

(ORDER LIST: 560 U.S.)

MONDAY, JUNE 7, 2010

**APPEAL -- SUMMARY DISPOSITION**

09-797           RODEARMEL, DAVID C. V. CLINTON, SEC. OF STATE, ET AL.

The District Court dismissed for lack of standing, 666 F. Supp. 2d 123, 127-131, and n. 10 (DC 2009), so it did not enter “any interlocutory or final judgment, decree, or order upon the validity of the appointment and continuance in office of the Secretary of State under article I, section 6, clause 2, of the Constitution.” Joint Resolution on Compensation and Other Emoluments Attached to the Office of Secretary of State, §1(b)(3)(A), Pub. L. 110-455, 122 Stat. 5036, note following 5 U. S. C. §5312. The appeal is therefore dismissed for want of jurisdiction.

**CERTIORARI -- SUMMARY DISPOSITION**

08-10318       AKERS, DAVID 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 Seventh Circuit for further consideration in light of *Carr v. United States*, 560 U.S. \_\_\_\_ (2010).

**ORDERS IN PENDING CASES**

09A1080       BENTON, DONALD E. V. CORY, TIMOTHY S.

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

09M99 ROBERTSON, KEVIN V. FRANCHOT, PETER V., ET AL.

09M100 GRAF, CLIFFORD J. V. MEE, ADM'R, EAST JERSEY, ET AL.

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

09M101 HERNANDEZ, DANIEL V. ASTRUE, COMM'R, SOCIAL SEC.

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

09-9994 GERMAINE, JOHN W. V. ST. GERMAINE, MARIKA N.

09-9995 GOSS, CHRISTINE F. V. FL UNEMPLOYMENT APPEALS, ET AL.

09-10032 SHAHIN, NINA V. DARLING, PAMELA A., ET AL.

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until June 28, 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 DENIED**

09-636 SHABAZ, SAMUEL V. UNITED STATES

09-803 DENSON, JANNERAL, ET AL. V. UNITED STATES, ET AL.

09-852 SCH. DISTRICT OF PONTIAC, ET AL. V. DUNCAN, SEC. OF EDUCATION

09-948 JONES, DIR., OK DOC V. WILLIAMS, MICHAEL J.

09-963 LUGOVYJ, PETRO V. HOLDER, ATT'Y GEN.

09-1077 SEACOR MARINE LLC V. GRAND ISLE SHIPYARD, INC., ET AL.

09-1198 WILLIAMS, TERRY V. USDC CD CA, ET AL.

09-1199 BAPTE, SYLVIA, ET AL. V. WEST CARIBBEAN AIRWAYS, ET AL.

09-1202 KIM, CYRUS Y. V. FEDERAL WAY, WA

09-1206 CAMPOS, CARLOS V. TEXAS

09-1217 BILISKI, EDWARD V. RED CLAY SCHOOL DIST., ET AL.

09-1221 SHUGART, ANDY, ET AL. V. CHAPMAN, AL SEC. OF STATE

09-1223 LIBERTARIAN PARTY, ET AL. V. DARDENNE, JAY  
09-1237 HART, WOODSON R. V. HODGES, KENNETH B., ET AL.  
09-1243 UNITED STATES, EX REL. BROWN V. WALT DISNEY WORLD CO., ET AL.  
09-1265 ARNESON, TORE O. V. SHINSEKI, SEC. OF VA  
09-1269 HOLE, BRYAN G., ET AL. V. TEXAS A&M UNIV., ET AL.  
09-1275 JUSTICE, ROBERT V. V. McCONNELL, JUDITH, ET AL.  
09-1281 BAUDER, MARK E. V. KENTUCKY  
09-1282 US TECHNOLOGY CORPORATION V. JOHNSON, STEPHEN L., ET AL.  
09-1289 McGEE, MICHAEL L. V. BARTOW, DIR., WI RESOURCE CENTER  
09-1290 TAYLOR, RAMONA D. V. JUDICIAL INQUIRY & REVIEW OF VA  
09-1300 TURNER, THOMAS L. V. TENNESSEE  
09-1301 CECENA, EDUARDO, ET UX. V. ALLSTATE INSURANCE CO., ET AL.  
09-1317 DEHLINGER, ERIK V. UNITED STATES  
09-1337 McNEAL, RODERICK V. UNITED STATES  
09-1349 MORENO, JAVIER A. V. UNITED STATES  
09-1352 PLASKETT, DEAN C. V. UNITED STATES, ET AL.  
09-1355 LEE, MARILYN V. POTTER, POSTMASTER GEN.  
09-7895 ZUNIGA, JERRY L. V. UNITED STATES  
09-8506 JOHNSON, THOMAS V. UNITED STATES  
09-8579 JAUREGUI, WILLIAM C. V. KUTINA, KEVIN  
09-8988 VAUGHN, TYRONE V. UNITED STATES  
09-9181 SHOEMAKE, RAYMOND V. UNITED STATES  
09-9396 MOORE, DAN L. V. CONNECTICUT  
09-9629 KELLY, JOHN M. V. MOSER, PATTERSON AND SHERIDAN  
09-9881 SEMLER, RAYMOND L. V. KLANG, ERICK, ET AL.  
09-9884 SMITH, TERRY D. V. OREGON  
09-9959 PETIT-HOMME, INESTIN V. McNEIL, SEC., FL DOC, ET AL.  
09-9965 HAMMERLORD, M. NORMAN V. SAN DIEGO, CA, ET AL.

09-9969 KAUFMAN, COLIN K. V. TEXAS  
09-9970 SWAMYNATHAN, RAMESH K. V. ILLINOIS  
09-9973 AMAR, ELIE V. HILLCREST JEWISH CENTER  
09-9974 ARTIS, DARRELL V. CAIN, WARDEN  
09-9980 DIXON, JULIETTE M. V. JOHNSON, DIR., VA DOC  
09-9982 CROSS, STEWART A. V. THALER, DIR., TX DCJ  
09-9996 PETZOLD, STEFEN D. V. JONES, DIR., OK DOC  
09-9999 JOHNSON, ANTHONY R. V. TX BOARD OF PARDONS & PAROLES  
09-10000 LARSON, HARVEY E. V. McDONALD, WARDEN, ET AL.  
09-10003 WACKERLY, DONALD V. WORKMAN, WARDEN  
09-10009 GIOVANAZZI, JOSEPH V. SCHUETTE, LINDA, ET AL.  
09-10010 INGLE, PATRICIA A. V. DEUTSCHE BANK NATIONAL TRUST CO.  
09-10017 ESPINOZA, SAMUEL V. KERNAN, WARDEN  
09-10018 MITCHELL, CAROL A. V. AKAL SECURITY  
09-10021 PIGG, STEVE V. BASINGER, JAMES  
09-10023 MOON, YOUNG V. McINTYRE, ELLEN B., ET AL.  
09-10024 MORREO, JASON C. V. CALIFORNIA  
09-10025 YSAIS, CHRISTOPHER Y. V. NM CHILDREN, YOUTH & FAMILIES  
09-10035 PEARSON, DONNA K. V. GREENUP, IL, ET AL.  
09-10036 ZAKRZEWSKI, EDWARD J. V. McNEIL, SEC., FL DOC, ET AL.  
09-10042 ORME, RODERICK M. V. FLORIDA  
09-10044 SERRANO, BERNY V. FLORIDA  
09-10045 SHAW, OSCAR L. V. UNIV. OF TX MED. BRANCH, ET AL.  
09-10046 SALAHUDDIN, ISHMAEL V. THALER, DIR., TX DCJ  
09-10047 STANKO, RUDY V. PATTON, ROBERT, ET AL.  
09-10051 MULLALY, ALBERT V. FLORIDA  
09-10052 POLLY, KENNETH W. V. OKLAHOMA  
09-10065 NELSON, CASEY V. TEXAS

09-10069 TOWNSEND, ORLANDO E. V. BANG, AMY J., ET AL.  
09-10091 HAWTHONE, JOHNNIE R. V. ARKANSAS, ET AL.  
09-10101 MASON, HAROLD B. V. INVISION, ET AL.  
09-10133 TORRES, JOSEPH V. BENEDETTI, WARDEN, ET AL.  
09-10172 JAMES, TIMOTHY V. CATE, SEC., CA DOC, ET AL.  
09-10321 MORROW, CLIFTON V. HOREL, WARDEN  
09-10344 DARBY, JOHN H. V. SOUTH CAROLINA, ET AL.  
09-10345 CASCIO, VITO V. LAWLER, SUPT., HUNTINGDON  
09-10377 DOSTER, OSCAR R. V. TEXAS  
09-10383 BARRAZA, JESSICA V. NEVADA  
09-10388 MURRELL, ROGERS V. SHINSEKI, SEC. OF VA  
09-10390 VERBAL, ROBERT A. V. ANDERSON, ADM'R, PASQUOTANK  
09-10397 ALEXANDER, CLAY V. COLORADO  
09-10569 HENRY, DALRICK A. V. MENDOZA-POWERS, WARDEN  
09-10589 SAINEZ, ALDO O. V. VENABLES, GEORGE  
09-10590 ROZIER, CHRISTOPHER V. UNITED STATES  
09-10597 RHODE, BRANDON V. HALL, WARDEN  
09-10600 ANDERSON, DEXTER V. UNITED STATES  
09-10608 MAGANA-COLIN, JUAN V. UNITED STATES  
09-10618 RICHARDSON, DEDRICK V. UNITED STATES  
09-10620 REEDER, SANDRA, ET VIR V. UNITED STATES  
09-10624 SIGUENZA, DIANE B. V. UNITED STATES  
09-10627 SOTO, JOEL V. UNITED STATES  
09-10629 HODGE, BRADLEY V. UNITED STATES  
09-10630 GOODWIN, DARRELL A. V. UNITED STATES  
09-10631 GOENAGA, KENNETH V. UNITED STATES  
09-10632 HEADMAN, ISAAC V. UNITED STATES  
09-10633 POUNDS, KIM N. V. UNITED STATES

09-10634 PETERS, BILLY V. UNITED STATES  
09-10638 WILLIAMS, RICHARD E. V. UNITED STATES  
09-10639 DELGADO, SAUL B. V. UNITED STATES  
09-10644 ROUNDTREE, DEON D. V. UNITED STATES  
09-10645 WILLIAMS, DANIEL V. UNITED STATES  
09-10647 RATLIFF, JANICE V. UNITED STATES  
09-10651 BURNAM, KENNETH V. UNITED STATES  
09-10652 BROOKS, LYNA V. UNITED STATES

The petitions for writs of certiorari are denied.

09-1097 PECK, ANTONIO V. BALDWINVILLE CENT. SCH., ET AL.  
09-1231 ZHANG, BEIBEI V. HOLDER, ATT'Y GEN.  
09-1356 DHAFIR, RAFIL V. UNITED STATES

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

09-9991 MCCRAY, DONALD R. V. BOOKER, CHARLOTTE  
09-10040 BARBOUR, KENNETH E. V. WALLENS RIDGE STATE PRISON

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.

09-10614 BRENS, ALBERTO 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.

09-10619 ROGERS, GERALD L. V. SCHAPIRO, CHMN., SEC, 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.

09-10646 STONE, DWAYNE 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.

**HABEAS CORPUS DENIED**

09-10677 IN RE MARSHALL D. WILLIAMS

09-10745 IN RE ALTON R. MARCUM

The petitions for writs of habeas corpus are denied.

**MANDAMUS DENIED**

09-10026 IN RE DONALD G. JONES

09-10363 IN RE ROGER MAYWEATHER

The petitions for writs of mandamus are denied.

09-10041 IN RE OTIS T. BERTHEY

The petition for a writ of mandamus and/or prohibition is denied.

**REHEARINGS DENIED**

08-8379 COOKSEY, OTHEL L. V. McELROY, BOBBY, ET AL.

09-985 IN RE STACY A. PATTERSON

09-8206 MERCER, GREGORY S. V. VIRGINIA

09-8272 RIVERA, LAUREANO C. V. UNITED STATES

09-8582 TEAGUE, JOE E. V. NC DEPT. OF TRANSPORTATION

09-8717 SHERIFF, ELMORE V. ACCELERATED RECEIVABLES, ET AL.  
09-8739 ATHERTON, PETER J. V. DC OFFICE OF THE MAYOR, ET AL.  
09-8771 COLLAZO, MATTHEW J. V. TEXAS  
09-8773 OWENS, VERNON R. V. JONES, SUPT., HYDE  
09-8918 BENJAMIN, ANTHONY V. WALLACE, LORETTAN, ET AL.  
09-8947 RICHARDS-JOHNSON, ALICE V. AMERICAN EXPRESS  
09-9075 BALL, DENNIS A. V. BALL, CAROL L., ET AL.  
09-9109 HODGE, BENNY L. V. PARKER, WARDEN  
09-9145 SHOVE, THEODORE V. WONG, WARDEN  
09-9155 SEMLER, RAYMOND V. LUDEMAN, CAL, ET AL.  
09-9230 GRANDOIT, GERARD D. V. LIBERTY MUTUAL INSURANCE CO.  
09-9277 IN RE JEFFREY SANDERS  
09-9279 RAY, FRED V. MISSOURI  
09-9391 HALL, DAVID L. V. VIRGINIA  
09-9460 IN RE DWIGHT YORK, AKA MALACHI YORK  
09-9639 YOUNG, EDWARD E. V. RHODE ISLAND, ET AL.  
09-9726 SMALL, CLARENCE V. BODISON, WARDEN

The petitions for rehearing are denied.



Per Curiam

**SUPREME COURT OF THE UNITED STATES**

UNITED STATES *v.* JUVENILE MALE

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

No. 09–940 Decided June 7, 2010

PER CURIAM.

In 2005, respondent was charged in the United States District Court for the District of Montana with juvenile delinquency under the Federal Juvenile Delinquency Act (FJDA), 18 U. S. C. §5031 *et seq.* Respondent eventually pleaded “true” to knowingly engaging in sexual acts with a person under 12 years of age, which would have been a crime under §§2241(c) and 1153(a) if committed by an adult. In June 2005, the District Court accepted respondent’s plea and adjudged him delinquent. The court sentenced respondent to two years’ official detention and juvenile delinquent supervision until his 21st birthday. The court also ordered respondent to spend the first six months of his juvenile supervision in a prerelease center and to abide by the center’s conditions of residency.

In 2006, Congress enacted the Sex Offender Registration and Notification Act (SORNA), 120 Stat. 590, 42 U. S. C. §16901 *et seq.* With respect to juvenile offenders, SORNA requires individuals who have been adjudicated delinquent for certain serious sex offenses to register and to keep their registrations current in each jurisdiction where they live, work, and go to school. §§16911(8); 16913. In February 2007, the Attorney General issued an interim rule specifying that SORNA’s requirements “apply to all sex offenders, including sex offenders convicted of the offense for which registration is required prior to the enactment of [SORNA].” 72 Fed. Reg. 8897 (codified at 28 CFR §72.3 (2009)).

In July 2007, the District Court revoked respondent’s

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juvenile supervision, finding that respondent had failed to comply with the requirements of the prerelease program. The court sentenced respondent to an additional 6-month term of official detention, to be followed by a period of supervision until his 21st birthday. The Government, invoking SORNA's juvenile registration provisions, argued that respondent should be required to register as a sex offender, at least for the duration of his juvenile supervision. As "special conditions" of his supervision, the court ordered respondent to register as a sex offender and to keep his registration current. App. to Pet. for Cert. 39a.

The Ninth Circuit vacated the sex-offender-registration requirements of the District Court's order. 590 F. 3d 924 (2010). The Court of Appeals determined that "retroactive application of SORNA's provision covering individuals who were adjudicated juvenile delinquents because of the commission of certain sex offenses before SORNA's passage violates the Ex Post Facto Clause of the United States Constitution." *Id.*, at 927. The court thus held that "SORNA's juvenile registration provision may not be applied retroactively to individuals adjudicated delinquent under the [FJDA]." *Id.*, at 928.

The United States asks us to grant certiorari to review the Ninth Circuit's determination that SORNA violates the *Ex Post Facto* Clause as applied to individuals who were adjudicated juvenile delinquents under the FJDA prior to SORNA's enactment. Before we can address that question, however, we must resolve a threshold issue of mootness. Before the Ninth Circuit, respondent challenged only the conditions of his juvenile supervision requiring him to register as a sex offender. But on May 2, 2008, respondent's term of supervision expired, and thus he no longer is subject to those sex-offender-registration conditions. As such, this case likely is moot unless respondent can show that a decision invalidating the sex-offender-registration conditions of his juvenile supervision

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would be sufficiently likely to redress “collateral consequences adequate to meet Article III’s injury-in-fact requirement.” *Spencer v. Kemna*, 523 U. S. 1, 14 (1998).

Perhaps the most likely potential “collateral consequenc[e]” that might be remedied by a judgment in respondent’s favor is the requirement that respondent remain registered as a sex offender under Montana law. (“By the time of the court of appeals’ decision, respondent had become registered as a sex offender in Montana, where he continues to be registered today.” Pet. for Cert. 29.) We thus must know whether a favorable decision in this case would make it sufficiently likely that respondent “could remove his name and identifying information from the Montana sex offender registry.” *Ibid.* Therefore, we certify the following question to the Supreme Court of Montana, pursuant to Montana Rule of Appellate Procedure 15 (2009):

Is respondent’s duty to remain registered as a sex offender under Montana law contingent upon the validity of the conditions of his now-expired federal juvenile-supervision order that required him to register as a sex offender, see Mont. Code Ann. §§46–23–502(6)(b), 41–5–1513(1)(c) (2005); *State v. Villanueva*, 328 Mont. 135, 138–140, 118 P.3d 179, 181–182 (2005); see also §46–23–502(9)(b) (2009), or is the duty an independent requirement of Montana law that is unaffected by the validity or invalidity of the federal juvenile-supervision conditions, see §46–23–502(10) (2009); 2007 Mont. Laws ch. 483, §31, p. 2185?

We respectfully request that the Montana Supreme Court accept our certified question. The court’s answer to this question will help determine whether this case presents a live case or controversy, and there is no controlling appellate decision, constitutional provision, or statute on point. Mont. Rule App. Proc. 15(3). We understand that

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the Montana Supreme Court may wish to reformulate the certified question. Rule 15(6)(a)(iii).

The Clerk of this Court is directed to transmit to the Supreme Court of Montana a copy of this opinion, the briefs filed in this Court in this case, and a list of the counsel appearing in this matter along with their names and addresses. See Rules 15(5) and (6)(a)(iv). Further proceedings in this case are reserved pending our receipt of a response from the Supreme Court of Montana.

*It is so ordered.*

Statement of SOTOMAYOR, J.

**SUPREME COURT OF THE UNITED STATES**

JUWANNA WROTTEN *v.* NEW YORK

ON PETITION FOR WRIT OF CERTIORARI TO THE COURT OF  
APPEALS OF NEW YORK

No. 09–9634. Decided June 7, 2010

The petition for a writ of certiorari is denied.

Statement of JUSTICE SOTOMAYOR respecting the denial of the petition for writ of certiorari.

This case presents the question whether petitioner’s rights under the Confrontation Clause of the Sixth Amendment, as applied to the States through the Fourteenth Amendment, were violated when the State introduced testimony at his trial via a two-way video that enabled the testifying witness to see and respond to those in the courtroom, and vice versa. The question is an important one, and it is not obviously answered by *Maryland v. Craig*, 497 U. S. 836 (1990). We recognized in that case that “a defendant’s right to confront accusatory witnesses may be satisfied absent a physical, face-to-face confrontation at trial,” but “only where denial of such confrontation is necessary to further an important public policy.” *Id.*, at 850. In so holding, we emphasized that “[t]he requisite finding of necessity must of course be a case-specific one.” *Id.*, at 855. Because the use of video testimony in this case arose in a strikingly different context than in *Craig*, it is not clear that the latter is controlling.

The instant petition, however, reaches us in an interlocutory posture. The New York Court of Appeals remanded to the Appellate Division for further review, including of factual questions relevant to the issue of necessity. 14 N. Y. 3d 33, 40, 923 N. E. 2d 1099, 1103 (2009). Granting the petition for certiorari at this time would require us to resolve the threshold question whether the Court of Appeals’ decision constitutes a

Statement of SOTOMAYOR, J.

“[f]inal judgmen[t]” under 28 U. S. C. §1257(a). Moreover, even if we found the judgment final, in reviewing the case at this stage we would not have the benefit of the state courts’ full consideration.

In light of the procedural difficulties that arise from the interlocutory posture, I agree with the Court’s decision to deny the petition for certiorari. But following the example of some of my colleagues, “I think it appropriate to emphasize that the Court’s action does not constitute a ruling on the merits and certainly does not represent an expression of any opinion concerning” the importance of the question presented. *Moreland v. Federal Bureau of Prisons*, 547 U. S. 1106, 1107 (2006) (STEVENS, J., statement respecting denial of certiorari).