S. 946;

No. 24–411. *THOMAS v. STATE BAR OF NEVADA*, 604 U. S. 1124;

No. 24–644. *WILLIAMS v. ALLEGHENY COUNTY, PENNSYLVANIA, ET AL.*, 604 U. S. 1126;

No. 24–688. *PROPERTY MATTERS USA, LLC v. AFFORDABLE AERIAL PHOTOGRAPHY, INC.*, 604 U. S. 1127;

No. 24–708. *IQBAL v. PENNSYLVANIA BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS STATE BOARD OF MEDICINE ET AL.*, 604 U. S. 1174;

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- No. 24–5094. *MITCHELL v. BENNETT ET AL.*, 604 U. S. 958;
No. 24–5839. *POWELL v. JBG SMITH PROPERTIES, LP FIRST RESIDENCES, ET AL.*, 604 U. S. 1085;
No. 24–5848. *JOHNSON, ON BEHALF OF JOHNSON v. THOMAS*, 604 U. S. 1085;
No. 24–5849. *JOHNSON, ON BEHALF OF JOHNSON v. KINNEY*, 604 U. S. 1085;
No. 24–5850. *JOHNSON, ON BEHALF OF JOHNSON v. BLACKWELL*, 604 U. S. 1085;
No. 24–5851. *JOHNSON, ON BEHALF OF JOHNSON v. HECTOR*, 604 U. S. 1086;
No. 24–5861. *SCHMITT v. TEXAS*, 604 U. S. 1086;
No. 24–5960. *MCGOWAN v. PENNSYLVANIA*, 604 U. S. 1088;
No. 24–6085. *TYSON v. WINNINGHAM ET AL.*, 604 U. S. 1130;
No. 24–6090. *IN RE FREEMAN*, 604 U. S. 1076;
No. 24–6095. *LEMATTY v. GEORGIA*, 604 U. S. 1130; and
No. 24–6238. *IN RE FELIX*, 604 U. S. 1193. Petitions for rehearing denied.

APRIL 22, 2025

Miscellaneous Order

No. 24A970. *YOST, ATTORNEY GENERAL OF OHIO v. BROWN ET AL.* C. A. 6th Cir. Application for stay, presented to JUSTICE KAVANAUGH, and by him referred to the Court, denied. The order heretofore entered by JUSTICE KAVANAUGH is vacated. JUSTICE THOMAS, JUSTICE ALITO, and JUSTICE KAVANAUGH would grant the application.

APRIL 23, 2025

Miscellaneous Orders. (For the Court’s orders prescribing amendments to the Federal Rules of Appellate Procedure, see 604 U. S. —; amendments to the Federal Rules of Bankruptcy Procedure, see 604 U. S. —; and amendments and an addition to the Federal Rules of Civil Procedure, see 604 U. S. —.

Certiorari Denied

No. 24–7030 (24A1005). *SANDOVAL MENDOZA 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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APRIL 25, 2025

Miscellaneous Order

No. 24–316. KENNEDY, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL. *v.* BRAIDWOOD MANAGEMENT, INC., ET AL. C. A. 5th Cir. [Certiorari granted *sub nom. Becerra v. Braidwood Management, Inc.*, 604 U. S. 1073.] The parties are directed to file supplemental letter briefs addressing the following question: “Whether Congress has ‘by law’ vested the Secretary of the Department of Health and Human Services with the authority to appoint members of the United States Preventive Services Task Force.” U. S. Const., Art. II, § 2, cl. 2. Briefs should address this Court’s decisions in *United States v. Hartwell*, 6 Wall. 385 (1868), and *United States v. Smith*, 124 U. S. 525 (1888). Briefs, not to exceed 15 pages, are to be filed simultaneously with the Clerk and served upon opposing counsel on or before 2 p.m., Monday, May 5, 2025.

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Certiorari Dismissed

No. 24–6700. KERSEY *v.* TRUMP. 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. 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. 24–6712. LETTIERI *v.* BONANNO. C. A. 2d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

Miscellaneous Orders

No. 24M77. SMITH *v.* SIMPSON ET AL. (two judgments); and

No. 24M78. SMITH *v.* SIMPSON ET AL. (two judgments). Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 24–759. WYE OAK TECHNOLOGY, INC. *v.* REPUBLIC OF IRAQ ET AL. C. A. D. C. Cir. The Solicitor General is invited to

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file a brief in this case expressing the views of the United States. JUSTICE JACKSON took no part in the consideration 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).

No. 24–6645. *DELAROSA v. VILLAGE OF ROMEOVILLE, ILLINOIS, ET AL.* C. A. 7th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until May 19, 2025, 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. 24–6928. *IN RE SOLVEY.* Petition for writ of habeas corpus denied.

No. 24–6607. *IN RE MYKONOS.* Petition for writ of mandamus denied.

Certiorari Granted

No. 24–724. *HAIN CELESTIAL GROUP, INC., ET AL. v. PALMQUIST, INDIVIDUALLY AND AS NEXT FRIEND OF E. P., A MINOR, ET AL.* C. A. 5th Cir. Certiorari granted limited to Question 1 presented by the petition. Reported below: 103 F. 4th 294.

Certiorari Denied

No. 23–1094. *AT&T SERVICES, INC., ET AL. v. BUGIELSKI ET AL.* C. A. 9th Cir. Certiorari denied.

No. 24–571. *YOUNG v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 108 F. 4th 1307.

No. 24–598. *B&L PRODUCTIONS, INC., DBA CROSSROADS OF THE WEST, ET AL. v. NEWSOM, GOVERNOR OF CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 24–622. *SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS v. BURGUM, SECRETARY OF THE INTERIOR, ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 24–635. *CELANESE INTERNATIONAL CORP. ET AL. v. INTERNATIONAL TRADE COMMISSION ET AL.* C. A. Fed. Cir. Certiorari denied.

No. 24–675. *JOHNSON v. UNITED STATES.* C. A. 3d Cir. Certiorari denied.

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No. 24–694. *EFRON v. CANDELARIO ET AL.* C. A. 11th Cir. Certiorari denied.

No. 24–753. *CORIA v. BONDI, ATTORNEY GENERAL.* C. A. 9th Cir. Certiorari denied.

No. 24–755. *SLAYBAUGH ET VIR v. RUTHERFORD COUNTY, TENNESSEE, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 24–771. *COMMANDANT ET AL. v. RINEHART, DISTRICT DIRECTOR, MIAMI DISTRICT (S24), UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 24–833. *YOHANNES v. OLYMPIC COLLECTION INC. (OCI) ET AL.; and*

No. 24–946. *OLYMPIC COLLECTION, INC., ET AL. v. YOHANNES.* C. A. 9th Cir. Certiorari denied.

No. 24–895. *QIU v. BOARD OF EDUCATION OF OLDHAM COUNTY, KENTUCKY.* C. A. 6th Cir. Certiorari denied.

No. 24–896. *QIU v. BOARD OF EDUCATION OF OLDHAM COUNTY, KENTUCKY.* C. A. 6th Cir. Certiorari denied.

No. 24–897. *QIU v. BOARD OF EDUCATION OF NELSON COUNTY, KENTUCKY.* C. A. 6th Cir. Certiorari denied.

No. 24–914. *MAY, INDIVIDUALLY AND AS GUARDIAN AD LITEM FOR A. R. M. ET AL. v. DORCHESTER SCHOOL DISTRICT NO. 2 ET AL.* Ct. App. S. C. Certiorari denied.

No. 24–926. *STENSRUD ET AL. v. ROCHESTER GENESEE REGIONAL TRANSPORTATION AUTHORITY.* App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied.

No. 24–927. *BURKE v. HOUSING & SERVICES, INC., ET AL.* C. A. 2d Cir. Certiorari denied.

No. 24–928. *TERRELL v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 24–934. *TURNBULL v. BOARD OF DIRECTORS OF THE STATE BAR OF TEXAS ET AL.* C. A. 5th Cir. Certiorari denied.

No. 24–942. *COMACK v. DUDEK, ACTING COMMISSIONER OF SOCIAL SECURITY.* C. A. 11th Cir. Certiorari denied.

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No. 24–1032. *ELLISON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 24–1036. *JOHNSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–1037. *JOHNSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 24–1039. *MONTERO v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 5th Cir. Certiorari denied.

No. 24–1040. *MCGUCKEN v. VALNET, INC., DBA THE-TRAVEL.COM*. C. A. 9th Cir. Certiorari denied.

No. 24–1048. *READ v. SUPERIOR COURT OF MASSACHUSETTS, NORFOLK COUNTY, ET AL.* C. A. 1st Cir. Certiorari denied.

No. 24–6257. *GODBOLT v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied.

No. 24–6511. *MITCHAM v. ARIZONA*. Sup. Ct. Ariz. Certiorari denied.

No. 24–6579. *BARKSDALE v. MARSHALL, ATTORNEY GENERAL OF ALABAMA, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 24–6597. *BOAS v. GRAVES ET AL.* C. A. 4th Cir. Certiorari denied.

No. 24–6602. *YOUNG-TREZVANT v. LONE STAR COLLEGE SYSTEM*. C. A. 5th Cir. Certiorari denied.

No. 24–6604. *SHARMA v. HIRSCH, CHAIRMAN OF NORTH CAROLINA STATE BOARD OF ELECTIONS, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 24–6605. *TUCKER v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 24–6610. *NGUYEN v. SUPERIOR COURT OF CALIFORNIA, IMPERIAL COUNTY*. Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 24–6611. *DEEDS v. SPRAYBERRY, WARDEN*. Super. Ct. Telfair County, Ga. Certiorari denied.

No. 24–6613. *ATCHINSON v. DISTRICT OF COLUMBIA*. Ct. App. D. C. Certiorari denied.

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No. 24–6616. *MUNYWE v. ARNOLD*, SUPERINTENDENT, STAFFORD CREEK CORRECTIONS CENTER. C. A. 9th Cir. Certiorari denied.

No. 24–6617. *POORE v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 24–6631. *LORD v. LORD*. Ct. App. N. Y. Certiorari denied.

No. 24–6632. *SMITH v. LOELO ET AL.* C. A. 11th Cir. Certiorari denied.

No. 24–6640. *QUINTANA v. HOLZHAUS*, INDIVIDUALLY AND AS ESCROW AGENT OF STEWART TITLE CO., ET AL. Ct. App. Tex., 4th Dist. Certiorari denied.

No. 24–6642. *SEXTON v. TENNESSEE*. Ct. App. Tenn. Certiorari denied.

No. 24–6648. *WOLFE v. RIVELLO*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HUNTINGDON, ET AL. C. A. 3d Cir. Certiorari denied.

No. 24–6649. *MEHTA v. PARTNERS*, DBA PARK-MGM CASINO & HOTEL OPERATOR, ET AL. C. A. 9th Cir. Certiorari denied.

No. 24–6650. *SALL v. GEORGE ET AL.* C. A. 2d Cir. Certiorari denied.

No. 24–6651. *ROMIG v. HARRY*, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL. Sup. Ct. Pa. Certiorari denied.

No. 24–6653. *ALEXANDER v. NANCE*, WARDEN. C. A. 4th Cir. Certiorari denied.

No. 24–6656. *BURNS v. GEORGIA*. Sup. Ct. Ga. Certiorari denied.

No. 24–6660. *LAN v. UNIVERSITY OF TEXAS AT SAN ANTONIO*. C. A. 5th Cir. Certiorari denied.

No. 24–6664. *WRIGHT v. SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE ET AL.* C. A. 4th Cir. Certiorari denied.

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No. 24–6672. *JHINGAN v. SUPERIOR COURT OF CALIFORNIA, ALAMEDA COUNTY, ET AL.* Ct. App. Cal., 1st App. Dist., Div. 2. Certiorari denied.

No. 24–6673. *ROMERO v. META PLATFORMS INC. ET AL.* C. A. 4th Cir. Certiorari denied.

No. 24–6677. *PARNELL v. WHITE.* C. A. 10th Cir. Certiorari denied.

No. 24–6710. *KLEIN v. BROOKHAVEN HEALTH CARE FACILITY ET AL.* C. A. 2d Cir. Certiorari denied.

No. 24–6774. *RIVERA v. THOMAS, WARDEN.* C. A. 7th Cir. Certiorari denied.

No. 24–6802. *BLEA v. RIOS, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied.

No. 24–6819. *DAYWITT ET AL. v. HARPSTEAD, COMMISSIONER, MINNESOTA DEPARTMENT OF HUMAN SERVICES, IN HER INDIVIDUAL AND OFFICIAL CAPACITY, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 24–6822. *ALMEIDA v. DIXON, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied.

No. 24–6838. *BENNETT v. FITZ, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 24–6842. *SMITH v. SLIMAK.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied.

No. 24–6850. *MORAN v. FLORIDA.* Dist. Ct. App. Fla., 1st Dist. Certiorari denied.

No. 24–6863. *BEALER v. ILLINOIS.* App. Ct. Ill., 4th Dist. Certiorari denied.

No. 24–6878. *WOOD-JIMENEZ v. NEVADA DEPARTMENT OF MOTOR VEHICLE OFFICE.* C. A. 9th Cir. Certiorari denied.

No. 24–6886. *JENKINS v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

No. 24–6888. *DRIVER v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

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No. 24–6894. WISE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 24–6903. PICKENS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 24–6905. NEUHARD *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 24–6913. SAINT-LOUIS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 24–6922. VAZQUEZ-ALBA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 24–6930. ROBINSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 24–913. MOHAMMED *v.* UNIVERSAL PROTECTION SERVICE, LLC, DBA ALLIED UNIVERSAL SECURITY SERVICES. C. A. 1st Cir. Certiorari before judgment denied.

Rehearing Denied

No. 23–7476. WALKER *v.* OKLAHOMA, 604 U. S. 927;

No. 23–7628. XIA *v.* LINA T. RAMEY, AND ASSOCIATES, ET AL., 604 U. S. 935;

No. 23–7811. WARE-NEWSOME *v.* SOUTHERN MANAGEMENT COS., LLC, 604 U. S. 944;

No. 24–517. SHOCKLEY *v.* VANDERGRIFF, WARDEN, 604 U. S. 1235;

No. 24–698. KIMBLE-DAVIS *v.* OFFICE OF PERSONNEL MANAGEMENT, 604 U. S. 1127;

No. 24–5070. TUBBS *v.* UNITED STATES, 604 U. S. 957;

No. 24–5297. WILLIAMS *v.* WARDEN, 604 U. S. 967;

No. 24–5476. IN RE WRIGHT, 604 U. S. 1007;

No. 24–5491. WATSON *v.* DEJOY, POSTMASTER GENERAL, 604 U. S. 984;

No. 24–5858. SMITH *v.* BUSH, FORMER GOVERNOR OF FLORIDA, ET AL., 604 U. S. 1086;

No. 24–5892. PULLER *v.* DOTSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, 604 U. S. 1087;

No. 24–6053. BELCHER *v.* NEAL, WARDEN, 604 U. S. 1092;

No. 24–6100. IN RE GODFREY, 604 U. S. 1123;

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No. 24–6137. *EPPS v. POAH COMMUNITIES, LLC*, 604 U. S. 1131;

No. 24–6155. *JOHNSON v. UNITED STATES*, 604 U. S. 1107;

No. 24–6273. *REINER v. WISCONSIN*, 604 U. S. 1176; and

No. 24–6332. *PETERSON v. WISCONSIN*, 604 U. S. 1176. Petitions for rehearing denied.

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