

(ORDER LIST: 559 U.S.)

MONDAY, MARCH 22, 2010

**CERTIORARI -- SUMMARY DISPOSITION**

08-1264 OBEROI, TEJBIR S. V. UNITED STATES

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Second Circuit for further consideration in light of *Bloate v. United States*, 559 U.S. \_\_\_ (2010). Justice Sotomayor took no part in the consideration or decision of this petition.

**ORDERS IN PENDING CASES**

09M74 YARCHESKI, THOMAS, ET UX. V. NAPLES, ME

The motion to direct the Clerk to file a petition for a writ of certiorari out of time under Rule 14.5 is denied.

09M75 MILLER, ERNEST V. CALIFORNIA

09M76 MILLER, ERNEST V. CALIFORNIA

09M77 MILLER, ERNEST V. CALIFORNIA

The motions to direct the Clerk to file petitions for writs of certiorari out of time are denied.

09M78 BISHOP, WINFORD K. V. DEPT. DISCIPLINARY COMM.

The motion for leave to proceed *in forma pauperis* with the declaration of indigency under seal is denied.

09M79 RODABAUGH, DALE S. V. VAZQUEZ, WARDEN

09M80 KALMAN, JOSEPH V. FOX ROTHSCHILD, L.L.P., ET AL.

The motions to direct the Clerk to file petitions for writs of certiorari out of time are denied.

- 1, ORIG. ) WISCONSIN, ET AL. V. ILLINOIS, ET AL.
- )
- 2, ORIG. ) MICHIGAN V. ILLINOIS, ET AL.
- )
- 3, ORIG. ) NEW YORK V. ILLINOIS, ET AL.

The renewed motion of Michigan for preliminary injunction is denied.

- 09-350 LOS ANGELES COUNTY, CA V. HUMPHRIES, CRAIG A., ET UX.

The motion of petitioner to dispense with printing the joint appendix is granted.

- 09-367 DOLAN, BRIAN R. V. UNITED STATES

The motion of petitioner for leave to proceed further herein *in forma pauperis* and for appointment of counsel is granted. Pamela S. Karlan, Esq., of Stanford, California, is appointed to serve as counsel for the petitioner in this case.

- 09-7147 MUNIZ, FRANK M. V. MARSHALL, WARDEN

- 09-7266 PARKER, CHARLES H. V. LOUISIANA

- 09-7282 KARNOFEL, DELORES V. BECK, MARSHALL D., ET AL.

- 09-7461 GHEE, DEDRA V. TARGET NATIONAL BANK

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

- 09-7560 REDZIC, MUSTAFA V. UNITED STATES

- 09-8579 JAUREGUI, WILLIAM C. V. KUTINA, KEVIN

- 09-8745 THOMAS, SHIRLEY L. V. HARMON FAMILY TRUST

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until April 12, 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.

09-8925 ZUCKERMAN, RICHARD P. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until April 12, 2010, 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. Justice Alito took no part in the consideration or decision of this motion.

09-8972 DALLAL, THOMAS A. V. NEW YORK TIMES COMPANY, ET AL.

09-9137 CALDWELL, KEITH R. V. UNITED STATES TAX COURT, ET AL.

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until April 12, 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**

09-571 CONNICK, HARRY F., ET AL. V. THOMPSON, JOHN

The petition for a writ of certiorari is granted limited to Question 1 presented by the petition.

09-658 BELLEQUE, SUPT., OR V. MOORE, RANDY J.

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

09-834 KASTEN, KEVIN V. SAINT-GOBAIN PERFORMANCE PLASTIC

The petition for a writ of certiorari is granted.

09-5801 FLORES-VILLAR, RUBEN V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted.

**CERTIORARI DENIED**

08-1174 HERSH, SUSAN B. V. UNITED STATES  
09-392 MORAN, VIRGIL V. UNITED STATES  
09-446 CALABRESE, ANTHONY V. UNITED STATES  
09-581 KIYEMBA, JAMAL, ET AL. V. OBAMA, PRESIDENT OF U.S., ET AL.  
09-592 McCULLEN, ELEANOR, ET AL. V. COAKLEY, ATT'Y GEN. OF MA  
09-640 MOLINA-DE LA VILLA, VICTOR W. V. HOLDER, ATT'Y GEN.  
09-665 MARTINEZ, SAUL G. V. HOLDER, ATT'Y GEN.  
09-674 ALLIANCE SHIPPERS, INC. V. PENOBSCOT FOODS, INC., ET AL.  
09-729 TOWNES, CARL M. V. JARVIS, WARDEN, ET AL.  
09-736 HUDSON, STEVEN A., ET AL. V. UNITED STATES  
09-807 DENEAL, JAMES H. V. SHAVER, RONNY  
09-808 BECK, FRED, ET AL. V. KOPPERS, INC., ET AL.  
09-809 EAMES, THOMAS, ET AL. V. NATIONWIDE MUTUAL INS. COMPANY  
09-814 GORTHO, LTD. V. AUTO-OWNERS INS. CO.  
09-816 DOE, J. V. DUNCAN, RICHARD L., ET AL.  
09-818 ROMANIUK, IRENE V. ILLINOIS  
09-822 CENTRA, INC., ET AL. V. CENTRAL STATES  
09-823 STINGLEY, DALE M. V. DEN-MAR INC., ET AL.  
09-825 BURDICK, GEORGE E. V. PRITCHETT & BIRCH, PLLC, ET AL.  
09-827 DAVEY, JAMES, ET UX. V. PRATT, ROBERT L., ET UX.  
09-828 KUHAR, IVAN V. MARC GLASSMAN, INC.  
09-835 WILSON, GAIL V. SAN LUIS OBISPO DEM. CTRL. COMM.  
09-836 POLLACK, STEVEN B., ET AL. V. DEPT. OF JUSTICE, ET AL.  
09-838 FOTHERGILL, LUCY, ET AL. V. UNITED STATES  
09-839 HOOD, SYBLE, ET AL. V. EDWARD D. JONES & CO., ET AL.  
09-841 HOUSTON SCHOOL DISTRICT V. V. P.  
09-842 HUSS, BARBARA, ET VIR V. GAYDEN, JOHN O., ET AL.

09-843 HOAI, THANH V., ET AL. V. SUPERIOR COURT OF DC, ET AL.  
09-847 LOOSE, TERENCE V. CADKIN, EMIL, ET AL.  
09-848 WILLIAMS, ALVIN L. V. THORSEN, CHARLES A.  
09-850 WRENCH TRANS. SYS., INC., ET AL. V. KENNEDY, JOHN F., ET AL.  
09-851 BEXAR COUNTY, TX, ET AL. V. LYTLE, EARNEST  
09-854 FORTIS INSURANCE CO. V. MITCHELL, JEROME  
09-858 WOODWARD, JOHN S. V. MINNESOTA  
09-863 RUSSO, MICHAEL, ET AL. V. O'NEAL, RODERICK, ET AL.  
09-886 STEIN, ALAN, ET UX. V. PARADIGM MIRASOL, LLC  
09-895 DeANGELIS, V. R., ET AL. V. CIR  
09-897 NARCISO-CABRERA, ARMANDO V. HOLDER, ATT'Y GEN.  
09-903 SHREFFLER, MICHAEL V. LEWIS, DARRYL L.  
09-904 SOUTH WEST SAND & GRAVEL, INC. V. CENTRAL ARIZONA WATER  
09-909 DAVIS, KEVIN, ET AL. V. UNITED STATES  
09-921 ELMO GREER & SONS CONSTRUCTION V. GOFF, DAVID, ET AL.  
09-926 HARPER, ROBERT V. DART, SHERIFF, ET AL.  
09-927 HINSON, KEVIN L. V. UNITED STATES  
09-932 BETZ, MARLENE V. NAPOLITANO, SEC. OF HOMELAND  
09-933 MILLER, JANEEN, ET AL. V. NICHOLS, KRISTEN, ET AL.  
09-934 PROCTOR, CLAYTON L. V. LOCAL GOVT. RETIREMENT, ET AL.  
09-936 COUNCIL, RODREQUIS A. V. UNITED STATES  
09-941 DISRAELI, DAVID H. V. SEC  
09-954 RODRIGUEZ, ISIDORO V. VIRGINIA EMPLOYMENT COMM'N  
09-967 US INFRASTRUCTURE, INC., ET AL. V. UNITED STATES  
09-6682 HILL, RICHARD A. V. UNITED STATES  
09-6823 THOMAS, BRIAN V. BEARD, SEC., PA DOC, ET AL.  
09-6977 LAWRENCE, DARYL V. UNITED STATES  
09-7018 GODINEZ-ORTIZ, PEDRO V. UNITED STATES

09-7250 TUCKER, ANTOINE V. UNITED STATES  
09-7252 MAY, GREGORY V. UNITED STATES  
09-7322 GRUBERT, MICHAEL T. V. UNITED STATES  
09-7519 ACOSTA-LARIOS, AUDEL V. UNITED STATES  
09-7553 CURL, ROBERT Z. V. CALIFORNIA  
09-7576 SVETE, DAVID W. V. UNITED STATES  
09-7631 COLLIER, ANDRE L. V. UNITED STATES  
09-7699 HOFFMAN, BRUCE W. V. HOFFMAN, FRANCES J.  
09-7741 PIK, JIRI V. INST. OF INT'L ED., INC., ET AL.  
09-7757 BARTEE, ANTHONY V. THALER, DIR., TX DCJ  
09-7964 WRIGHT, GERALD V. UNITED STATES  
09-8066 PHILMORE, LENARD V. McNEIL, SEC., FL DOC  
09-8422 MEINHARD, JIMMY D. V. TURLEY, WARDEN  
09-8427 JUDD, KEITH R. V. NEW MEXICO  
09-8434 ALEXANDER, DETWONNE M. V. TEXAS  
09-8441 JACKSON, FERNANDO V. FLORIDA  
09-8448 MILLEN, HOMER A. V. UPTON, WARDEN  
09-8454 BELCHER, EDMOND D. V. FLORIDA  
09-8463 WHITE, JESSE, ET UX. V. MORT. ELEC. REG. SYS., INC.  
09-8465 KING, WILLIAM V. CALIFORNIA  
09-8470 SANCHEZ, CANDELARIO V. PENNSYLVANIA  
09-8473 SHAVERS, MICHAEL V. BERGH, WARDEN, ET AL.  
09-8481 BLAND, TERRY G. V. ALABAMA  
09-8489 SMITH, WILBERT V. VIRGINIA  
09-8497 GALINDO, JORGE V. NEBRASKA  
09-8502 P. S., ET AL. V. FRANKLIN CTY. CHILDREN SERVICES  
09-8507 FLOYD, BYRON V. FLORIDA  
09-8513 HUNTER, HUGH V. OHIO

09-8525 PRITCHARD, ROBERT T. V. FAYETTE CTY. ELECTION BUREAU  
09-8526 YOUNG, ALBERT A. V. DiGUGLIELMO, SUPT., GRATERFORD  
09-8527 MILLER, MICHAEL H. V. FLORIDA  
09-8528 WESBROOK, COY W. V. THALER, DIR., TX DCJ  
09-8529 WALLS, WILLIAM V. PHILIPS, LARRY J.  
09-8530 WINSTON, DERRICK V. ADAMS, WARDEN  
09-8533 LaFAVORS, HENRY J. V. FL DOC  
09-8546 BOOTHE, DAYNE R. V. FLORIDA  
09-8550 WALKER, MICHELLE R. V. MICHIGAN  
09-8551 PARKER, LEE H. V. RANDLE, DIR., IL DOC, ET AL.  
09-8555 THOMAS, PHILIP B. V. McNEIL, SEC., FL DOC, ET AL.  
09-8558 MILLER, GEORGE V. McDONOUGH, SEC., FL DOC  
09-8560 McKINNEY, DERRICK V. PALAKOVICH, SUPT., CAMP HILL  
09-8564 BEEDE, JAMES N. V. THALER, DIR., TX DCJ  
09-8568 COOLEY, POCAHONTAS V. KELLY, PAUL J., ET UX.  
09-8570 DUNSON, RICHARD E. V. MINNESOTA  
09-8571 BEVERLEY, DONNIE D. V. JOHNSON, DIR., VA DOC  
09-8572 ANAYA, RICHARD E. V. CALIFORNIA  
09-8574 SAHU, GIRISH C. V. ASTRUE, COMM'R, SOCIAL SEC.  
09-8575 SCOTT, CHARLES E. V. ALABAMA  
09-8576 ROWELL, LAMARR V. NEVADA  
09-8578 JOHNSON, CEKOVEN V. HOREL, WARDEN  
09-8580 KINCAID, BEN H. V. TEXAS  
09-8582 TEAGUE, JOE E. V. NC DEPT. OF TRANSPORTATION  
09-8584 MOLINA, ARMANDO V. CALIFORNIA  
09-8586 ANAYA, RICHARD E. V. CALIFORNIA  
09-8588 WALLACE, JEROME V. McNEIL, SEC., FL DOC, ET AL.  
09-8593 PARKER, FATIMA V. ALBEMARLE CTY. PUB. SCH., ET AL.

09-8597 CARLILE, YOLANDA V. KANSAS  
09-8599 NATION, LEE D. V. UNITED STATES  
09-8600 SUTTON, RONALD V. WARDEN, WEST CARROL DETENTION  
09-8605 BATAVITCHENE, AUDRONE V. HOLDER, ATT'Y GEN.  
09-8607 BROWN, DOUGLAS R. V. FLORIDA  
09-8623 LOPEZ, JOSE C. V. THALER, DIR., TX DCJ  
09-8625 PIERCE, GARY T. V. IL DEPT. OF HUMAN SVCS.  
09-8628 REYNOSO, TRINIDAD V. SCRIBNER, WARDEN  
09-8637 O'DANIEL, JAMES T. V. OHIO  
09-8648 WORLEY, STEVIE E. V. KENTUCKY  
09-8650 YOUNG, ARDRA V. RENICO, WARDEN  
09-8657 WASHINGTON, ROBERT V. LOUISIANA  
09-8663 OQUBAEGZI, ATSEDE M. V. HOLDER, ATT'Y GEN.  
09-8664 PRINCE, CHRISTOPHER V. LEE, SUPT., GREEN HAVEN  
09-8665 NGHIEM, LOI N. V. KERESTES, JOHN, ET AL.  
09-8667 GODOWN, DALE D. V. MARSHALL, WARDEN  
09-8669 HILL, THOMAS V. MICHIGAN  
09-8676 CAMPBELL, DEJUMA V. NEW YORK  
09-8677 ERVIN, GARY V. OHIO  
09-8678 CANIDA, BOBBY G. V. THALER, DIR., TX DCJ  
09-8680 FOSTER, THOMAS T. V. McNEIL, SEC., FL DOC, ET AL.  
09-8681 MATTHEWS, JEFFREY V. WORKMAN, WARDEN  
09-8682 LOTTER, JOHN L. V. NEBRASKA  
09-8685 BARNES, JOHN V. UNITED STATES  
09-8686 RANKER, RONALD V. CORRECTIONS CORP., ET AL.  
09-8695 CORYELL, SHANNON P. V. CA DOC, ET AL.  
09-8698 CALDERON-LOPEZ, RICARDO J. V. BUDET-RODRIGUEZ, AMARILYS  
09-8699 DOANE, STEVEN W. V. McNEIL, SEC., FL DOC, ET AL.



09-8711 DAMIANO, DEREK A. V. CALIFORNIA  
09-8712 CROCKETT, DUANE A. V. WUGHTER, SUPT., MOHAWK  
09-8720 SMITH, BRIAN K. V. SIMPSON, WARDEN  
09-8736 SCOTT, CLARENCE V. UNITED STATES  
09-8737 MEHTA, SUDESH V. FED. HOME LOAN MORTGAGE CORP.  
09-8756 HERNANDEZ, LUIS I. V. SCHUETZLE, WARDEN  
09-8759 HALLMON, ALBERT V. FLORIDA  
09-8765 MARSDEN, RICHARD V. McGRADY, SUPT., RETREAT, ET AL.  
09-8769 TARKOWSKI, JOHN V. SHINSEKI, SEC. OF VA  
09-8770 DIXON, WATSON V. UNITED STATES  
09-8775 WESTERN, JOHN A. V. CALIFORNIA  
09-8782 KNIGHTEN, JERRY V. ILLINOIS  
09-8784 LEFEVRE, DAVID V. CAIN, WARDEN  
09-8792 WARRINGTON, ROBERT W. V. PHELPS, WARDEN, ET AL.  
09-8794 BOSS, DANIEL L. V. TEXAS  
09-8796 RATHBUN, CHARLES V. JOHNSON, MARK, ET AL.  
09-8800 SAPUTRA, VERRY V. HOLDER, ATTY GEN.  
09-8810 WHITE, DAVID V. FLORIDA  
09-8817 JAMES, TERRANCE L. V. NORTH CAROLINA  
09-8831 PRESTON, ROBERT T. V. CALIFORNIA  
09-8832 MOREHEAD, WILLIAM E. V. ARIZONA  
09-8834 BEACH, CHAD V. MOORE, WARDEN  
09-8835 ALEJO, CARLOS V. MALFI, WARDEN  
09-8838 McNEILL, MICHAEL V. RUFFIN, MIKE  
09-8841 O'NEAL, RONALD D. V. HOBBS, INTERIM DIR., AR DOC  
09-8842 LINDSEY, ROBERT V. McNEIL, SEC., FL DOC  
09-8844 DeVANE, RICHARD A. V. BROWN, WARDEN  
09-8850 ROSADO, STEVE V. NEW YORK

09-8858 SPRINGER, LINDSEY K. V. CIR  
09-8863 COLEMAN, DONNA V. LATTIMORE, WARDEN  
09-8891 BRYANT, JAMES V. V. COLORADO  
09-8896 CONTRERAS, CARLOS V. UNITED STATES  
09-8903 MACKENZIE, EDWARD V. NEW YORK  
09-8905 SMITH, MICHELLE D. V. UNITED STATES  
09-8906 MILLAN, CLAUDIO V. SO. CA EDISON CO.  
09-8907 ALEXANDER, TOMMY V. UNITED STATES  
09-8910 VARNADO, EDDIE L. V. McNEIL, SEC., FL DOC  
09-8913 THOL, VOUTY V. PACHOLKE, SUPT., STAFFORD CREEK  
09-8923 BICKETT, JOSEPH K. V. UNITED STATES  
09-8924 CORREA-ALICEA, EMILIO V. UNITED STATES  
09-8927 TERRY, GARY I. V. UNITED STATES  
09-8929 WHEELER, TYSHAN V. UNITED STATES  
09-8931 KING, BILLY J. V. UNITED STATES  
09-8933 SOLORIO-MUNIZ, SALVADOR V. UNITED STATES  
09-8934 ROUSSOS, THEODORUS V. UNITED STATES  
09-8936 BASSIL, JAMES V. UNITED STATES  
09-8940 NOBLE, GERALD V. UNITED STATES  
09-8941 NIEMI, JAMES V. UNITED STATES  
09-8944 HOPKINS, GEORGE V. UNITED STATES  
09-8945 GARCIA-MUNOZ, APOLINAR V. UNITED STATES  
09-8946 HOOPER, MURRAY V. ILLINOIS  
09-8950 LIVINGSTON, KWADENE V. UNITED STATES  
09-8959 CRUMP, ROBERT A. V. EVANS, WARDEN  
09-8962 SMITH, RONELL V. UNITED STATES  
09-8963 WINTERS, BRADLEY V. UNITED STATES  
09-8964 SCHMIDT, JANNICE M. V. UNITED STATES

09-8966 GIVENS, ELIJAH V. WASHINGTON  
09-8969 PISKANIN, MICHAEL J. V. UNITED STATES  
09-8970 CERVANTEZ, ROBERT C. V. PLILER, WARDEN  
09-8973 LEFTWICH, RALEIGH D. V. GEORGIA  
09-8976 McCRAY, ELIZABETH V. FRANCIS HOWELL SCH. DIST.  
09-8978 MENDOZA, BRYAN V. UNITED STATES  
09-8979 JAMERSON, WILLIE L. V. McNEIL, SEC., FL DOC, ET AL.  
09-8982 CAMPOS-LAGUNAS, NORBELIO V. UNITED STATES  
09-8984 SEBRO, NICOLE V. UNITED STATES  
09-8985 ROSE, CEDRIC V. UNITED STATES  
09-8989 McCOY, RUSTY E. V. UNITED STATES  
09-8991 JENKINS-WATTS, CHANDRA V. UNITED STATES  
09-8993 RAMIREZ, JOSE V. UNITED STATES  
09-8994 REBOLLA-SANCHEZ, LUIS V. UNITED STATES  
09-8995 SOLIS-GARCIA, IGNACIO V. UNITED STATES  
09-8999 BRUNSON, EMMANUEL J. V. UNITED STATES  
09-9003 OWENS, CALVIN L. V. UNITED STATES  
09-9004 JONES, GREGORY V. UNITED STATES  
09-9008 THOMPSON, MICHAEL J. V. UNITED STATES  
09-9010 VALLE, JULIO C. V. UNITED STATES  
09-9012 MIRANDA-RUIZ, JOSE J. V. UNITED STATES  
09-9013 OLIVAS-PORRAS, VICTOR M. V. UNITED STATES  
09-9015 BROWN, MARK E. V. UNITED STATES  
09-9017 TORRES-OLIVERAS, EDWIN V. UNITED STATES  
09-9018 VELAZQUEZ, JOSE H. V. UNITED STATES  
09-9019 BRYANT, DEMETRIUS L. V. UNITED STATES  
09-9024 LONGORIA, ARTHUR V. UNITED STATES  
09-9025 NEWMAN, EMANUEL T. V. UNITED STATES

09-9027 MUHAMMAD, BUWLUS A. V. UNITED STATES  
09-9030 ESPINOSA, VICTOR V. UNITED STATES  
09-9034 McCARTNEY, JOHN V. UNITED STATES  
09-9037 WRIGHT, GREGORY V. UNITED STATES  
09-9038 SMITH, GARY V. UNITED STATES  
09-9039 SHANK, CYNTHIA V. V. UNITED STATES  
09-9043 PENA, RONALD V. UNITED STATES  
09-9044 PONCE-PONCE, ALBERTO S. V. UNITED STATES  
09-9048 BETANCOURT, RAUL M. V. UNITED STATES  
09-9052 ALLEN, BERNARD B., ET UX. V. UNITED STATES  
09-9057 McELROY, NORMAN E. V. UNITED STATES  
09-9059 ROBINSON, WENDALL K. V. UNITED STATES  
09-9060 SPARKS, JUSTIN V. UNITED STATES  
09-9061 LOPEZ-PENA, JULIO C. V. UNITED STATES  
09-9065 SCHAFFER, GABRIEL V. UNITED STATES  
09-9070 DAVIS, ANTONIO L. V. UNITED STATES  
09-9072 DILLARD, JOHN H. V. UNITED STATES  
09-9076 ADAMS, BILLY T. V. ARKANSAS  
09-9091 JAMES, TYRAND V. USDC ND OH  
09-9094 MELTON, RANDY A. V. UNITED STATES  
09-9097 WORTHY, ZANTWAN V. UNITED STATES  
09-9098 TORRES, JAIME V. UNITED STATES  
09-9099 TULL, SHAWN V. UNITED STATES  
09-9103 HARRISON, CHARLES V. UNITED STATES  
09-9104 GRUBBS, JIMMIE V. V. UNITED STATES  
09-9105 IBARRA-RAYA, ISIDRO V. UNITED STATES  
09-9107 HURT, COURTNEY D. V. UNITED STATES  
09-9111 FRIAS-CISNEROS, JESUS V. UNITED STATES

09-9113 HAYES, CHRISTOPHER T. V. UNITED STATES  
09-9116 HULL, DAVID W. V. UNITED STATES  
09-9120 CARVER, APRIL D. V. CHAPMAN, WARDEN, ET AL.  
09-9121 CELEDON, LENA V. UNITED STATES  
09-9123 CALLOWAY, AUBURN V. UNITED STATES  
09-9130 TORRES-OJEDA, ADAM J. V. UNITED STATES  
09-9131 WYATT, JOHN M. V. UNITED STATES  
09-9133 LEONARD, LARRY D. V. UNITED STATES  
09-9142 BERRIOS, VICTOR V. UNITED STATES  
09-9153 ROBERTS, HAROLD V. UNITED STATES  
09-9156 SALLEY, DANIEL E. V. USCA 7  
09-9158 ROBINSON, CARLOS D. V. UNITED STATES  
09-9159 SCHULZE, MICHAEL F. V. UNITED STATES  
09-9160 SANCHEZ, MIGUEL A. V. UNITED STATES  
09-9162 ROSBOROUGH, DERWLYN V. UNITED STATES  
09-9168 REDMOND, LESLIE V. UNITED STATES  
09-9171 JOHNSON, HENRY D. V. UNITED STATES  
09-9172 JONES, MICHAEL A. V. UNITED STATES  
09-9177 THELISMA, JOHNSON V. UNITED STATES  
09-9178 WILLIAMS, DARRELL V. UNITED STATES  
09-9180 SAVAGE, DION E. V. UNITED STATES  
09-9182 SANDERS, MICHAEL V. UNITED STATES  
09-9183 JOHNSON, HARVEY R. V. UNITED STATES  
09-9185 ALISIC, ADNAN V. UNITED STATES  
09-9188 FLENORY, TERRY L. V. UNITED STATES  
09-9189 TURNER, DONALD V. UNITED STATES  
09-9190 ROBINSON, GARY V. UNITED STATES  
09-9198 NAHA, GERALD D. V. UNITED STATES

09-9199 O'NEIL, WILLIAM H. V. UNITED STATES  
09-9200 PEREZ-LOPEZ, JOSE P. V. UNITED STATES  
09-9201 JORDAN, ERIC C. V. UNITED STATES  
09-9203 LOYA-ROMERO, RUBEN V. UNITED STATES  
09-9204 MAKOS, PAUL V. UNITED STATES  
09-9205 LOPEZ-TOVAR, SERAFIN V. UNITED STATES  
09-9212 POWELL, DHEADRY L. V. UNITED STATES  
09-9214 CAREY, MICHAEL S. V. UNITED STATES  
09-9216 COOKS, VERNON V. UNITED STATES  
09-9249 SCHLOTZHAUER, RICK R. V. UNITED STATES  
09-9250 ALVARADO-GARCIA, JULIO C. V. UNITED STATES  
09-9251 BRAN, ERIK D. V. UNITED STATES  
09-9252 DE LA CRUZ, JUAN H. V. UNITED STATES  
09-9256 HERNANDEZ-MORALES, JOSE I. V. UNITED STATES  
09-9257 HICKS, DANIEL C. V. UNITED STATES  
09-9259 GARCIA-VELAZCO, SERGIO V. UNITED STATES  
09-9261 GRISEL, CHRISTOPHER V. UNITED STATES  
09-9262 FRENCH, SAMMY E. V. UNITED STATES  
09-9269 MOSLEY, DERRICK V. UNITED STATES  
09-9276 BRETON-RODRIGUEZ, JORGE V. UNITED STATES

The petitions for writs of certiorari are denied.

09-419 KENTUCKY V. CARDINE, EDDIE, ET AL.  
09-527 BEARD, SEC., PA DOC, ET AL. V. THOMAS, BRIAN

The motions of respondents for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

09-669 DiPLACIDO, ANTHONY V. COMMODITY FUTURES TRADING COMM'N

09-806 WRIGHT, KENNETH, ET AL. V. EASTMAN KODAK COMPANY

The petitions for writs of certiorari are denied. Justice Sotomayor took no part in the consideration or decision of these petitions.

09-849 SHIPPING CORP. OF INDIA, LTD. V. JALDHI OVERSEAS PTE LTD.

The motion of Maritime Law Association for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied. Justice Sotomayor took no part in the consideration or decision of this motion and this petition.

09-856 MONTGOMERY, ANGELA V. WYETH, ET AL.

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

09-937 DROZ, MARTIN V. McCADDEN, PETER J.

09-972 SALAZAR, CLAUDE E., ET UX. V. CIR

09-6531 LUCKY, DAMON V. UNITED STATES

09-7319 FELL, DONALD V. UNITED STATES

09-7554 BROWN, DWAYNE V. ROCK, SUPT., GREAT MEADOW

09-7565 CORINES, PETER J. V. KILLIAN, WARDEN

The petitions for writs of certiorari are denied. Justice Sotomayor took no part in the consideration or decision of these petitions.

09-8429 MILLER, GERALD H. V. GEORGIA

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.

09-8475 ODOM, CHRISTOPHER A. V. SMALLS, VERONICA, 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.

09-8548 BROWN, DARRYL L. V. UNITED STATES

The motion of petitioner to seal the petition for a writ of certiorari is denied. The petition for a writ of certiorari is denied.

09-8563 BUNDRANT, CRAIG V. THALER, DIR., TX DCJ

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.

09-8590 PENK, PAGE V. NICHOLS, EDWARD

09-8634 COGGINS, GENE V. TALLAPOOSA CTY. DEPT OF REVENUE

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. As the petitioners have repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioners 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.

09-8638 PENK, PAGE V. TAUER, MAYOR, 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.

09-8690 MILES, RONALD V. JOHNSON, DIR., VA DOC

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.

09-8697 CHITOIU, ELENA V. UNUM PROVIDENT CORP., ET AL.

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

09-8713 CUESTA, TOMAS D. V. FENTON, LAURA L.

09-8714 CUESTA, TOMAS D. V. WISCONSIN

The motions of petitioner for leave to proceed *in forma pauperis* are denied, and the petitions for writs of certiorari are 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.

09-8815 MOORE, GREGORY L. V. THALER, DIR., TX DCJ, 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.

09-9033 PRESCOTT, MICHAEL V. UNITED STATES

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

09-9067 SANTIAGO-LUGO, ISRAEL V. UNITED STATES

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.

09-9125 SATTAR, AHMED A. V. UNITED STATES

09-9135 MERCEDE, JOSE V. UNITED STATES

09-9267 SHARPLEY, ROD M. V. UNITED STATES

The petitions for writs of certiorari are denied. Justice

Sotomayor took no part in the consideration or decision of these petitions.

**HABEAS CORPUS DENIED**

09-9056 IN RE RODERICK T. PRUDHOMME  
09-9096 IN RE GERALD C. WATKINS  
09-9164 IN RE GENE SCOTT  
09-9240 IN RE LARRY D. MAYNARD  
09-9273 IN RE DAVID R. ALEXANDER

The petitions for writs of habeas corpus are denied.

**MANDAMUS DENIED**

09-8892 IN RE SALVATORE M. BOMBARDIERE, SR.  
09-9161 IN RE JOSEPH L. RAINEY

The petitions for writs of mandamus are denied.

09-8626 IN RE EARNEST C. WOODS, II  
09-8715 IN RE FONTELLA DORSEY

The petitions for writs of mandamus and/or prohibition are denied.

**REHEARINGS DENIED**

08-9156 WOOD, HOLLY V. ALLEN, COMM'R, AL DOC, ET AL.  
09-35 NORIEGA, MANUEL A. V. PASTRANA, WARDEN  
09-506 CHILDREN'S FUND, ET AL. V. SPRINGFIELD HOLDING CO. LTD. LLC  
09-585 HARVEST INSTITUTE, ET AL. V. UNITED STATES  
09-655 WADE, STANLEY L. V. UNITED STATES  
09-6577 MITCHELL, BARBARA L. V. O'BRIEN, KELLY  
09-6673 BOWLING, RONNIE L. V. KENTUCKY  
09-6701 RUNGE, LORN L. V. MINNESOTA  
09-6755 SKRZYPEK, JAMES, ET UX. V. UNITED STATES  
09-6986 ALSTON, KEVIN V. COURT OF APPEALS OF WI

09-7033 SMITH, ZACHARY T. V. THALER, DIR., TX DCJ  
09-7134 MILLER, KENNETH D. V. RYAN, DIR., AZ DOC, ET AL.  
09-7172 MONACELLI, KATHALINA V. FIFTH THIRD BANK, ET AL.  
09-7218 AUSTIN, ALLAN V. McCANN, WARDEN  
09-7302 BRZOWSKI, WALTER J. V. TRISTANO, MICHAEL T., ET AL.  
09-7347 ABBOTT, JOEL T. V. DeKALB, JACQUES A., ET AL.  
09-7490 WARFIELD, ANDREW W. V. GRAMS, WARDEN  
09-7557 PERRY, CALVIN L. V. VIRGINIA  
09-7566 ERICKSON, HEIDI K. V. MASSACHUSETTS  
09-7571 CLEVELAND, GEORGE V. ABERNATHY, MAYOR, ET AL.  
09-7610 DILLEHAY, NICIE V. HUD, ET AL.  
09-7684 DAVIS, ANTHONY L. V. UNITED STATES, ET AL.  
09-7729 LASKEY, LAURIE M. V. AT&T  
09-7730 LASKEY, LAURIE M. V. FIDELITY INVESTMENTS  
09-7731 LASKEY, LAURIE M. V. AT&T  
09-7753 LASKEY, LAURIE M. V. CORNING CABLE SYSTEMS  
09-7759 LASKEY, LAURIE M. V. SHILOH GROUP, LLC  
09-7760 LASKEY, LAURIE M. V. SUN MICROSYSTEMS, INC.  
09-7876 HOLMAN, MAURICE V. SHINSEKI, SEC. OF VA  
09-7886 WILSON, LEVI A. V. UNITED STATES  
09-7932 NGY, UYKHENG V. SECK, YOU SONG  
09-8002 TORRES, OSVALDO J. V. McNEIL, SEC., FL DOC  
09-8019 IN RE VINCENT M. SINGLETON  
09-8163 ASKEW, ULICE V. UNITED STATES  
09-8264 KAPORDELIS, GREGORY C. V. UNITED STATES

The petitions for rehearing are denied.

09-5490 MIDDLETON, TERRY V. SCHULT, WARDEN

09-7188 AGRON, BATYAH L. V. COLUMBIA UNIVERSITY

The petitions for rehearing are denied. Justice Sotomayor took no part in the consideration or decision of these petitions.

09-7754 LASKEY, LAURIE M. V. INTEL CORPORATION

The petition for rehearing is denied. The Chief Justice took no part in the consideration or decision of this petition.

**ATTORNEY DISCIPLINE**

D-2466 IN THE MATTER OF DISCIPLINE OF ISIDORO RODRIGUEZ

Isidoro Rodriguez, of Annandale, Virginia, 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-2467 IN THE MATTER OF DISCIPLINE OF MONTGOMERY BLAIR SIBLEY

Montgomery Blair Sibley, of Washington, District of Columbia, 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-2468 IN THE MATTER OF DISCIPLINE OF PETER PAUL MITRANO

Peter Paul Mitrano, of Merrifield, Virginia, 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.

ALITO, J., dissenting

**SUPREME COURT OF THE UNITED STATES**

**KATHRYN NURRE v. CAROL WHITEHEAD, INDIVIDUALLY AND IN HER OFFICIAL CAPACITY AS THE SUPERINTENDENT OF EVERETT SCHOOL DISTRICT NO. 2**

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

No. 09–671. Decided March 22, 2010

The petition for a writ of certiorari is denied.

JUSTICE ALITO, dissenting from denial of certiorari.

The Ninth Circuit’s decision in this case is not easy to square with our free speech jurisprudence. For this reason and because of the decision’s important practical implications, I would grant the petition for a writ of certiorari.

I

At the time of the events at issue, petitioner, Kathryn Nurre, was a high school senior and a member of her school’s wind ensemble. In keeping with a school tradition, the school’s band director told the seniors in the ensemble that they could select a piece from their musical repertoire to be performed during their graduation ceremony. The 2006 graduates, including petitioner, chose Franz Biebl’s “Ave Maria,”<sup>1</sup> a piece that they had previ-

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<sup>1</sup>Many composers, including Schubert, Gounod, Verdi, Mozart, Elgar, Saint-Saëns, Rossini, Brahms, Stravinsky, Bruckner, and Rachmaninoff, composed music for the Ave Maria. See 22 *The New Grove Dictionary of Music and Musicians* 670, 718 (2d ed. 2001) (Schubert); 10 *id.*, at 215, 233 (Gounod); 26 *id.*, at 462 (Verdi); 17 *id.*, at 319 (Mozart); 8 *id.*, at 131 (Elgar); 22 *id.*, at 130 (Saint-Saëns); 21 *id.*, at 763 (Rossini); 4 *id.*, at 208 (Brahms); 24 *id.*, at 560 (Stravinsky); 4 *id.*, at 480 (Bruckner). See also R. Threlfall & G. Norris, *A Catalogue of the Compositions of S. Rachmaninoff* 119 (1982). Some of these compositions are well known, but Biebl’s, which was brought to the United States in 1970 by the Cornell University Glee Club, see M. Slon, *Songs*

ALITO, J., dissenting

ously performed and that “they believed showcased their talent and the culmination of their instrumental work.” 580 F. 3d 1087, 1091 (CA9 2009). At the prior year’s graduation ceremony, the student choir had performed “‘Up Above My Head,’ a vocal piece which included express references to ‘God,’ ‘heaven,’ and ‘angels,’” and the school district claimed that this had resulted in “complaints from graduation attendees” and at least one angry letter to the editor of a local newspaper. *Ibid.*; *id.*, at 1101 (M. Smith, J., dissenting in part and concurring in judgment) (quoting lyrics); see also Brief in Opposition 7, and n. 28. Fearful that the performance of Biebl’s “Ave Maria” would cause a similar reaction, even though the performance would not include the lyrics of the piece, school district officials vetoed the ensemble members’ choice “because the title and meaning of the piece had religious connotations—and would be easily identified as such by attendees merely by the title alone.” 580 F. 3d, at 1091. The associate superintendant sent an e-mail to all the principals in the district instructing them that “musical selections for all graduations within the District should be purely secular in nature.”<sup>2</sup> *Ibid.* As a result of the dis-

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from the Hill: A History of the Cornell University Glee Club 174 (1998), is relatively obscure.

<sup>2</sup>It is not clear that this e-mail accurately reflected either the district’s past or then-current practice. According to the brief in opposition, the district approved the piece that the wind ensemble played at graduation prior to 2006, “‘On a Hymnsong of Philip Bliss.’” See Brief in Opposition 8; see also 580 F. 3d, at 1091. This song, which not only includes the term “hymn” in its title, is an arrangement of Philip Bliss’ hymn “It is Well with My Soul” that has fervently religious lyrics, including the following:

“Though Satan should buffet, though trials should come,  
Let this blest assurance control,  
That Christ hath regarded my helpless estate,  
And hath shed His own blood for my soul.”

Spafford and Bliss, It is Well with My Soul, in Gospel Hymns No. 2, p. 78 (P. Bliss & I. Sankey 1876); D. Holsinger, On a Hymnsong of Philip Bliss

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trict’s decision, the members of the wind ensemble “reluctantly elected to perform the fourth movement of Gustav Holst’s ‘Second Suite in F for Military Band.’” *Ibid.*

Petitioner then brought this action against the school superintendent in her official and individual capacities, claiming, among other things, that the district’s decision had violated her right to freedom of speech. The District Court granted summary judgment for the superintendent, and a divided panel of the Ninth Circuit affirmed. 580 F. 3d 1087. The majority acknowledged that the performance of “an entirely instrumental” musical piece “is speech as contemplated by the First Amendment,” and assumed, as the school district had conceded, that the school had created a “‘limited public forum’” when it allowed the members of the wind ensemble to choose the piece that they wished to play. *Id.*, at 1093–1094. Nevertheless, the majority held that the vetoing of the ensemble members’ selection had not violated their free speech rights because “it is reasonable for a school official to prohibit the performance of an obviously religious piece” “when there is a captive audience at a graduation ceremony, which spans a finite amount of time, and during which the demand for equal time is so great that comparable non-religious musical works might not be presented.” *Id.*, at 1095. Dissenting on the free speech issue, Judge Smith expressed concern that the panel’s decision would encourage public school administrators to ban “musical and artistic presentations by their students in school-sponsored limited public fora where those presentations contain any trace of religious inspiration, for fear of criticism by a member of the public, however extreme that person’s views may be.” *Id.*, at 1099.

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(1989), <http://trnmusic.com/pdfs/scorepdfs/onahymnsongofphilipbliss.pdf> (as visited Mar. 19, 2010, and available in Clerk of Court’s case file); see also R. Garofalo, On a Hymnsong of Philip Bliss: A Teaching/Learning Unit 9 (2000). Whatever distinction the district perceived between this piece and Biebl’s “Ave Maria” is not revealed by the record.



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## II

When a public school administration speaks for itself and takes public responsibility for its speech, it may say what it wishes without violating the First Amendment's guarantee of freedom of speech. *Pleasant Grove City v. Sumnum*, 555 U. S., \_\_\_, \_\_\_ (2009) (slip op., at 4–5). But when a public school purports to allow students to express themselves, it must respect the students' free speech rights. School administrators may not behave like puppet masters who create the illusion that students are engaging in personal expression when in fact the school administration is pulling the strings.

Our cases use the term “limited public forum” to describe a situation in which a public school purports to allow students to express their own views or sentiments. See *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829–830 (1995); *Widmar v. Vincent*, 454 U. S. 263, 272–273 (1981); see also *Perry Ed. Assn. v. Perry Local Educators' Assn.*, 460 U. S. 37, 45–48 (1983). In such a forum, we have held, the State “must not discriminate against speech on the basis of viewpoint.” *Good News Club v. Milford Central School*, 533 U. S. 98, 106 (2001); see also *Rosenberger, supra*, at 829. Our cases also make it perfectly clear that discrimination against religious, as opposed to secular, expression is viewpoint discrimination. *Good News Club, supra*, at 107; *Rosenberger, supra*, at 830, 831; *Lamb's Chapel v. Center Moriches Union Free School Dist.*, 508 U. S. 384, 393–394 (1993). And our cases categorically reject the proposition that speech may be censored simply because some in the audience may find that speech distasteful. See *United States v. Playboy Entertainment Group, Inc.*, 529 U. S. 803, 814–816 (2000); *R.A.V. v. St. Paul*, 505 U. S. 377, 382 (1992); *Board of Ed., Island Trees Union Free School Dist. No. 26 v. Pico*, 457 U. S. 853, 871–872 (1982) (plurality opinion); *Tinker v. Des Moines Independent Community School Dist.*, 393 U. S.

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503, 508–509 (1969).

In this case, however, the Court of Appeals held that a public school did not violate the free speech rights of a student when the school, after creating a limited public forum, banned the performance of “an obviously religious piece” because the piece might offend some members of the “captive audience at a graduation ceremony.” 580 F. 3d, at 1095. The tension between this reasoning and the fundamental free speech principles noted above is unmistakable.

The Court of Appeals, in a footnote, acknowledged that the district’s decision would have been impermissible if it had constituted viewpoint discrimination, but the court concluded that “this is not a case involving viewpoint discrimination” because petitioner “concede[d] that she was not attempting to express any specific religious viewpoint” but instead “sought only to ‘play a pretty piece.’” *Id.*, at 1095, n. 6. This reasoning is questionable at best.

First, the Court of Appeals’ holding, as set out in the body of its opinion, does not appear to depend in any way on petitioner’s motivation in helping to select the Biebl piece. The Court phrased its holding as follows: “[T]he District’s action in keeping all musical performances at graduation ‘entirely secular’ in nature was reasonable in light of the circumstances surrounding a high school graduation.” *Id.*, at 1095. Nothing in the body of the court’s opinion suggests that its decision would have come out the other way if petitioner had favored the Biebl piece for religious rather than artistic reasons. Second, the school district did not veto the Biebl piece on viewpoint-neutral grounds. On the contrary, the district banned that piece precisely because of its perceived religious message—that is, because the district feared that members of the audience would view the performance of the piece as the district’s sponsorship of a religious message. See Pet. for Cert. 7 (quoting letter to the editor criticizing 2005

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graduation program). Banning speech because of the view that the speech is likely to be perceived as expressing seems to me to constitute viewpoint discrimination.

The decision below will have important implications for the nearly 10 million public school students in the Ninth Circuit. Even if the decision is read narrowly, it will restrict what is purportedly personal student expression at public school graduation ceremonies. And as Judge Smith noted, the Ninth Circuit’s reasoning may be applied to almost all public school artistic performances. 580 F. 3d, at 1099 (opinion dissenting in part and concurring in judgment). The audience at such events, which generally consists overwhelmingly of relatives and friends of the performers, may be regarded as no less “captive” than graduation attendees. If the decision is applied to such performances, school administrators in some communities may choose to avoid “controversy” by banishing all musical pieces with “religious connotations.” *Id.*, at 1095, 1091 (majority opinion).

The logic of the Ninth Circuit’s decision has even broader implications. Why, for example, should the Ninth Circuit’s reasoning apply only to musical performances and not to other forms of student expression, including student speeches at graduation ceremonies and other comparable school events? Moreover, unless discrimination against speech expressing a religious viewpoint is less objectionable than other forms of viewpoint discrimination, the Ninth Circuit’s decision may provide the basis for wide-ranging censorship of student speech that expresses controversial ideas. A reasonable reading of the Ninth Circuit’s decision is that it authorizes school administrators to ban any controversial student expression at any school event attended by parents and others who feel obligated to be present because of the importance of the event for the participating students. A decision with such potentially broad and troubling implications merits our review.