

(ORDER LIST: 578 U.S.)

MONDAY, MAY 2, 2016

CERTIORARI – SUMMARY DISPOSITION

15-7091 JOHNSON, BART W. V. ALABAMA

The petition for rehearing is granted. The order entered January 11, 2016, denying the petition for a writ of certiorari is vacated. 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 Criminal Appeals of Alabama for further consideration in light of *Hurst v. Florida*, 577 U. S. ____ (2016).

ORDERS IN PENDING CASES

15A1016 SIBLEY, MONTGOMERY B. V. USDC DC

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

15M112 BURGESS, MARK V. REDDIX, MICHAEL, ET AL.

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

15-7719 LASLIE, PETER J. V. CHICAGO TRANSIT AUTHORITY

The motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* is denied.

15-8360 FLEMING, ALVA W. V. FLORIDA

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until May 23, 2016, within which to pay the docketing fee required by Rule 38(a) and

to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

CERTIORARI GRANTED

15-866 STAR ATHLETICA, L.L.C. V. VARSITY BRANDS, INC., ET AL.

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

15-927 SCA HYGIENE PRODUCTS V. FIRST QUALITY BABY PRODUCTS

The petition for a writ of certiorari is granted.

CERTIORARI DENIED

15-949 PLAMBECK, MICHAEL K., ET AL. V. ALLSTATE INSURANCE CO., ET AL.

15-952 LUDLOW, ROBERT, ET AL. V. BP, P.L.C., ET AL.

15-958 INT'L FRANCHISE ASSOC., ET AL. V. SEATTLE, WA, ET AL.

15-968 MALLARDS COVE, LLP V. FL DEPT. OF TRANSP., ET AL.

15-971 ALVES, MELISSA A., ET AL. V. BD. OF REGENTS UNIV. SYS. OF GA

15-973 COLE, FRANCINE V. MORRISTOWN, NJ, ET AL.

15-999 KNIGHT, RICKY, ET AL. V. THOMPSON, LESLIE, ET AL.

15-1107 HOWARD, PETER J. V. TRUSTMARK NATIONAL BANK

15-1119 ABREU-VELEZ, ANA M. V. BD. OF REGENTS UNIV. SYS. OF GA

15-1120 HARRIS, VERONICA E. V. UNITED STATES

15-1125 MORALES, DAGOBERTO M. V. LYNCH, ATT'Y GEN.

15-1128 CAGHAN, PAUL V. CAGHAN, JEFFREY, ET AL.

15-1180 SHIRVELL, ANDREW V. MI DEPT. OF ATT'Y GEN., ET AL.

15-1216 ORR, RUSSEL L. V. UNITED STATES

15-1226 CALZADA, OMAR J. V. UNITED STATES

15-7713 XU, YAN PING V. NEW YORK, NY, ET AL.

15-8013 BURSE, THOMAS L. V. GOTTLIEB, MARK, ET AL.

15-8129 NASH, DONALD R. V. RUSSELL, WARDEN

15-8295 GUTIERREZ, HECTOR V. LOS ANGELES, CA, ET AL.

15-8317 BRAZIEL, ALVIN A. V. STEPHENS, DIR., TX DCJ
15-8322 GRANT, REGINALD A. V. BALMIR, CARL, ET AL.
15-8347 HAYWOOD, JOHN D. V. CHAMPAIGN, IL, ET AL.
15-8348 HOPKINS, MICHELLE V. JPMORGAN CHASE BANK
15-8349 HANDY, REGINALD V. GUIRBINO, WARDEN
15-8354 HORN, MARVIN S. V. LAFLER, WARDEN
15-8356 TAFFARO, MICHAEL V. TAFFARO, SUSAN
15-8362 STOKES, CARY L. V. CEBULA, J., ET AL.
15-8364 ROYAL, ROBERT L. V. CALIFORNIA
15-8367 WEATHERS, LANORRIS V. LOUISIANA
15-8374 HOLT, KENYON V. WEXFORD HEALTH SOURCES, ET AL.
15-8376 BOZEMAN, EARLEAN V. JOHNSON, STUART, ET AL.
15-8377 DeJESUS, ROBERTO V. NEW YORK
15-8378 FERRARO, GREGORY A. V. FLORIDA
15-8379 INTA, SEUN V. USDC ED MO
15-8384 MAGWOOD, NATHANIEL V. HABERSTADT, JENNIFER, ET AL.
15-8385 BOUVIER, CARLA V. BUSH, GEORGE W., ET AL.
15-8387 NELSON, GRADY V. FLORIDA
15-8392 MURITHI, MWENDA V. BUTLER, WARDEN
15-8394 TAYLOR, EMMA J. V. BLUE LICK APARTMENTS, ET AL.
15-8395 WATTS, ALBERT L. V. WAGGNER, SHERIFF, ET AL.
15-8397 RANKIN, WILLIAM A. V. LAVIN, BRIAN AND ASSOC., ET AL.
15-8398 JEHOVAH, JESUS E. V. CLARKE, DIR., VA DOC, ET AL.
15-8403 LAGAITE, LUIS S. V. BOLAND, GREGORY C., ET AL.
15-8405 DOYLE, ANTONIO L. V. NEVADA
15-8407 GONZALES, EDGAR J. V. TEXAS
15-8414 SIMMONS, RANDY V. McLAUGHLIN, WARDEN
15-8416 JOHNSON, ANTOINE D. V. ALLBAUGH, INTERIM DIR., OK DOC

15-8426 SHALLOW, SEAN V. NY OFF. OF TEMP. DISAB. ASIST.
15-8429 HURNS, VICTOR V. MISSISSIPPI
15-8431 GRIMES, BRANDON V. MARYLAND
15-8438 BERNARD, PAUL A. V. WOODS, WARDEN
15-8440 SENDEJO, DAVID V. TEXAS
15-8443 LONGORIA, DANIEL F. V. TEXAS
15-8446 RUFFIN, RODERICK V. MEDLIN, WARDEN, ET AL.
15-8468 LORD, FRANKLIN V. INT'L MARINE INS. SERV., ET AL.
15-8479 BEMORE, TERRY D. V. DAVIS, WARDEN
15-8482 THORNTON, GEORGETTE B. V. GEORGIA
15-8483 JOHNSON, OWEN V. LYNCH, ATT'Y GEN.
15-8515 MILLER, SIDNEY R. V. ATLANTIC MUNICIPAL CORP.
15-8555 PODLUCKY, GREGORY V. UNITED STATES
15-8595 BRYANT, DARRYL L. V. TENNESSEE
15-8612 DAVIS, LARRY V. MARYLAND
15-8622 LUKASHOV, ALEXANDER V. UNITED STATES
15-8637 WHITE, WILLIAM A. V. UNITED STATES
15-8642 BRANTLEY, COURTNEE N. V. UNITED STATES
15-8645 SESSOMS, JARVIS D. V. UNITED STATES
15-8659 JONES, SCOTT D. V. JONES, SEC., FL DOC, ET AL.
15-8661 JOHNSON, VINCENT S. V. UNITED STATES
15-8683 PETTUS, CLIFTON V. UNITED STATES
15-8700 BODDY, DIARRA J. V. UNITED STATES
15-8703 MARTINEZ-VILLESAS, DANIEL V. UNITED STATES
15-8707 REYES-REYES, JUAN N. V. UNITED STATES
15-8711 GARCIA-PAGAN, LUIS A. V. UNITED STATES
15-8715 SHERMAN, FRANCIS D. V. UNITED STATES
15-8719 DE JESUS SIERRA, DIOGENES V. UNITED STATES

15-8723 BRONSON, TONY V. UNITED STATES
15-8724 NELSON, CECIL D. V. UNITED STATES
15-8728 LAWRENCE, TANA C. V. UNITED STATES
15-8730 THORNTON, RODERICK H. V. UNITED STATES
15-8738 PITTMAN, BRANDON J. V. UNITED STATES
15-8750 WETZEL-SANDERS, LAURA A. V. UNITED STATES
15-8760 ANDERSON, GREGORY D. V. UNITED STATES
15-8761 BOWENS, SAMUEL J. V. UNITED STATES

The petitions for writs of certiorari are denied.

15-525 POM WONDERFUL V. FTC

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

15-905 WARREN, WARDEN V. GARCIA-DORANTES, ANTONIO

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

15-910 BIROS, ROBERT V. KANE, ATT'Y GEN. OF PA, ET AL.

The motion of respondents for leave to file a brief in opposition under seal is granted. The motion of petitioner for leave to file a reply brief under seal is granted. The petition for a writ of certiorari is denied.

15-8368 YOULD, RACHEL V. YOULD, BRETT

The motion of Paul Stanley Holdorf, et al., for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

15-8690 JACKSON, ANTHONY V. UNITED STATES

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

HABEAS CORPUS DENIED

15-8915 IN RE DONATOS SARRAS

The petition for a writ of habeas corpus is denied.

MANDAMUS DENIED

15-8389 IN RE GWANJUN KIM

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

PROHIBITION DENIED

15-8790 IN RE ROMULO A. RECLUSADO

The petition for a writ of prohibition is denied.

REHEARINGS DENIED

15-6487 GONZALES, ARTHUR A. V. UTAH

15-7197 JOHNSON, DEBRA L. V. INTERNATIONAL UNION, ET AL.

15-7211 MAYFIELD, RICHARD V. CASSADY, SUPT., JEFFERSON CITY

15-7293 TORRES, CHRISTOPHER V. STEPHENS, DIR., TX DCJ

15-7298 MARSHALL, JAMES V. CRUTCHFIELD, WARDEN

15-7349 YOUNG, CLINTON L. V. STEPHENS, DIR., TX DCJ

15-7513 DULCIE, NANNETTE V. GUARDIAN TRANSFER STORAGE CO.

15-7534 AUSTIN, LARRY K. V. FLORIDA

15-7567 COOK, DARRYL L. V. UNITED STATES

15-7593 OTYANG, VINCENT V. SAN FRANCISCO, CA, ET AL.

15-7837 BROWN, WILLIAM B. V. MANSUKHANI, WARDEN

15-7914 LORDMASTER, FRANKIE J. V. DAVIS, IVAN D., ET AL.

15-7970 ESTRADA, ISMAEL V. GOODEN, RONALD D., ET AL.
15-8059 IN RE GARFIELD N. COATES

 The petitions for rehearing are denied.

BREYER, J., dissenting

SUPREME COURT OF THE UNITED STATES

**RICHARD DELMER BOYER v. RONALD DAVIS,
WARDEN**

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

No. 15–8119. Decided May 2, 2016

The petition for a writ of certiorari is denied.

JUSTICE BREYER, dissenting from denial of certiorari.

Richard Boyer was initially sentenced to death 32 years ago. He now asks us to consider whether the Eighth Amendment allows a State to keep a prisoner incarcerated under threat of execution for so long. Boyer’s first trial ended with a mistrial after his jury was unable to reach a verdict. Brief in Opposition 1. Boyer’s second trial, in 1984, yielded a conviction and capital sentence that the California Supreme Court reversed on the ground that police officers had obtained evidence by violating his constitutional rights. *Ibid.*; see *Boyer v. Chappell*, 793 F. 3d 1092, 1094, n. 1 (CA9 2015). Boyer’s third trial took place in 1992 and took 14 years to wend its way through California’s appellate process. *Id.*, at 1097. In all, 22 years elapsed between his first trial and our denial of his petition for certiorari on direct appeal. See *Boyer v. California*, 549 U. S. 1021 (2006). Since then, 10 more years have elapsed.

These delays are the result of a system that the California Commission on the Fair Administration of Justice (Commission), an arm of the State of California, see Cal. S. Res. 44 (2004), has labeled “dysfunctional.” Report and Recommendations on the Administration of the Death Penalty in California 6 (2008). Eight years ago, the Commission wrote that more than 10 percent of the capital sentences issued in California since 1978 had been re-

BREYER, J., dissenting

versed. See *id.*, at 20. It noted that many prisoners had died of natural causes before their sentences were carried out, and more California death row inmates had committed suicide than had been executed by the State. *Ibid.* Indeed, only a small, apparently random set of death row inmates had been executed. See *ibid.* A vast and growing majority remained incarcerated, like Boyer, on death row under a threat of execution for ever longer periods of time. See *id.*, at 19–20. The Commission added that California’s death penalty system was expensive, with its system for capital cases costing more than 10 times what the Commission estimated the cost would be for a system that substituted the death penalty with life imprisonment without the possibility of parole. *Id.*, at 83–84.

Put simply, California’s costly “administration of the death penalty” likely embodies “three fundamental defects” about which I have previously written: “(1) serious unreliability, (2) arbitrariness in application, and (3) unconscionably long delays that undermine the death penalty’s penological purpose.” *Glossip v. Gross*, 576 U. S. ___, ___ (2015) (BREYER, J., dissenting) (slip op., at 2); see *Lackey v. Texas*, 514 U. S. 1045 (1995) (memorandum of Stevens, J., respecting denial of certiorari); see also *Valle v. Florida*, 564 U. S. 1067 (2011) (BREYER, J., dissenting from denial of stay); *Knight v. Florida*, 528 U. S. 990, 993 (1999) (BREYER, J., dissenting from denial of certiorari).

For these reasons, I respectfully dissent from the denial of certiorari.