

(ORDER LIST: 559 U.S.)

MONDAY, MARCH 1, 2010

CERTIORARI -- SUMMARY DISPOSITIONS

08-9723 MOORE, TERRANCE V. OHIO

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the Court of Appeals of Ohio, Cuyahoga County, for further consideration in light of *Melendez-Diaz v. Massachusetts*, 557 U.S. ____ (2009).

09-906 SIBLEY, MONTGOMERY B. V. ALITO, JUSTICE, USSC, ET AL.

Because the Court lacks a quorum, 28 U.S.C. §1, and since the only qualified Justice is of the opinion that the case cannot be heard and determined at the next Term of Court, the judgment is affirmed under 28 U.S.C. §2109, which provides that under these circumstances “the court shall enter its order affirming the judgment of the court from which the case was brought for review with the same effect as upon affirmance by an equally divided court.” The Chief Justice, Justice Stevens, Justice Scalia, Justice Kennedy, Justice Thomas, Justice Ginsburg, Justice Breyer, and Justice Alito took no part in the consideration or decision of this petition.

09-6208 D. G. V. LOUISIANA

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the Court of Appeal of Louisiana, Fourth Circuit, for further

consideration in light of *Melendez-Diaz v. Massachusetts*,
557 U.S. ____ (2009).

ORDERS IN PENDING CASES

09A389
(09-8568)

COOLEY, POCAHONTAS V. KELLY, PAUL J., ET UX.

The application for stay addressed to Justice Thomas and referred to the Court is denied.

09M71

CRUZATA, ANGEL P. V. ALMAGER, WARDEN

The motion to direct the Clerk to file a petition for a writ of certiorari out of time is denied.

09-6338

DILLON, PERCY V. UNITED STATES

The motion of petitioner for leave to file Volume II of the joint appendix under seal is granted.

09-7060

ELINE, RICHARD V. LARA, T., ET AL.

09-7275

JONES, DONALD G. V. SHAW GROUP, ET AL.

09-7307

ZANI, ROBERT J. V. SSA

09-7384

CLARK, RAYMOND V. CALIFORNIA

09-7550

JONES, DONALD G. V. LIBERTY BANK AND TRUST, ET AL.

09-7961

IN RE THEODORE WAGNER

The motions of petitioners for reconsideration of orders denying leave to proceed *in forma pauperis* are denied.

09-8206

MERCER, GREGORY S. V. VIRGINIA

09-8342

KELLY, DANNY M. V. DAY, RICHARD J., ET AL.

09-8512

INGALLS, DWANE V. AES CORP.

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until March 22, 2010, within which to pay the docketing fees required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

CERTIORARI GRANTED

09-150 MICHIGAN V. BRYANT, RICHARD P.

The motion of respondent for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is granted.

CERTIORARI DENIED

08-1458 MO GAS ENERGY V. SCHMIDT, MONICA

09-293 OZUNA, MODESTO V. UNITED STATES

09-305 KERNS, SCOTT V. UNITED STATES

09-347 DUTKA, NORA, ET AL. V. AIG LIFE INSURANCE COMPANY

09-389 LIU, FUSHENG V. KONINKLIJKE PHILIPS ELECTRONICS

09-402 McCANE, MARKICE L. V. UNITED STATES

09-461 WEST, STEPHEN M. V. BELL, WARDEN

09-531 HASKELL COUNTY, ET AL. V. GREEN, JAMES W., ET AL.

09-601 VOLVO CONST. EQUIP. NA, INC. V. ROSE, ISAAC, ET AL.

09-602 BOYD, DAVID V. GUIDANT SALES CORP.

09-606 JAVITCH, BLOCK & RATHBONE, LLP V. HARTMAN, DELORES, ET AL.

09-608 SINCERELY YOURS, INC., ET AL. V. COOPER, BERTRAM, ET AL.

09-687) UNC LEAR SERVICES, INC., ET AL. V. SAUDI ARABIA, ET AL.

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09-845) SAUDI ARABIA, ET AL. V. UNC LEAR SERVICES, INC, ET AL.

09-705 MOLINA, FRANCISCO V. SUPERIOR COURT OF CA, ET AL.

09-707 JOHNSON, BEULAH V. KMART CORPORATION, ET AL.

09-708 ST. LUKE'S OF THE MOUNTAINS V. EPISCOPAL CHURCH

09-712 FELDERHOF, INGRID V. JENKINS & GILCHRIST, ET AL.

09-713 WOODRING, JOSEPH A. V. MICHIGAN

09-715 SMITH, WILLIAM V. FRIEDMAN, ALVIN, ET AL.

09-720 RANSFORD, ORA M., ET AL. V. GRIFFIN WHEEL COMPANY, INC.

09-722 GREEN, HAROLD V. CLEARY WATER AND FIRE DISTRICT

09-735 ALEXANDER, JON D. V. SMITH, CHARLES E., ET AL.
09-738 PHILIPPS, JOHN V. OAKLAND, CA, ET AL.
09-739 PENNMONT SECURITIES V. FRUCHER, MEYER, ET AL.
09-746 BEVERLY ENTERPRISES-IL, INC. V. MITCHELL, VIRGINIA
09-747 BEVERLY ENTERPRISES-IL, INC. V. BLAZIER, MARTHA
09-749 RATCLIFF, ELIJAH W. V. LHR, INC.
09-754 MIDWEST PIPE INSULATION, INC. V. MINNEAPOLIS PIPEFITTERS UNION
09-756 BOURGEOIS, JEFFREY C., ET AL. V. BOOMTOWN, L.L.C., ET AL.
09-759 EXELON CORPORATION V. IL DEPT. OF REVENUE, ET AL.
09-760 ALSOBROOK, KEEFE, ET AL. V. UPS GROUND FREIGHT, INC.
09-761 HOFFART, SYLVESTER J. V. HERMAN, BOB, ET AL.
09-765 POLAR EQUIP., INC., ET AL. V. BAKER, GRANT, ET AL.
09-769 DIAMOND OFFSHORE DRILLING, INC. V. LEWIS, JIMMY
09-777 SAN CLEMENTE, CA V. KLEIN, STEVE, ET AL.
09-782 MAGEE, MARVIN C. V. UNITED STATES
09-791 LEWIS, MARK A. V. BELL ATLANTIC/VERIZON, ET AL.
09-792 REMPFER, THOMAS V. HAMBURG, COMM'R, FDA
09-794 BEVERLY, ARNOLD D. V. FEC
09-796 NEUMAN, MICHAEL V. CALIFORNIA
09-829 DAVID, LOREN V. MONSANTO COMPANY, ET AL.
09-831 MIHELICH, JONI, ET AL. V. ACTIVE PLUMBING SUPPLY CO.
09-833 LEWIS, THOMAS P. V. UNITED STATES, ET AL.
09-853 FRIEDLANDER, ARIEL V. PORT JEWISH CENTER
09-855 FULSON, FREDDIE L. V. McCLATCHEY, LARRY J.
09-860 PRADIER, MONA V. USPS
09-867 MORRISON, DONALD L. V. UNITED STATES
09-869 ANDERSON, DON B. V. FBI
09-874 WOODWORTH, KENNETH L. V. MABUS, SEC. OF NAVY

09-878 UCCIFERRI, NICANDRO V. CHANDLER, WARDEN
09-881 RTM MEDIA, L.L.C. V. HOUSTON, TX
09-883 CEASAR, VALERY V. V. NORD, NANCY A., ET AL.
09-891 NUCOR CORP., ET AL. V. BROWN, QUINTON, ET AL.
09-896 MILLS, BRENDA V. UNITED STATES
09-898 WADHWA, DOM, ET AL. V. SHINSEKI, SEC. OF VA, ET AL.
09-899 ASHQAR, ABDELHALEM H V. UNITED STATES
09-902 GRIMM, ROBERT L. V. GRIMM, BEVERLY
09-905 SQUILLACOTE, THERESA M. V. UNITED STATES
09-5220 WHITNEY, ARLENE B. V. CALIFORNIA, ET AL.
09-6742 GOULD, BRIAN L. V. UNITED STATES
09-6839 SMITH, LEVI W. V. THALER, DIR., TX DCJ
09-7132 DOE, JANE V. UNITED STATES
09-7294 SOLOMON, DONNA T. V. PIONEER ADULT REHAB.
09-7306 ASBURY, GEORGETTE R. V. ROANOKE, VA
09-7385 HARRIS, SHANNON K. V. UNITED STATES
09-7414 KING, JEREMIAH V. UNITED STATES
09-7568 GOODEN, HOPETON V. UNITED STATES
09-7577 PUGA-OCHOA, JESUS V. UNITED STATES
09-7674 SMITH, DEMETRIUS D. V. TEXAS
09-7777 HARBISON, EDWARD J. V. LITTLE, COMM'R, TN DOC, ET AL.
09-7784 SKINNER, HENRY W. V. THALER, DIR., TX DCJ
09-8052 HOWARD, TONY V. FLORES, WARDEN
09-8129 GARCIA, OVIDIO V. TEXAS
09-8132 GRAVES, GERALD W. V. TEXAS
09-8135 FULLER, CURTIS V. BURNETT, DAVE J., ET AL.
09-8136 HENDERSON, THURMAN L. V. THALER, DIR., TX DCJ
09-8138 JOHNSON, REGINALD V. PENNSYLVANIA

09-8139 GREER, BRUCE M. V. NELSON, WARDEN
09-8140 FLORES, MARK R. V. THALER, DIR., TX DCJ
09-8143 HERNANDEZ, MANUEL J. V. THALER, DIR., TX DCJ
09-8145 MALPASS, KENNETH B. V. POWELSON, JUDITH C.
09-8146 MINTER, GEORGE P. V. INDIANA
09-8149 COLE, TONEY V. ILLINOIS
09-8150 DAVIS, BOBBY J. V. THALER, DIR., TX DCJ
09-8152 CALTON, ALLEN F. V. THALER, DIR., TX DCJ
09-8155 WHITE, BRODERICK V. STATE FARM LIFE INS. CO.
09-8156 WEINBERG, KENNETH L. V. FLORIDA
09-8164 BREWSTER, WILLIAM J. V. MILLS, WARDEN
09-8168 HALE, LYNDON V. THALER, DIR., TX DCJ
09-8169 GLASS, BRUCE V. WILLIAMS, WARDEN
09-8170 HORTON, ROGER L. V. VIRGINIA
09-8172 SCOTT, SEAN V. MARYLAND
09-8173 SMITH, JAMES R. V. NEW JERSEY
09-8174 SMITH, FREDERICK J. V. WORTHY, KIM, ET AL.
09-8176 EZIKE, ROMEO V. MITTAL, LAKSHMI, ET AL.
09-8177 CRAIN, STEVEN V. TUTOR, RONALD N., ET AL.
09-8178 FRYBURGER, ROBERT L. V. CURRY, WARDEN
09-8179 HARRIS, JASPER V. VA EMPLOY. COMMISSION
09-8180 GRINER, DEWEY N. V. McNEIL, SEC., FL DOC, ET AL.
09-8181 ROOT, WAYNE E. V. CHUA, PEARLEY
09-8182 NUNEZ, DIEGO V. McNEIL, SEC., FL DOC, ET AL.
09-8184 YOUNKER, AARON D. V. OHIO
09-8189 ROLLEN, EDDIE M. V. CALIFORNIA
09-8192 HINTON, ANTONIO V. McQUILLAN, M., ET AL.
09-8193 GRAYSON, TYRONE D. V. THALER, DIR., TX DCJ

09-8194 HAYNES, MICHAEL R. V. OREGON, ET AL.
09-8200 BLACKMER, PAUL V. BLAISDELL, WARDEN
09-8203 MAXWELL, JOSHUA V. THALER, DIR., TX DCJ
09-8210 SIMPSON, RICHARD J. V. CORRECTIONAL MEDICAL SERVICES
09-8213 THIBEAU, STEPHEN D. V. MASSACHUSETTS
09-8221 SEMPLE, TRACY V. MASSACHUSETTS
09-8229 WILSON, TONY A. V. JACOBS, SAHBRA S.
09-8230 WATSON, WILLIE V. NEIGHBORS CREDIT UNION, ET AL.
09-8232 SKIPPER, DAVID G. V. WORTHINGTON, WARDEN
09-8234 HARRIS, JASPER V. WHINNEY, PAUL, ET AL.
09-8238 PRICE, LAWRENCE W. V. OHIO
09-8239 McCRAY, DONALD R. V. HARRIS COUNTY, TX, ET AL.
09-8240 UPCHURCH, ROGER D. V. TEXAS
09-8241 WEBER, HENRY F. V. CAIN, WARDEN
09-8244 BURNEY, SHAUN K. V. CALIFORNIA
09-8250 REYES, PAUL K. V. OLIVER, MAGGIE T.
09-8263 WALTERS, MARTIN V. FLORIDA
09-8267 RAGAN, AMOS V. McNEIL, SEC., FL DOC
09-8268 SHELLING, ROY N. V. THALER, DIR., TX DCJ
09-8270 SMITH, CHARLES J. V. JOHNSON, DIR., VA DOC
09-8271 SALERNO, DENNIS M. V. MICHIGAN
09-8275 LUCAS, DANIEL A. V. UPTON, WARDEN
09-8276 ALFRED, PETER R. V. FORTCH WADE CORRECTIONAL CENTER
09-8277 BROWN, IESHIA V. ILLINOIS
09-8278 ALBADA, MERVYN L. V. TEXAS
09-8283 BAUM, UUNO M. V. RUSHTON, WARDEN
09-8284 ALEJO, JESSE V. CALIFORNIA
09-8291 CHRISTIAN, DAVID K. V. DINGLE, WARDEN

09-8293 ROGERS, RAMON J. V. CALIFORNIA
09-8296 BINGHAM, RONALD C. V. TEXAS
09-8301 TATE, JOHN W. V. NEW JERSEY
09-8303 WOODSON, CARLOS L. V. RUNDLE-FERNANDEZ, KATHERINE
09-8304 TOMPSON, JUDITH V. SALEM, NH
09-8305 WOOTEN, ANTHONY V. MICHIGAN
09-8306 THRASHER, DAVID V. PRISON OFFICIAL
09-8307 TRUSS, LEARNARDO V. THOMAS, WARDEN, ET AL.
09-8308 MORRIS, RICHARD V. ILLINOIS
09-8311 TINKHAM, DAVID V. KNIGHT, SUPT., PLAINFIELD
09-8312 WILLIAMS, ROBERT L. V. ARKANSAS
09-8316 STAFFORD, KENDRICK V. FLORIDA
09-8317 TUCKER, CHARLES F. V. GEORGIA
09-8338 JALOWIEC, STANLEY E. V. BRADSHAW, WARDEN
09-8354 DAVIS, ADDOLFO V. ILLINOIS
09-8357 LEATH, STEVEN V. UNITED STATES
09-8362 PAYAN, ABRAM L. V. NEBRASKA
09-8373 SMITH, KAREEM V. NAPOLI, SUPT., SOUTHPORT
09-8417 BECKFORD, WAYNE A. V. HOLDER, ATT'Y GEN.
09-8418 WATSON, SPARKEY D. V. MISSISSIPPI
09-8421 PARNIANI, FARIBA V. CARDINAL HEALTH, INC., ET AL.
09-8426 JUDD, KEITH R. V. UNITED STATES
09-8428 ORANGE, RANDELL V. ELLIS, EMANUEL, ET AL.
09-8432 NIKIFORAKIS, MICHAEL V. STANEK, RICHARD W.
09-8437 WILLIAMS, ROBERT V. UNITED STATES
09-8442 KNOWLES, JAMES V. McNEIL, SEC., FL DOC, ET AL.
09-8443 LEMON, CURTIS J. V. SOUTH CAROLINA, ET AL.
09-8444 CLAYTON, RODRICK V. UNITED STATES

09-8451 WILSON, CALVIN V. FLORIDA
09-8462 YOUNG, BARRY V. CORBETT, ATT'Y GEN. OF PA
09-8466 JAFFE, RALPH V. BALTIMORE COUNTY LIBRARY BOARD
09-8478 PITCHFORD, FREDERICK L. V. SOUTHLAND GAMING AND RACING
09-8486 FOXWORTH, ROBERT V. ST. AMAND, SUPT., CEDAR JUNCTION
09-8487 HOLLAND, WELLS V. HOLLAND, RENEE
09-8488 SCROGGINS, VICTOR V. DAVIS, MATTHEW, ET AL.
09-8493 GOLDSTON, MICHAEL W. V. NORTH CAROLINA
09-8496 HOPKINS, EDWARD J. V. UNITED STATES
09-8504 WILLIAMS, THRESA L. V. UNIVERSITY OF ALABAMA HOSPITAL
09-8510 FRANKLIN, LAROD V. ILLINOIS
09-8514 LEE, JOHN W. V. GANSLER, ATT'Y GEN. OF MD
09-8522 TATUM, BILLY R. V. UNITED STATES
09-8541 CHAVIS-TUCKER, JAMES V. HUDSON, WARDEN
09-8543 BLAKELY, RALPH H. V. QUINN, SUPT., MONROE
09-8552 PETE, CLARENCE V. UNITED STATES
09-8557 KIRK, MARK V. PHELPS, WARDEN
09-8596 WEBB, CHARLES L. V. UNITED STATES
09-8602 GLASPER, MICHAEL V. ILLINOIS
09-8609 DOROSAN, CLARENCE P. V. UNITED STATES
09-8619 GRANT, JEROME V. UNITED STATES
09-8622 PEACOCK, CURTIS A. V. COMM. BAR EXAMINERS, CA
09-8624 JENNINGS, LAURA A. V. SALLIE MAE, INC.
09-8641 MAYFIELD, WILLIAM L. V. WEST VIRGINIA
09-8645 JOHNSON, BERNARD V. SMITH, SUPT., SHAWANGUNK
09-8651 UNDERWOOD, DWAYNE V. UNITED STATES
09-8656 MANESS, BRET F. V. UNITED STATES
09-8659 YORK, PHILLIP V. CHAPMAN, WARDEN

09-8660 WHEELER, QUINTON V. LAPPIN, DIR., BOP, ET AL.
09-8675 BAKER, SAMUEL E. V. UNITED STATES
09-8683 BROWN, TERRY V. UNITED STATES
09-8687 SANDOVAL-ROJAS, ELIAS V. UNITED STATES
09-8689 SOLIS, BALDEMAR V. UNITED STATES
09-8692 HANKERSON, DARREN E. V. UNITED STATES
09-8693 HERNANDEZ, JOSE V. UNITED STATES
09-8694 FINLEY, RICHARD J. V. UNITED STATES
09-8696 ENGLISH, DONALD G. V. UNITED STATES
09-8702 LANDERS, STEVEN V. UNITED STATES
09-8703 LOPEZ, GABRIELE V. UNITED STATES
09-8704 KAPLAN, RACHEL V. MULLIGAN, MARK, ET AL.
09-8705 RUDZAVICE, JAMES L. V. UNITED STATES
09-8707 MCKINNEY, OTHNIEL V. UNITED STATES
09-8710 PYNE, CHARLES V. UNITED STATES
09-8716 BARFIELD, CHRISTOPHER V. UNITED STATES
09-8724 CAIN, LaANTHONY C. V. UNITED STATES
09-8727 DEITZ, REX A. V. UNITED STATES
09-8728 OROSCO-IBARRA, MARTIN V. UNITED STATES
09-8731 SANCHEZ-LUGO, FAUSTINO V. UNITED STATES
09-8732 SERRANO-MEZA, JOSE J. V. UNITED STATES
09-8738 PREWETT, DANIEL V. UNITED STATES
09-8740 BUSH, DERRICK V. UNITED STATES
09-8743 VEGA-COSME, MIGUEL V. UNITED STATES
09-8748 MOSCA, DAVID A. V. ARTUS, SUPT., CLINTON
09-8749 WHITE, MARLON A. V. UNITED STATES
09-8750 CASTANEDA, FRANCISCO M. V. UNITED STATES
09-8753 JACKSON, MIEKO C. V. UNITED STATES

09-8761 HAQUE, ABRAR V. UNITED STATES
09-8763 FUENTES-VALDIVA, FABIAN V. UNITED STATES
09-8764 HAYFORD, SHEILA M. V. UNITED STATES
09-8767 YOUNG, MICHAEL D. V. UNITED STATES
09-8768 ROBINSON, JESSE V. UNITED STATES
09-8774 PERIBIAN-GONZALEZ, CUATEMOC V. UNITED STATES
09-8778 McDANIELS, KEVIN W. V. UNITED STATES
09-8780 CASTILLO-RAMIREZ, OSCAR V. UNITED STATES
09-8783 JOOST, ROBERT M. V. UNITED STATES
09-8785 JACKSON, DERON E. V. UNITED STATES
09-8789 URBINA-ACEVEDO, JORGE L., ET AL. V. UNITED STATES
09-8790 AM, SAMNANG V. UNITED STATES
09-8795 BROWN, ISSAC J. V. UNITED STATES
09-8797 SORRELL, ELMER M. V. UNITED STATES
09-8801 QUIROZ-MENDEZ, ALBERTO V. UNITED STATES
09-8803 FLETCHER, JUSTIN M. V. UNITED STATES
09-8804 FREDRICK, EUGENE V. UNITED STATES
09-8805 HOWARD, IRA W. V. UNITED STATES
09-8806 THOMAS, ANTHONY V. UNITED STATES
09-8807 WAITHE, DEREK A. V. UNITED STATES
09-8808 WELCH, SAMMY V. UNITED STATES
09-8809 WARREN, TROY V. UNITED STATES
09-8811 MARTINEZ, CARLOS D. V. UNITED STATES
09-8813 KING, JAMES T. V. UNITED STATES
09-8814 MONGHAN, JESSIE V. UNITED STATES
09-8816 JIMENEZ, JONATHAN V. UNITED STATES
09-8818 VALENCIA-TRUJILLO, JOAQUIN M. V. UNITED STATES
09-8819 PETERS, SHANNON A. V. UNITED STATES

09-8820 PUOK, GOKGOK V. UNITED STATES
09-8821 ISHKHANIAN, ARTHUR V. UNITED STATES
09-8828 CUPP, STEVEN O. V. UNITED STATES
09-8836 BERNARD, LAURA W. V. CHAPMAN, WARDEN, ET AL.
09-8839 VICKERS, RODERICK V. UNITED STATES
09-8840 REYES, ANGEL V. UNITED STATES
09-8843 REED, RODRICK C. V. UNITED STATES
09-8846 CRAWFORD, CARL D. V. FRIMEL, EDWARD M., ET AL.
09-8849 REVELS, FREDERICK L. V. REYNOLDS, JAMES, ET AL.
09-8851 WHITE, DAVID L. V. UNITED STATES
09-8853 JOHNSON, RICHARD D. V. UNITED STATES

The petitions for writs of certiorari are denied.

09-625 LFP PUBLISHING GROUP, LLC V. TOFFOLONI, MAUREEN

The motion of The Reporters Committee for Freedom of the Press, et al. for leave to file a brief as *amici curiae* is granted. The motion of First Amendment Lawyers Association for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

09-723 AURELIUS CAPITAL, ET AL. V. ARGENTINA, ET AL.

The petition for a writ of certiorari is denied. Justice Sotomayor took no part in the consideration or decision of this petition.

09-8128 HAFED, SHAABAN S. V. ISRAEL, ET AL.

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8. As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from

petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U.S. 1 (1992) (*per curiam*). Justice Stevens dissents. See *id.*, at 4, and cases cited therein.

09-8158 DANDAR, RONALD G. V. KRYSEVIG, MARK, ET AL.

09-8242 VIVONE, THOMAS A. V. SIMON, CLERK, ETC.

The motions of petitioners for leave to proceed *in forma pauperis* are denied, and the petitions for writs of certiorari are dismissed. See Rule 39.8.

09-8259 REDFORD, MIKE V. GWINNETT COUNTY JUDICIAL CIRCUIT

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8. As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U.S. 1 (1992) (*per curiam*). Justice Stevens dissents. See *id.*, at 4, and cases cited therein.

09-8430 PAYNE, RAYMOND V. SCARNATI, JOSEPH B., ET AL.

The petition for a writ of certiorari is denied. Justice Alito took no part in the consideration or decision of this petition.

09-8517 LASKEY, LAURIE M. V. CISCO TECHNOLOGY, INC.

The petition for a writ of certiorari is denied. Justice Breyer took no part in the consideration or decision of this

petition.

09-8604 DOERR, DONALD W. V. WALKER, DAN, ET AL.

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8.

HABEAS CORPUS DENIED

09-8824 IN RE CHARLES SWEENEY

The petition for a writ of habeas corpus is denied.

MANDAMUS DENIED

09-8154 IN RE JAMES D. TAYLOR

09-8793 IN RE RAYMOND B. BELTON

The petitions for writs of mandamus are denied.

REHEARINGS DENIED

09-472 SPANN, WANDA, ET VIR V. COBB COUNTY SUPERIOR COURT

09-6043 SMITH, KELVIN L. V. UNITED STATES

09-6811 DUMAS, LINELL L. V. WONG, WARDEN

09-6995 RIGGINS, RICHARD P. V. TEXAS

09-7170 CARMONA, NELSON V. ASTRUE, COMM'R, SOCIAL SEC.

09-7258 IN RE ANDREW E. NEWMAN

09-7357 SCHRADER, JANICE L. V. TURNER, ROBERT F., ET AL.

09-7426 DAVIS, BRYAN V. CA WESTERN SCHOOL OF LAW, ET AL.

09-7523 WATSON, DOUGLAS B. V. UNITED STATES

The petitions for rehearing are denied.

ATTORNEY DISCIPLINE

D-2464 IN THE MATTER OF DISCIPLINE OF MANNY M. ARAGON

Manny M. Aragon, of Albuquerque, New Mexico, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he

should not be disbarred from the practice of law in this Court.

D-2465

IN THE MATTER OF DISCIPLINE OF EDDIE MICHAEL POPE

Eddie Michael Pope, of Austin, Texas, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

Per Curiam

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES

JAMAL KIYEMBA ET AL. *v.* BARACK H. OBAMA,
PRESIDENT OF THE UNITED STATES ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE DISTRICT OF
COLUMBIA CIRCUIT

No. 08–1234. Decided March 1, 2010

PER CURIAM.

We granted certiorari, 558 U. S. ____ (2009), on the question whether a federal court exercising habeas jurisdiction has the power to order the release of prisoners held at Guantanamo Bay “where the Executive detention is indefinite and without authorization in law, and release into the continental United States is the only possible effective remedy,” Pet. for Cert. i. By now, however, each of the detainees at issue in this case has received at least one offer of resettlement in another country. Most of the detainees have accepted an offer of resettlement; five detainees, however, have rejected two such offers and are still being held at Guantanamo Bay.

This change in the underlying facts may affect the legal issues presented. No court has yet ruled in this case in light of the new facts, and we decline to be the first to do so. See, e.g., *Cutter v. Wilkinson*, 544 U. S. 709, 718, n. 7 (2005) (“[W]e are a court of review, not of first view”).

Under these circumstances, we vacate the judgment and remand the case to the United States Court of Appeals for the District of Columbia Circuit. It should determine, in the first instance, what further proceedings in that court or in the District Court are necessary and appropriate for

Per Curiam

the full and prompt disposition of the case in light of the new developments.

It is so ordered.

STEVENS, J., dissenting

SUPREME COURT OF THE UNITED STATES

FLORIDA *v.* THOMAS WILLIAM RIGTERINK

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME
COURT OF FLORIDA

No. 08–1229. Decided March 1, 2010

The motion of respondent for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the Supreme Court of Florida for further consideration in light of *Florida v. Powell*, 559 U. S. ____ (2010).

JUSTICE STEVENS, dissenting.

In my view, the judgment below rested upon an adequate and independent state ground and the Court therefore lacks jurisdiction over this case. See *Florida v. Powell*, 559 U. S. ____, ____ (2010) (slip op., at 1–8) (STEVENS, J., dissenting). Indeed, the independence of the state-law ground in this case is even clearer than in *Powell* because the Florida Supreme Court expressly acknowledged its obligation “to give independent legal import to every phrase and clause contained” in the State Constitution, 2 So. 3d 221, 241 (2009) (quoting *Traylor v. State*, 596 So. 2d 957, 962 (Fla. 1992)), and stated that “the federal Constitution sets the floor, not the ceiling, and this Court retains the ability to interpret the right against self-incrimination afforded by the Florida Constitution more broadly than that afforded by its federal counterpart,” 2 So. 3d, at 241. Because the independence of the state-law ground is “clear from the face of the opinion,” *Michigan v. Long*, 463 U. S. 1032, 1041 (1983), we do not have power to vacate the judgment of the Florida Supreme Court.

I therefore respectfully dissent.

ROBERTS, C. J., dissenting

SUPREME COURT OF THE UNITED STATES

WILSON JOHN MACHADO AND JOREMA
CABRERA ARELLANO *v.* ERIC H.
HOLDER, JR., ATTORNEY
GENERAL

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

No. 08–7721. Decided March 1, 2010

The motion of petitioners for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Fourth Circuit for further consideration in light of the position asserted by the Solicitor General in her brief for the respondent filed August 26, 2009.

CHIEF JUSTICE ROBERTS, with whom JUSTICE SCALIA, JUSTICE THOMAS, and JUSTICE ALITO join, dissenting.

I dissent from the Court’s decision to grant the petition, vacate the judgment, and remand the case. The Court does this in deference to the Government’s suggestion that the Court of Appeals ignored petitioners’ nonconstitutional claim of ineffective assistance of counsel. The Government does not, however, take the position that the judgment reached by the Court of Appeals was incorrect, and this Court has not independently examined the merits of that judgment. In such circumstances, there are insufficient grounds for vacating the judgment below. See *Nunez v. United States*, 554 U. S. ___, ___ (2008) (SCALIA, J., dissenting).

This disposition is especially inappropriate in this case, as petitioners do not appear to have raised—in the Court of Appeals or in their petition for certiorari—the claim that the Government asserts was ignored by the Court of Appeals. Petitioners argued below that their counsel’s

ROBERTS, C. J., dissenting

poor performance deprived them of their *constitutional* right to the effective assistance of counsel. But they did not explicitly assert a right to effective assistance based on any source of law other than the Constitution. In their petition for certiorari, moreover, petitioners disclaimed any nonconstitutional basis for relief when they argued that, by denying the existence of a constitutional right to the effective assistance of counsel, the Fourth Circuit's decision "allow[s] *no recourse* for a particular alien against dishonest or corrupt immigration practitioners." Pet. for Cert. 11 (emphasis added). This sentence would make no sense if petitioners were advancing both constitutional and nonconstitutional grounds for relief on their claim.

Instead of granting, vacating, and remanding, I would deny the petition for certiorari.