

(ORDER LIST: 544 U.S.)

MONDAY, APRIL 4, 2005

CERTIORARI -- SUMMARY DISPOSITIONS

03-6245 THOMPSON, WILLIAM L. V. CROSBY, SEC., FL DOC

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 United States Court of Appeals for the Eleventh Circuit for further consideration in light of *Rhines v. Weber*, 544 U.S. \_\_\_\_ (2005).

03-7339 AKINS, SAMAR R. V. KENNEY, WARDEN

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 United States Court of Appeals for the Eighth Circuit for further consideration in light of *Rhines v. Weber*, 544 U.S. \_\_\_\_ (2005).

04-1 BLAISDELL, GEORGE V. ROCHESTER, NH

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 First Circuit for further consideration in light of *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. \_\_\_\_ (2005).

04-745 HOLLOWAY, ROBERT D. V. AR STATE BD. OF ARCHITECTS

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 Eighth Circuit for further consideration in light of *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. \_\_\_\_ (2005).

04-955 KAPL, INC., ET AL. V. MEACHAM, CLIFFORD B., ET AL.

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 *Smith v. City of Jackson*, 544 U.S. \_\_\_\_ (2005).

04-1073 BASHIR, EL A. 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 Eleventh Circuit for further consideration in light of *United States v. Booker*, 543 U.S. \_\_\_\_ (2005).

04-1116 WAGNER, JONATHAN 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 *United States v. Booker*, 543 U.S. \_\_\_\_ (2005).

04-1154 GORE, VANDER M. 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 Fourth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. \_\_\_\_ (2005).

04-7913 MITCHELL, DARRYL P. V. UNITED STATES

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 United States Court of Appeals for the Sixth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. \_\_\_\_ (2005).

04-8632 PINARGOTE-RAMIREZ, OSCAR J. V. UNITED STATES

04-8794 SERRANO-PINERO, RAFAEL V. UNITED STATES

The motions of petitioners for leave to proceed *in forma pauperis* and the petitions for writs of certiorari are granted. The judgments are vacated and the cases are remanded to the United States Court of Appeals for the Eleventh Circuit for further consideration in light of *United States v. Booker*, 543 U.S. \_\_\_\_ (2005).

04-8812 MILLER, MICHAEL L. V. UNITED STATES

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 United States Court of Appeals for the Third Circuit for further consideration in light of *United States v. Booker*, 543 U.S. \_\_\_\_ (2005).

04-8814 ALCANTARA, ALEXIS E. V. UNITED STATES

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 United States Court of Appeals for the Eleventh Circuit for further consideration in light of *United States v. Booker*, 543 U.S.

\_\_\_\_\_ (2005).

04-8817 BEASLEY, LISA V. UNITED STATES

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 United States Court of Appeals for the Eleventh Circuit for further consideration in light of *United States v. Booker*, 544 U.S.

\_\_\_\_\_ (2005).

04-8834 KAETHER, SHERRI A. V. UNITED STATES

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 United States Court of Appeals for the Fifth Circuit for further consideration in light of *United States v. Booker*, 543 U.S.

\_\_\_\_\_ (2005).

04-8836 MAZYCK, CLAUNCE M. V. UNITED STATES

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 United States Court of Appeals for the Fourth Circuit for further consideration in light of *United States v. Booker*, 543 U.S.

\_\_\_\_\_ (2005).

04-8839 JACKSON, MAURICE V. UNITED STATES

04-8870 HIGGINBOTHAM, DAVID V. UNITED STATES

04-8871 HORNE, TOMMY JAMES L. V. UNITED STATES

04-8887 MOORE, TAVARIS M. V. UNITED STATES

The motions of petitioners for leave to proceed *in forma pauperis* and the petitions for writs of certiorari are granted.

The judgments are vacated and the cases are remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. \_\_\_\_ (2005).

04-8893 LOZANO-MORALES, DANIEL V. UNITED STATES

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 United States Court of Appeals for the Tenth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. \_\_\_\_ (2005).

04-9021 MALIK, KAMRAN M. V. UNITED STATES

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 United States Court of Appeals for the Fourth Circuit for further consideration in light of *United States v. Booker*, 544 U.S. \_\_\_\_ (2005).

**ORDERS IN PENDING CASES**

04M61 WEAVER, ANDREW V. USDC WD TX

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

03-1230 ) AM. TRUCKING ASSNS., ET AL. V. MI PUB. SERV. COMM'N, ET AL.  
          )  
03-1234 ) MID-CON FREIGHT SYSTEMS, ET AL. V. MI PUBLIC SERVICE COMM'N

The motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* is granted. The motion of petitioners to deconsolidate the cases or, in the

alternative, for an enlargement of time for oral argument is denied. The motions for divided argument are granted to be divided as follows: 15 minutes for petitioners in No. 03-1230; 10 minutes for petitioners in No. 03-1234; 25 minutes for respondents; and 10 minutes for United States.

03-1237 MERCK KGaA V. INTEGRA LIFESCIENCES I, ET AL.

The motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument is granted.

03-1693 McCREARY COUNTY, KY, ET AL. V. ACLU OF KY, ET AL.

The motion of petitioners for leave to file a supplemental brief after argument is granted.

04-169 GRAHAM COUNTY WATER DISTRICT V. U. S., ex rel. WILSON

The motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument is granted.

04-514 BELL, WARDEN V. THOMPSON, GREGORY

The motion of respondent to allow Matthew M. Shors to argue *pro hac vice* is granted.

04-563 MAYLE, WARDEN V. FELIX, JACOBY L.

The motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument is granted.

04-603 GRABLE & SONS METAL PRODUCTS V. DARUE ENGINEERING

The motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument is granted. The motion of Jerome Milulski, et ux. for leave to participate in oral argument as *amici curiae* and

for divided argument is denied.

**CERTIORARI GRANTED**

04-885           CENTRAL VIRGINIA COMM. COLLEGE V. KATZ, BERNARD  
                  The petition for a writ of certiorari is granted.

**CERTIORARI DENIED**

03-1628       GEORGE MASON UNIV. V. LITMAN, ANNETTE G.  
04-451        DEARING, MILBURN, ET AL. V. TEXAS PARKS AND WILDLIFE DEPT.  
04-491        DICKERSON, DURAND V. BATES, G. RONALD, ET AL.  
04-571        GORECKI, MARY E. V. CARLSON, PHILIP D., ET AL.  
04-723        STEVEDORING SERVICES, ET AL. V. PRICE, AREL, ET AL.  
04-741        CULBERTSON, RICHARD A. V. BARNHART, COMM'R, SOCIAL SEC.  
04-870        HALL, JOAN, ET AL. V. VIRGINIA, ET AL.  
04-873        PHILADELPHIA HOUSING AUTH. V. WILLIAMS, EDWARD R., ET AL.  
04-874        SMITH, DAVID G. V. TEXAS  
04-875        PINCAY, LAFFIT, ET AL. V. ANDREWS, VINCENT S., ET AL.  
04-883        ) McDOWELL, GARY, ET UX. V. PROVIDENCE HEALTH PLAN  
              )  
04-1044       ) PROVIDENCE HEALTH PLAN V. McDOWELL, GARY, ET UX.  
04-910        CLARETT, MAURICE V. NATIONAL FOOTBALL LEAGUE  
04-991        ) ROSSER, ROBERT V. DICKENSON, NANCY  
              )  
04-1005       ) DICKENSON, NANCY V. CARDIAC AND THORACIC SURGERY  
04-996        CLARK, DIANNA V. REDLAND INSURANCE COMPANY  
04-1001       TURCHYN, WILLIAM S., ET UX. V. NAKONACHNY, JOHN R., ET AL.  
04-1018       DLX, INC. V. KENTUCKY, ET AL.  
04-1029       CHAMBERLAIN, MARGARET V. COURT OF APPEALS OF TX, ET AL.  
04-1031       AUSTIN, H. RICHARD V. RACHLIN & MARTIN, DOWNS, ET AL.  
04-1037       WILSON, RICKIE A. V. COLORADO

04-1039 RANDALL INDUSTRIES, INC., ET AL. V. PEASE, CHRISTOPHER, ET AL.  
04-1040 JONES, FRAN V. ROCKDALE COUNTY, GA  
04-1043 CONGO, ET AL. V. AF-CAP, INC.  
04-1046 UPPER MORELAND, PA V. NORTHWOOD CONSTR. CO.  
04-1063 FERGUSON, RITA C. V. HAMBURG, MI  
04-1069 SINNOTT, DAVID M., ET UX. V. NORTH CAROLINA  
04-1075 ESENWAH, TONY V. GONZALES, ATT'Y GEN.  
04-1087 SANDERS, MARSHALL V. VINE, ROSALYN  
04-1105 ERGONOME INC., ET AL. V. COMPAQ COMPUTER CORP.  
04-1117 COHN, WILLIAM A. V. BD. PROF'L RESPONSIBILITY TNSC  
04-1142 BLEDSOE, RAYMOND L., ET AL. V. UNITED STATES  
04-1158 MORELLI, ANTHONY V. UNITED STATES  
04-1176 WASHBURN, SHAWN R. V. UNITED STATES  
04-7073 BROCK, EDDIE V. WILSON, SUPT., MS  
04-7286 SACK, DAVID C. V. UNITED STATES  
04-7357 JACKSON, EVERETT G. V. UNITED STATES  
04-7421 LOUNSBURY, MICHAEL R. V. BELLEQUE, SUPT., OR  
04-7820 KLAHN, JOHN S. V. WYOMING  
04-7824 ROBERTS, DOUGLAS A. V. DRETKE, DIR., TX DCJ  
04-7860 BARNES, JOHNNY L. V. WOODFORD, DIR., CA DOC  
04-7901 CASH, KAREN E. V. UNITED STATES  
04-7928 CARTER, CHEV R. V. MEADOWGREEN ASSOCIATES  
04-8412 HARRIS, MICHAEL D. V. USCA 6  
04-8415 FREMONDE, JOSE V. NEW YORK, NY, ET AL.  
04-8420 FELDER, DANIEL V. GREINER, SUPT., SING SING  
04-8423 HEADRICK, JOHN G. V. LEHMAN, DIR., WA DOC  
04-8424 GREER, RONNIE J. V. HAMLET, WARDEN  
04-8437 COLEMAN, RONALD V. GIULIANI, RUDOLPH, ET AL.

04-8439 CHRISTMAS, RONALD V. ILLINOIS  
04-8440 TRUJILLO, ORLANDO V. FARWELL, WARDEN, ET AL.  
04-8446 KRZYKOWSKI, JAMES M. V. WCAB, ET AL.  
04-8447 MAKIDON, MITCHELL V. MICHIGAN  
04-8448 CRENSHAW, DeSHAWN V. MICHIGAN  
04-8454 COOPER, RONALD V. OKLAHOMA  
04-8456 JENNINGS, ELLIS V. JACKSON, WARDEN  
04-8458 MACKINTRUSH, WALTER R. V. NORRIS, DIR., AR DOC  
04-8461 DAVIS, ANTHONY Q. V. FLORIDA  
04-8462 MONTOYA, ALFRED V. FINN, WARDEN  
04-8463 PEREZ, JOEL V. WYNDER, SUPT., DALLAS, ET AL.  
04-8464 WILSON, JEFFREY T. V. HINSLEY, WARDEN  
04-8468 REED, TAVARES V. MISSISSIPPI  
04-8469 BISHOP, SAMAAD-SAQQARA V. PORTER, JAMES E., ET AL.  
04-8470 BUTLER, FIROOZEH H. V. MBNA TECHNOLOGY, INC.  
04-8471 APPLEWHITE, DARRYL L. V. MICHIGAN  
04-8473 BARNES, WILLIAM J. V. ZON, SUPT., WENDE  
04-8475 KELLEY, MICHAEL A. V. WILKINSON, DIR., OH DOC, ET AL.  
04-8477 MORALES, LEONARDO T. V. CROSBY, SEC., FL DOC  
04-8480 ALLEN, PHYLLIS L. V. VIRGINIA  
04-8484 BROWN, LEON S. V. GIURBINO, WARDEN, ET AL.  
04-8485 WILLIAMS, SHYTOUR V. JONES, WARDEN  
04-8486 WALLACE, CORINE D. V. YWCA OF CHEMUNG CTY., ET AL.  
04-8493 WILLIAMS, NATHANIEL V. FINN, WARDEN  
04-8494 PAGNOTTI, DOMENICK V. FLORIDA  
04-8497 DeLEON, PAUL V. DRETKE, DIR., TX DCJ  
04-8498 CARY, JERRY L. V. SUPREME COURT OF VA  
04-8499 DANIEL, ALDEN J. V. STABLER, LEE ANN, ET AL.

04-8501 ROBERSON, FREDDIE L. V. TEXAS  
04-8504 LEACH, ROBERT L. V. TENNESSEE  
04-8508 BELTRAN, JOSE V. YARBOROUGH, WARDEN  
04-8511 TREECE, CHARLES A. V. ORLEANS PARISH JUDICIAL BRANCH  
04-8513 MIDDLEBROOKS, CURTIS V. NEW YORK  
04-8514 CARDWELL, JAMES A. V. CALIFORNIA  
04-8534 MUONG, RAVUN V. RUNNELS, WARDEN  
04-8559 TOLE, STEVEN S. V. FLORIDA  
04-8641 BECKER, DAVID W. V. FLORIDA  
04-8644 COLIDA, TONY V. SANYO NORTH AMERICA CORPORATION  
04-8676 BABINEAUX, GERALD N. V. CAIN, WARDEN  
04-8698 BURTCHETT, JAMES A. V. IDAHO  
04-8749 LESLIE, BRUCE V. ABBOTT, WARDEN, ET AL.  
04-8760 BROWN, JAMES F. V. WYOMING  
04-8790 O'NEILL, BRIAN J. V. RICHLAND COUNTY BOARD, ET AL.  
04-8851 MANNING, JEREMIAH D. V. LOUISIANA  
04-8873 GARCIA-PLANCARTE, ALEJANDRO V. UNITED STATES  
04-8877 GALEANA-FLORES, ANTONIO V. UNITED STATES  
04-8909 YOUNG, CLYDE E. V. USDC SD AL  
04-8947 WALLEN, RICHARD K. V. UNITED STATES  
04-8954 RIVERA, CHARLES R. V. FED. BUREAU OF PRISONS, ET AL.  
04-8957 DAVIS, GLEN M. V. UNITED STATES  
04-8958 CANPAZ, CLIBER V. UNITED STATES  
04-8961 ELSESSER, KEITH A. V. UNITED STATES  
04-8963 AYALA-MERCADO, JESUS V. UNITED STATES  
04-8966 BRUZON, ORESTES V. UNITED STATES  
04-8971 GARCIA, DANIEL D., ET AL. V. UNITED STATES  
04-8983 MAYO, ERIC A. V. UNITED STATES

04-8993        ESPARZA, ALEJANDRO V. UNITED STATES  
04-9002        JOHNSON, KYLE V. UNITED STATES  
04-9004        MOREJON, JESUS V. UNITED STATES  
04-9005        MONTGOMERY, VALENTINO V. UNITED STATES  
04-9007        MAIREL, JAMES R. V. UNITED STATES  
04-9014        WILLIAMS, COREY A. V. UNITED STATES  
04-9015        WINGO, KARL V. UNITED STATES  
04-9024        BYRD, ROGER, ET AL. V. UNITED STATES  
04-9027        ADAMS, TIMOTHY V. UNITED STATES  
04-9032        BELTZ, ROBERT V. UNITED STATES  
04-9034        WRIGHT, JESSE V. UNITED STATES

          The petitions for writs of certiorari are denied.

04-576        BELLEQUE, SUPT., OR V. LOUNSBURY, MICHAEL R.

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

04-746        KEMPTON, DIR., CA DOT V. MALDONADO, NANO

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

04-899        ATTICA CENTRAL SCHOOLS V. J. S., ET AL.

          The motion of National School Boards Association, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

04-1011        FREEMAN, ALBERT L. V. DUKE POWER CO., ET AL.

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

04-1107 FOCUS MEDIA, INC. V. NBC, INC., ET AL.

The motion of Latino Coalition for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

04-1150 HAMRICK, DON V. BUSH, PRESIDENT OF U.S., ET AL.

The petition for a writ of certiorari before judgment is denied.

**HABEAS CORPUS DENIED**

04-9147 IN RE LONZIE W. McQUIRTER

The petition for a writ of habeas corpus is denied.

**MANDAMUS DENIED**

04-1014 IN RE OLEKSIY LEONICHEV AND VIKTORIYA LEONICHEVA

04-1016 IN RE RAYMOND L. SCHLAGEL

04-8449 IN RE JERRY L. CARY, SR.

The petitions for writs of mandamus are denied.

**PROHIBITION DENIED**

04-8633 IN RE DWAYNE C. NIMMONS

The petition for a writ of prohibition is denied.

**REHEARINGS DENIED**

04-672 SANK, DIANE V. CITY UNIVERSITY OF NY, ET AL.

04-738 CALLAN, CLAIR A. V. BUSH, PRESIDENT OF U.S.

04-7229 PARSONS, JAMES N. V. PRICE, WARDEN

04-7309 FULLER, THOMAS R. V. UNITED STATES

04-7378 IN RE DWAYNE C. NIMMONS

04-7403 ROBLYER, JOHN S. V. PA DOC

04-7666 SMITH, KIRK R. V. UNITED STATES

04-8008 CONYERS, VINCENT C. V. MSPB

The petitions for rehearing are denied.

03-7700 STUMPF, DONALD F. V. ALASKA, ET AL.

The motion for leave to file a petition for rehearing is denied.