

(ORDER LIST: 545 U.S.)

MONDAY, JUNE 20, 2005

CERTIORARI -- SUMMARY DISPOSITIONS

04-609 HIGHTOWER, JOHN W. V. SCHOFIELD, WARDEN

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 *Miller-El v. Dretke*, 545 U.S. \_\_\_\_ (2005).

04-1390 UNITED STATES V. SMITH, ALVIN

The motion of respondent for leave to proceed *in forma pauperis* is granted. 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 *Gonzales v. Raich*, 545 U.S. \_\_\_\_ (2005).

04-6176 ALLEN, DON E. V. CALIFORNIA

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 California, First Appellate District for further consideration in light of *Johnson v. California*, 545 U.S. \_\_\_\_ (2005).

04-8323 HOLBROOK, AGNES 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).

04-10091 TEEPLES, DAVID R. 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 Ninth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. \_\_\_\_ (2005).

04-10103 JONES, PHILIP D. 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 *United States v. Booker*, 543 U.S. \_\_\_\_ (2005).

04-10127 FOX, EDWARD J. 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 First Circuit for further consideration in light of *United States v. Booker*, 543 U.S. \_\_\_\_ (2005).

04-10253 THOMAS, MARSHAUN 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).

**ORDERS IN PENDING CASES**

04M74 AMADASUN, PATRICK I. V. COLUMBIA PICTURES INDUS., ET AL.

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

04-721 LAMARQUE, WARDEN V. CHAVIS, REGINALD

The motion of respondent for appointment of counsel is granted. Peter K. Stris, Esquire, of Los Angeles, California, is appointed to serve as counsel for the petitioner in this case.

**CERTIORARI GRANTED**

04-1264 BUCKEYE CHECK CASHING, INC. V. CARDEGNA, JOHN, ET AL.

04-1329 IL TOOL WORKS INC., ET AL. V. INDEPENDENT INK, INC.

The petitions for writs of certiorari are granted.

**CERTIORARI DENIED**

03-10031 ENGLISH, JERMAINE V. ALABAMA

03-10045 COULTER, DWAYNE V. ILLINOIS

03-10700 REYNOSO, JOHN P. V. CALIFORNIA

04-293 HONEYWELL INT'L INC., ET AL. V. HAMILTON SUNDSTRAND CORP.

04-992 D. T. B., ET AL. V. FARMER, FORMER ATT'Y GEN. OF NJ

04-1106 FOLDEN, GENE A., ET AL. V. UNITED STATES

04-1115 SEATTLE HOUSING AND RESOURCE V. POTTER, POSTMASTER GENERAL

04-1148 RODRIGUEZ, VLADIMIR V. UNITED STATES

04-1213 CONSTRUCTION LABORERS PENSION V. BANUELOS, EIJINIO

04-1230 WRIGHT ELECTRIC, INC. V. OUELLETTE, THOMAS A., ET AL.  
04-1257 KETTENBACH, FRANCES D. V. DEMOULAS, RAFAELE, ET AL.  
04-1369 EDDINGS, JAMES R., ET AL. V. JUNKER, LARRY G.  
04-1374 HEMET, CA, ET AL. V. SMITH, THOMAS  
04-1385 MANION, PATRICK T. V. NAGIN, STEPHEN E., ET AL.  
04-1389 OXLEY, CHRISTOPHER D. V. LOUISIANA  
04-1394 BUREAU, JOHN F. V. SYNTEGRA (USA), INC., ET AL.  
04-1395 ELLIS, LINDA V. LIBERTY LIFE ASSURANCE CO.  
04-1397 GERBER, EDWARD, ET AL. V. AGYEMAN, EMMANUEL S.  
04-1398 GOODMAN, ROBBIE V. TEXAS  
04-1400 FEDERAL WAY SCHOOL DISTRICT V. M. L., ET AL.  
04-1416 CLEVELAND, OH V. BECK, ROBERT, ET AL.  
04-1422 DEL ROSARIO JIMENEZ SANCHEZ, M. V. GONZALES, ATT'Y GEN.  
04-1443 MADRID, GUADALUPE V. GONZALES, ATT'Y GEN.  
04-1444 BREWER, REGINA G. V. SCHALANSKY, SEC., KS DEPT. SOC.  
04-1446 CARUSO, BARBARA H., ET VIR V. MORRIS, GEORGE B.  
04-1448 ROGERS, ANTHONY, ET AL. V. SAN ANTONIO, TX  
04-1454 BASSIOUNI, MAHMOUD C. V. CIA  
04-1458 CHICAGO BRAND INDUSTRIAL, INC. V. MITUTOYO CORPORATION, ET AL.  
04-1460 HAYES, JAMES J. V. GENESIS HEALTH VENTURES  
04-1463 HOWARD, LYNN V. DEPT. OF ARMY, ET AL.  
04-1472 STANTON, JOHN V. DCCA  
04-1483 MALIS, DOROTHY B. V. CIR  
04-1500 HOFF, MARY M. V. OPM  
04-1533 TRENKLER, ALFRED V. USDC MA  
04-1560 HONEYWELL INTL. INC. V. INTERFAITH COMMUNITY, ET AL.  
04-6903 FIELDS, EMANUAL D. V. TEXAS  
04-6974 MORALES-DE JESUS, ELVIN T. V. UNITED STATES

04-7537 FITZPATRICK, STANLEY V. OHIO  
04-7843 CLARK, CHARLES G. V. ALABAMA  
04-7939 RODRIGUEZ-HERRERA, JULIAN V. UNITED STATES  
04-8117 FORDE, STEPHEN C. V. CLARK, WARDEN, ET AL.  
04-8606 TYSON, GREGORY P. V. COOPER, WARDEN, ET AL.  
04-8664 COLBURN, RANDY K. V. UNITED STATES  
04-8823 JONES, JAMES C. V. UNITED STATES  
04-8969 GRAY, RODNEY V. MISSISSIPPI  
04-8991 HUGHES, WILLIAM R. V. MISSISSIPPI  
04-9167 KIRCHOFF, WILLIAM W. V. UNITED STATES  
04-9172 BRANDON P. V. UNITED STATES  
04-9248 CERNA-SALGUERO, WILTON A. V. UNITED STATES  
04-9654 QUINTANA, JOSE V. ADAMS, WARDEN  
04-9658 HAMILTON, RONALD J. V. TEXAS  
04-9664 FIELDS, MITCHELL V. CRAWFORD, DIR., NV DOC  
04-9679 KRASSNER, PETER L. V. WHITING, CATHLEEN CARMEN W.  
04-9680 WIEBELHAUS, GREGORY H. V. TEXAS  
04-9682 WALKER, CARLTON V. COVINGTON, RHONDA  
04-9684 WARREN, WADDELL V. BRUCE, WARDEN, ET AL.  
04-9686 WILLIAMS, JOHNNY L. V. CROSBY, SEC., FL DOC, ET AL.  
04-9693 SZABO, RONALD L. V. SEABOLD, WARDEN  
04-9696 ALI, ABDUL H. V. HOUS. AUTH. OF PATERSON  
04-9706 SMITH, ROBERT L. V. AKERLIND, CARL E.  
04-9709 COLE, ANDRE V. V. MISSOURI  
04-9711 MATHIS, MILTON W. V. DRETKE, DIR., TX DCJ  
04-9716 CLOUTIER, KIMBERLY M. V. COSTCO WHOLESALE CORP.  
04-9718 CARLESS, WILLIAM T. V. BERGHUIS, WARDEN  
04-9720 SHELBY, MITCHELL V. DRETKE, DIR., TX DCJ

04-9723        JOHNSON, ROSALIE T. V. BERKELEY CTY. SHERIFF'S DEPT.  
04-9725        MOORE, VERNON A. V. CAREY, WARDEN  
04-9732        BATTY, WARNER E. V. TENNIS, WARDEN, ET AL.  
04-9733        WOOD, JOHN R. V. SOUTH CAROLINA  
04-9734        ROSE, DANA L. V. McMURRAY, KERRY D., ET AL.  
04-9735        WELLS, KELVIN P. V. DISTRICT COURT OF LA, ET AL.  
04-9739        ROSE, DANA L. V. ASPER, DENISE, ET AL.  
04-9751        BROWN, ROBERT L. V. DRETKE, DIR., TX DCJ  
04-9755        KING, GERALD V. DRETKE, DIR., TX DCJ  
04-9756        JACKSON, JOHN D. V. WILSON, SUPT., MS  
04-9758        JONES, GEORGE V. BITNER, ROBERT, ET AL.  
04-9766        PAGE, JERMAINE V. NEW YORK  
04-9793        GARRAWAY, MITCHELL T. V. FED. BUREAU OF PRISONS  
04-9819        WANGUNHARDJO, MILA I. V. GONZALES, ATT'Y GEN.  
04-9829        DAY, TIMOTHY W. V. FARWELL, WARDEN, ET AL.  
04-9858        CURTO, PATRICIA J. V. EDMONDSON, KATHERINE, ET AL.  
04-9862        ANDERSON, JERRY D. V. PARKER, WARDEN  
04-9905        WEST, WALLY L. V. ILLINOIS  
04-9908        MALDONADO, JESUS M. V. GONZALES, ATT'Y GEN.  
04-9920        MEAD, DOROTHY H. V. OREGON  
04-9930        WILLIAMS, TAKI V. ILLINOIS  
04-9945        JAMERSON, WILLIE V. FLORIDA  
04-9970        HICKS, WILLIE V. OHIO  
04-10022        MIRANDA, BRIAN V. LEIBACH, WARDEN  
04-10055        BROWN, RONALD L. V. PENNSYLVANIA  
04-10112        VESEY, ARTHUR V. UNITED STATES  
04-10113        BERRY, JAMES W. V. PAINTER, WARDEN, ET AL.  
04-10185        BETTS, JOHN P. V. CALIFORNIA

04-10193 ST. JOHN-THOMPSON, CHRISTOPHER V. UNITED STATES  
04-10201 WATSON, CURTIS L. V. UNITED STATES  
04-10204 WILSON, JOHN V. UNITED STATES  
04-10205 VANCE, RICKY L. V. UNITED STATES  
04-10208 PRI-HAR, MENACHEM V. UNITED STATES  
04-10211 MATHIESON, PAUL V. UNITED STATES  
04-10212 TURNER, NICHOLAS E. V. UNITED STATES  
04-10213 SANCHEZ-LUNA, JOSE V. UNITED STATES  
04-10218 HORNADAY, JAMES P. V. UNITED STATES  
04-10219 GARCIA-CASTILLO, CARLOS E. V. UNITED STATES  
04-10220 GUZMAN, RUBEN O. V. ARIZONA  
04-10222 GIBSON, DERRICK V. UNITED STATES  
04-10228 CUREAUX, LIONEL V. UNITED STATES  
04-10229 DEEB, JOHN J. V. SANDERS, WARDEN  
04-10230 EDWARDS, KELLY V. UNITED STATES  
04-10233 McDONALD, MARIO V. UNITED STATES  
04-10235 LIZANO, PEDRO D. V. UNITED STATES  
04-10237 GOMEZ-MARTINEZ, CLAUDIA M. V. UNITED STATES  
04-10242 HUGGINS, ALEX V. UNITED STATES  
04-10243 TYREE, SCOTT V. UNITED STATES  
04-10252 BLUE, QUINCY D. V. UNITED STATES  
04-10257 GIBSON, BERNARD V. UNITED STATES  
04-10270 LAMBROS, JOHN G. V. UNITED STATES  
04-10296 BROWN, CARL, ET AL. V. UNITED STATES

The petitions for writs of certiorari are denied.

04-1381 SPRINT COMMUNICATIONS CO., ET AL V. SMITH, WAYNE, ET AL.

The motion of Association of American Railroads for leave to file a brief as *amicus curiae* is granted. The petition for a

writ of certiorari is denied.

04-1461 HANAS, JOSEPH R. V. MICHIGAN

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

#### HABEAS CORPUS DENIED

04-10294 IN RE MICHAEL H. BILDERBACK

04-10374 IN RE BERALDO FONSECA

The petitions for writs of habeas corpus are denied.

#### MANDAMUS DENIED

04-9730 IN RE SHELLY M. SIMMONS-GOFF

04-9744 IN RE THOMAS H. CLAY

The petitions for writs of mandamus are denied.

#### REHEARINGS DENIED

03-725 PASQUANTINO, DAVID B., ET AL. V. UNITED STATES

03-9627 PACE, JOHN A. V. DiGUGLIELMO, SUPT., GRATERFORD

04-902 MURPHY, JERRY V. METROPOLITAN TRANSIT AUTH.

04-1008 CHEATHAM, ARTRONE V. UNITED STATES

04-1163 STEPHENS, RANDALL G. V. UNION CARBIDE CORP., ET AL.

04-8578 CORBIN, DAVID R. V. BLADEN CTY. CHILD SUPPORT AGENCY

04-8787 BLANEY, JEFFREY S. V. JOHNSON, DIR., VA DOC

04-8795 RILEY, WILLIAM V. GEORGIA

04-9186 EAK, ROBERT V. MECHLING, SUPT., FAYETTE

04-9212 COTNEY, DAVID F. V. UNITED STATES

The petitions for rehearing are denied.



**ATTORNEY DISCIPLINE**

D-2334 IN THE MATTER OF DISBARMENT OF BRADLEY HAROLD LOCKENVITZ

Bradley Harold Lockenvitz, of Linn, Missouri, having been suspended from the practice of law in this Court by order of August 5, 2002; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and a response having been filed;

It is ordered that Bradley Harold Lockenvitz is disbarred from the practice of law in this Court.

D-2406 IN THE MATTER OF DISBARMENT OF JOHN MICHAEL POOLE

John Michael Poole, of Miami, Florida, having been suspended from the practice of law in this Court by order of February 22, 2005; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that John Michael Poole is disbarred from the practice of law in this Court.

D-2407 IN THE MATTER OF DISBARMENT OF JOHN SILVIA, JR.

John Silvia, Jr., of Somerset, Massachusetts, having been suspended from the practice of law in this Court by order of February 22, 2005; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that John Silvia, Jr. is disbarred from the practice of law in this Court.

D-2408 IN THE MATTER OF DISBARMENT OF WILLIAM HOWARD PIPPEN

William Howard Pippen, of Houston, Texas, having been suspended from the practice of law in this Court by order of

February 22, 2005; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that William Howard Pippen is disbarred from the practice of law in this Court.

D-2409

IN THE MATTER OF DISBARMENT OF ROBERT W. RICKARD

Robert W. Rickard, of Houston, Texas, having been suspended from the practice of law in this Court by order of February 22, 2005; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Robert W. Rickard is disbarred from the practice of law in this Court.

D-2410

IN THE MATTER OF DISBARMENT OF RAHMAN OLALEKAN ASHIRU

Rahman Olalekan Ashiru, of Houston, Texas, having been suspended from the practice of law in this Court by order of February 22, 2005; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Rahman Olalekan Ashiru is disbarred from the practice of law in this Court.

D-2411

IN THE MATTER OF DISBARMENT OF WILLIAM S. BOYD, III.

William S. Boyd, III., of Gulfport, Mississippi, having been suspended from the practice of law in this Court by order of February 22, 2005; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that William S. Boyd, III. is disbarred from

the practice of law in this Court.

D-2412 IN THE MATTER OF DISBARMENT OF ELLIOTT D. MOORMAN

Elliott D. Moorman, of East Orange, New Jersey, having been suspended from the practice of law in this Court by order of February 22, 2005; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Elliott D. Moorman is disbarred from the practice of law in this Court.

D-2413 IN THE MATTER OF DISBARMENT OF CHARLES STEVEN EPSTEIN

Charles Steven Epstein, of Edison, New Jersey, having been suspended from the practice of law in this Court by order of February 22, 2005; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Charles Steven Epstein is disbarred from the practice of law in this Court.

D-2414 IN THE MATTER OF DISBARMENT OF MARTIN STANLEY TANNER

Martin Stanley Tanner, of Salt Lake City, Utah, having been suspended from the practice of law in this Court by order of February 22, 2005; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Martin Stanley Tanner is disbarred from the practice of law in this Court.

D-2415 IN THE MATTER OF DISBARMENT OF JOHN P. GROSS

John P. Gross, of Warren, New Jersey, having been suspended from the practice of law in this Court by order of February 22,

2005; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that John P. Gross is disbarred from the practice of law in this Court.

D-2416 IN THE MATTER OF DISBARMENT OF DAVID NEWTON BUDA

David Newton Buda, of East Hampton, New York, having been suspended from the practice of law in this Court by order of February 22, 2005; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that David Newton Buda is disbarred from the practice of law in this Court.

D-2417 IN THE MATTER OF DISBARMENT OF SCOTT W. SPENCER

Scott W. Spencer, of Columbus, Ohio, having been suspended from the practice of law in this Court by order of February 22, 2005; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Scott W. Spencer is disbarred from the practice of law in this Court.

D-2419 IN THE MATTER OF DISBARMENT OF PAUL M. WHITAKER

Paul M. Whitaker, of Albany, New York, having been suspended from the practice of law in this Court by order of February 22, 2005; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Paul M. Whitaker is disbarred from the

practice of law in this Court.

**RECESS ORDER**

The Court will take a recess from Monday, June 20, 2005,  
until Thursday, June 23, 2005.