

(ORDER LIST: 564 U.S.)

MONDAY, JUNE 20, 2011

CERTIORARI -- SUMMARY DISPOSITION

09-10276 ROGERS, JAMES 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 *Sykes v. United States*, 564 U.S. 1 (2011).

ORDERS IN PENDING CASES

10M84 SHIPLET, JACQUELINE V. VILSACK, SEC. OF AGRICULTURE

The motion for leave to file a petition for a writ of certiorari with supplemental appendix under seal is granted, except that the order of May 15, 2009, shall be placed in the public record.

10M114 FERNANDEZ, ALBERTO V. MARTEL, WARDEN, ET AL.

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

10-1285 COUNTRYWIDE HOME LOANS, INC. V. RODRIQUEZ, FRANCISCO, ET UX.

The Solicitor General is invited to file a brief in this case expressing the views of the United States.

10-10008 FIORANI, ROSARIO A. V. UNITED STATES

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

10-10528 DAY, ROGER J. V. MINNESOTA, ET AL.

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until July 11, 2011, 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

10-218 PPL MONTANA, LLC V. MONTANA

The motion of Professor David Emmons, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is granted limited to Question 1 presented by the petition.

10-708 FIRST AMERICAN FINANCIAL V. EDWARDS, DENISE P.

The petition for a writ of certiorari is granted limited to Question 2 presented by the petition.

10-1024 FAA, ET AL. V. COOPER, STANMORE C.

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

10-1150 MAYO COLLABORATIVE SVCS., ET AL. V. PROMETHEUS LABS., INC.

The petition for a writ of certiorari is granted.

CERTIORARI DENIED

09-10868 HARRIS, ANTHONY V. UNITED STATES

10-109 DISMUKE, ANTHONY V. UNITED STATES

10-314 WELCH, DEVIN V. UNITED STATES

10-426 APPLERA CORP., ET AL. V. ENZO BIOCHEM, INC., ET AL.

10-535 RH CAPITAL ASSOC., ET AL. V. MAYER BROWN LLP, ET AL.

10-717 MICCOSUKEE TRIBE OF INDIANS V. KRAUS-ANDERSON CONSTR. CO.

10-803 BANJO, DEL V. CULLEN, ACTING WARDEN
 10-838 PACIFIC BELL TELEPHONE CO. V. CA PUB. UTIL. COMM'N, ET AL.
 10-929) DAUGAARD, GOV. OF SD, ET AL. V. YANKTON SIOUX TRIBE, ET AL.
)
 10-931) SOUTHERN MISSOURI RECYCLING V. YANKTON SIOUX TRIBE, ET AL.
)
 10-932) HEIN, PAM, ET AL. V. YANKTON SIOUX TRIBE, ET AL.
)
 10-1058) YANKTON SIOUX TRIBE, ET AL. V. DAUGAARD, GOV. OF SD, ET AL.
 10-1044 STRICKLAND, ED, ET AL. V. SEATTLE, WA
 10-1156 BURDINE, TROY V. WEISS, RICHARD
 10-1177 WYETH LLC, ET AL. V. SCOFIELD, JERALDINE, ET AL.
 10-1226 RODRIGUEZ, JOSE A. V. FEDEX FREIGHT EAST, INC.
 10-1254 PARKER, LANA V. RICHMOND CTY. BD. OF ED.
 10-1256 CHAN, BILL V. LUND, CRAIG T., ET AL.
 10-1263 BRYSON, DAVID J. V. OKLAHOMA CITY, OK, ET AL.
 10-1270 DOTCH, GARRETT V. ALABAMA
 10-1271 COBLE, BILLIE W. V. TEXAS
 10-1272 TALLEY, LOGIE W. V. HOUS. AUTH. OF COLUMBUS, GA
 10-1275 CONSTANT, JAMES V. CA, EX REL. DEPT. OF TRANSP.
 10-1277 CAMPBELL, ELIZABETH V. KELLERMYER BLDG. SVCS., LLC
 10-1279 FLINT, EDWARD H. V. KING, JUDGE, ETC.
 10-1280 WIDTFELDT, JAMES V. NE EQUAL OPPORTUNITY COMM'N
 10-1281 LINDGREN, GERALD W. V. GLACIAL PLAINS COOPERATIVE
 10-1288 ZHANG, YILING V. INLAND COUNTIES REGIONAL CENTER
 10-1355 RACZ, JOHN V. CALIFORNIA
 10-1387) DOUGLAS, DONNY G. V. UNITED STATES
)
 10-10483) CAMPBELL, JAY V. UNITED STATES
 10-1392 HAAGENSEN, JANICE V. SUPREME COURT OF PA, ET AL.
 10-1398 BUSSON-SOKOLIK, DUSTIN, ET AL. V. MILWAUKEE SCHOOL OF ENG.
 10-1400 QANTAS AIRWAYS LIMITED V. UPS SUPPLY CHAIN SOLUTIONS

10-1407 MATTHIS, JASON V. CAIN, WARDEN
10-1429 WAMPLER, HOWARD, ET AL. V. UNITED STATES
10-5289 HUGHES, DAVID E. V. UNITED STATES
10-6048) PARTEE, DEMETRIUS S., ET AL. V. UNITED STATES
)
10-6076) BUFFORD, RITCHIE V. UNITED STATES
10-6106 MEMBERS, ELLIS V. UNITED STATES
10-6217 RAMOS, FRED A. V. UNITED STATES
10-6440 WARREN, WILLIAM T. V. UNITED STATES
10-6654 WOMACK, ANTHONY V. UNITED STATES
10-6658 WISE, MICHAEL V. UNITED STATES
10-6664 DUNSON, CHARLES T. V. UNITED STATES
10-6667 PETERSEN, LARRY E. V. UNITED STATES
10-6832 RUDD, RONALD L. V. UNITED STATES
10-6864 WEEKES, JEROME V. UNITED STATES
10-6991 McCONNELL, JASON C. V. UNITED STATES
10-7164 ETHINGOR, WARREN V. UNITED STATES
10-7205 GOOCH, HAROLD L. V. UNITED STATES
10-7305 ATKINS, JOHN L. V. UNITED STATES
10-7332 ASKEW, KENNETH I. V. UNITED STATES
10-7811 PULLUM, KEVIN J. V. McDONALD, WARDEN
10-7934 STEPHENS, KEVIN V. UNITED STATES
10-7942 KLUGE, MICHAEL V. UNITED STATES
10-8286 DORITY, RICKY L. V. ROY, WARDEN
10-8354 CLAY, DONNALE C. V. UNITED STATES
10-8671 SALGADO, MARIO V. UNITED STATES
10-8734 SANCHEZ-LEDEZMA, ABELARDO V. UNITED STATES
10-8792 ARAGON, JOSE F. V. UNITED STATES
10-8846 NOAH, DONALD V. UNITED STATES

10-8926 DUNSON, CLINTON W. V. UNITED STATES
 10-9053 MANCERA, SIMON S. V. UNITED STATES
 10-9085 SPENCER, KERRY V. ALABAMA
 10-9399) BEGAY, BRANDON D. V. UNITED STATES
)
 10-9420) WATCHMAN, OZZY C. V. UNITED STATES
 10-9514 PANETTI, SCOTT L. V. TEXAS
 10-9516 PETTUS, NAKIA V. UNITED STATES, ET AL.
 10-9617 LUKASIEWICZ-KRUK, MONIKA V. GREENPOINT YMCA, ET AL.
 10-10012 SMITH, ADRIAN M. V. AIKEN PUBLIC WORKS, ET AL.
 10-10013 PARKS, CHARLES B. V. LOWE, RANDALL, ET AL.
 10-10015 MARCOS, JULIO A. V. THALER, DIR., TX DCJ
 10-10017 ROUNDS, GEORGE D. V. CA DOC
 10-10018 ISOM, KENNETH R. V. ARKANSAS
 10-10020 GARNETT, BRYON V. NEVEN, WARDEN, ET AL.
 10-10025 SUTHERLIN, DAVID V. OLIVER, EDWARD
 10-10026 JONES, WALTER C. V. TEXAS
 10-10028 MONKRES, BRYAN R. V. CAMPBELL, WARDEN, ET AL.
 10-10031 RANSTROM, SCOTT V. ELDRIDGE CONSTR., INC., ET AL.
 10-10032 MOSBY, GEORGE L. V. FLORIDA
 10-10034 CHRISTIAN, FRED E. V. FRANK BOMMARITO OLDSMOBILE, INC.
 10-10035 CARRODINE, JAMES V. McKEE, WARDEN
 10-10036 GEVARA, JORGE V. BENNETT, BOYD, ET AL.
 10-10037 GEVARA, JORGE V. HUBBARD, F. B., ET AL.
 10-10038 GEVARA, JORGE V. KELLER, SEC., NC DOC, ET AL.
 10-10040 GONZALES, DAVID V. ROMANOWSKI, WARDEN
 10-10044 HENDRICKS, LARRY E. V. COHEN, WARDEN
 10-10045 HENDRICKS, LARRY E. V. WILSON, ATT'Y GEN. OF SC, ET AL.
 10-10052 SHELTON, STEVEN R. V. BANKS, WARDEN

10-10069 JONES, FRED E. V. HARMON, KARRIE J.
10-10070 SCHMIDT, JANIS L. V. WARWICK PUBLIC SCHOOL DIST.
10-10071 ALLEN, KYLE V. MASSACHUSETTS
10-10072 ARFLACK, MARK C. V. HENDERSON COUNTY, KY, ET AL.
10-10074 MENCY, JASON V. SUPERIOR COURT OF CA, ET AL.
10-10076 LYNCH, ANTHONY D. V. CALIFORNIA
10-10077 LaVERGNE, HARRISON V. CALIFORNIA
10-10085 WILKERSON, MICHAEL E. V. TENNESSEE
10-10087 WILLIAMS, EDWARD V. SUMMIT COUNTY AUDITOR, ET AL.
10-10088 WHITLEY, JAMES G. V. TEXAS
10-10094 BELL, ANTHONY V. LOUISIANA
10-10095 TORREFRANCA, DELMO F. V. HORNE, ATT'Y GEN. OF AZ, ET AL.
10-10097 YARBROUGH, JOHN B. V. THALER, DIR., TX DCJ
10-10117 SIMS, DOMINICA V. DAVIS, WARDEN
10-10119 ROEUTH, SY V. FAYRAM, WARDEN
10-10151 McCARTNEY, ROBERT K. V. RYLAND, CAROLYN, ET AL.
10-10208 VANG, TENG V. POLLARD, WARDEN
10-10222 ROBINSON, ROBIN V. U. S. MARSHALS SERVICE, ET AL.
10-10238 ABRAMCZYK, EUGENE E. V. BERGHUIS, WARDEN
10-10248 BURGIE, ERIC C. V. HANNAH, CHIEF JUSTICE, ETC.
10-10253 SPENCER, WILLIAM S. V. HARRY, WARDEN
10-10263 SCHAROSCH, STEPHEN H. V. PALMER, WARDEN
10-10268 LAMB, DAVID V. PALMER, WARDEN
10-10275 PERRIDON, STEVEN R. V. ROE, WARDEN, ET AL.
10-10298 STEWART, CALVIN P. V. UTAH
10-10335 HITTSON, TRAVIS C. V. HUMPHREY, WARDEN
10-10361 FRANZA, DOMINIC M. V. WALSH, SUPT., SULLIVAN
10-10373 BRATHWAITE, KEVIN C. V. PHELPS, WARDEN, ET AL.

10-10378 LAKEY, DERRICK V. CATE, SEC., CA DOC
 10-10389 AUSSICKER, JAMES W. V. CURTIN, WARDEN
 10-10420) BENN, MAURICE V. UNITED STATES
)
 10-10556) GAINES, GREGORY V. UNITED STATES
 10-10489 KING, TIMOTHY J. V. UNITED STATES
 10-10530 MARTINEZ, JAIME A. V. UNITED STATES
 10-10538 WHYTE, PETER V. WISCONSIN
 10-10542 JOHNSON, MARCUS R. V. UPTON, WARDEN
 10-10547 DONOVAN, RUSSELL N. V. UNITED STATES
 10-10550 VINCENT, VERONICA V. UNITED STATES
 10-10551 CUMMINGS, DEBORAH V. UNITED STATES
 10-10552 GUO, ZHI Y. V. UNITED STATES
 10-10554 HAMPTON, STEPHANIE V. UNITED STATES
 10-10555 GARCIA, LEONEL V. UNITED STATES
 10-10557 GONZALES, PAULA V. UNITED STATES
 10-10559 HAWKINS, KAREN V. UNITED STATES
 10-10560 GOINGS, MONTEL V. UNITED STATES
 10-10561 HATCHER, DONELL V. UNITED STATES
 10-10564 HALSTEAD, RONALD L. V. UNITED STATES
 10-10570 PINEDA, JOSE D. V. UNITED STATES
 10-10571 DAVIS, LaVONNE V. HOUSE OF REPRESENTATIVES
 10-10572 CORONADO, ENRIQUE V. UNITED STATES
 10-10574 CHOWDHURY, NIZAMUDDIN V. UNITED STATES
 10-10577 PLACENCIA-MARQUEZ, LUIS A. V. UNITED STATES
 10-10578 NUNEZ-LUNA, JOSE L. V. UNITED STATES
 10-10579 GOMEZ, ANSELMO V. UNITED STATES
 10-10582 TOCHOLKE, BERNARD V. WISCONSIN
 10-10584 TURNER, DARRELL V. UNITED STATES

10-10585 BAUGUS, JACKSON B. V. UNITED STATES
10-10587 ALBERTSON, RANDY A. V. UNITED STATES
10-10588 FLORES-PRIETO, FREDIE A. V. UNITED STATES
10-10590 RAMOS, EDGAR V. UNITED STATES
10-10593 GWATHNEY, CHARLES E. V. ZIEGLER, WARDEN
10-10594 HERNANDEZ, PORFIRIO V. UNITED STATES
10-10595 GELIN, REYNOLD V. UNITED STATES
10-10597 GUIZAR, CELIO R. V. UNITED STATES
10-10598 GRAZIANO, CARMINE V. UNITED STATES
10-10600 HARRIS, BILLY G. V. UNITED STATES
10-10601 HINES, CHRISTOPHER R. V. UNITED STATES
10-10602 GAMBRELL, JAMES E. V. UNITED STATES
10-10603 HARRIS, JEROME V. UNITED STATES
10-10609 WALKER, JASON R. V. UNITED STATES
10-10610 TAYLOR, JUSTIN E. V. UNITED STATES
10-10613 LLAMAS-GONZALES, DAVID V. UNITED STATES
10-10615 REYES-BUENO, MARTIN V. UNITED STATES
10-10617 RANDOLPH, JOSHUA P. V. UNITED STATES
10-10621 MORRIS, CARLOS S. V. UNITED STATES
10-10628 COOPER, ANTOINE D. V. UNITED STATES
10-10635 CARTER, SHAUN V. UNITED STATES
10-10639 MAXWELL, LAZELLE V. UNITED STATES

The petitions for writs of certiorari are denied.

10-491 L-3 COMMUNICATIONS CORP., ET AL. V. HONEYWELL INT'L INC., ET AL.
10-1030 NEVES, KELMER D. V. HOLDER, ATT'Y GEN.

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

10-1059 YANKTON SIOUX TRIBE, ET AL. V. ARMY CORPS OF ENGINEERS, ET AL.

The motion of Southern Missouri Recycling and Waste Management District for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

10-1068 ACORN, ET AL. V. UNITED STATES

10-7085 STROTHER, ERIC D. V. UNITED STATES

10-9360 COMSTOCK, GRAYDON E., ET AL. V. UNITED STATES

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

10-9984 AYSISAYH, WAADEW V. FLORIDA

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.

10-10068 McPHERRON, PATRICK S. V. DAILING, PHILLIP, ET AL.

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

10-10133 LEE, SHAWNTRAIL J. V. UNITED STATES

10-10481 CHIN, JERMOL V. UNITED STATES

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

10-10515 REAP, JOHN F. 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.

10-10596 FUTCH, JOHN R. 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.

10-10608 BEATY, DONALD E. V. ARIZONA

The petition for a writ of certiorari is dismissed as moot.

10-10643 McCALL, RAFI W. 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

10-10747 IN RE JERRY L. CARY, SR.

The petition for a writ of habeas corpus is denied.

MANDAMUS DENIED

10-10271 IN RE ELLIS KEYES

The petition for a writ of mandamus is denied.

10-9998 IN RE SHIRLEY REMMERT

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.

10-10576 IN RE BENJAMIN J. WHERRY, SR.

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

REHEARINGS DENIED

10-941 MASON, DERRICK O. V. THOMAS, INTERIM COMM'R, AL DOC

10-1082 HILL, JEWEL D. V. MUWAKKIL, NISAA N.

10-8284 EPPS, AZIM W. V. UNITED STATES

10-8691 DRIVER, BILLY V. VIRGA, ACTING WARDEN, ET AL.

10-8950 HINCHLIFFE, JAMES A. V. OPTION ONE MORTGAGE CORP.

10-9055 COSCO, LOUIS D. V. LAMPERT, DIR., WY DOC, ET AL.

10-9088 BAKER, MICHAEL V. HARDY, WARDEN
10-9113 ANTONUCCI, DOMINIC V. UNITED STATES
10-9117 HUNT, KENNETH V. SMITH, HAROLD, ET AL.
10-9150 MARTIN, EDDIE W. V. THALER, DIR., TX DCJ
10-9384 SHABAZZ, ISMAIL V. BUSS, SEC., FL DOC
10-9569 HILL, RONALD V. OHIO
10-9581 FLUTE, GARY V. UNITED STATES

The petitions for rehearing are denied.

ATTORNEY DISCIPLINE

D-2588 IN THE MATTER OF DISCIPLINE OF DAVID ROBERT OSBORNE

David Robert Osborne, of Christiansted, St. Croix, Virgin Islands, 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-2589 IN THE MATTER OF DISCIPLINE OF STEVEN BOYD ALDERMAN

Steven Boyd Alderman, of Syracuse, New York, 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-2590 IN THE MATTER OF DISCIPLINE OF RUTH MARIE POLLACK

Ruth Marie Pollack, of Riverhead, New York, 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-2591 IN THE MATTER OF DISCIPLINE OF STEPHEN J. JONES

Stephen J. Jones, of Wichita, Kansas, 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-2592 IN THE MATTER OF DISCIPLINE OF JAMES MICHAEL KORDELL

James Michael Kordell, of Woodlake, California, 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-2593 IN THE MATTER OF DISCIPLINE OF F. RICHARD LOSEY

F. Richard Losey, of San Rafael, California, 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-2594 IN THE MATTER OF DISCIPLINE OF BARRY STEPHEN TABACHNICK

Barry Stephen Tabachnick, of Folsom, California, 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-2595 IN THE MATTER OF DISCIPLINE OF MERL ALAN WHITEBOOK

Merl Alan Whitebook, of Tulsa, Oklahoma, 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-2596 IN THE MATTER OF DISCIPLINE OF ROBERT J. PLESHAW

Robert J. Pleshaw, 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-2597

IN THE MATTER OF DISCIPLINE OF ZOILO I. SILVA

Zoilo I. Silva, of New York, New York, 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.