

(ORDER LIST: 567 U.S.)

MONDAY, JUNE 25, 2012

APPEAL -- SUMMARY DISPOSITION

11-1178 FLETCHER, PATRICIA, ET AL. V. LAMONE, LINDA H., ET AL.

The judgment is affirmed.

CERTIORARI -- SUMMARY DISPOSITION

11-83 ARCTIC SLOPE NATIVE ASSN. V. SEBELIUS, SEC. OF H&HS

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 Federal Circuit for further consideration in light of *Salazar v. Ramah Navajo Chapter*, 567 U.S. \_\_\_\_ (2012).

ORDERS IN PENDING CASES

11M116 GIUNTA, JOSEPH J. V. ASTRUE, COMM'R, SOCIAL SEC.

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

11M117 EMMETT, BARRY V. THALER, DIR., TX DCJ

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

11M118 DAVIS, HENRY V. CAIN, WARDEN

11M119 BLACKARD, JUDITH A. V. TEXAS

11M120 LOMAX, MATTIE V. NUNEZ, OFFICER, ET AL.

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

11M121 UNDER SEAL V. UNDER SEAL, ET AL.

The motion for leave to file a petition for a writ of

certiorari under seal with redacted copies for the public record is granted.

11M122 ROE, RICHARD, ET AL. V. UNITED STATES, ET AL.

The motion for leave to file a petition for a writ of certiorari under seal with redacted copies for the public record is granted on condition that petitioners provide a redacted motion and petition that remove any appended item containing a party's true name and any reference to such item within 30 days.

11-1078 GLAXOSMITHKLINE V. CLASSEN IMMUNOTHERAPIES, INC.

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

11-9281 IN RE MICHAEL DOYLE

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

11-9925 THOMAS, TROY C. V. CALIFORNIA

11-10026 POSTOLACHE, IONEL V. POSTOLACHE, DOINITA

11-10480 TRIVEDI, RAMNIK V. IRS

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until July 16, 2012, 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 GRANTED**

11-338 ) DECKER, DOUG, ET AL. V. NORTHWEST ENVTL. DEFENSE CENTER  
)  
11-347 ) GEORGIA-PACIFIC WEST, ET AL. V. NORTHWEST ENVTL. DEFENSE CENTER

The petitions for writs of certiorari are granted. The cases are consolidated and a total of one hour is allotted for

oral argument. Justice Breyer took no part in the consideration or decision of these petitions.

11-460 LOS ANGELES CTY. FLOOD CONTROL V. NATURAL RESOURCES, ET AL.

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

11-556 VANCE, MAETTA V. BALL STATE UNIVERSITY, ET AL.

The petition for a writ of certiorari is granted.

11-864 COMCAST CORP., ET AL. V. BEHREND, CAROLINE, ET AL.

The petition for a writ of certiorari is granted limited to the following question: "Whether a district court may certify a class action without resolving whether the plaintiff class has introduced admissible evidence, including expert testimony, to show that the case is susceptible to awarding damages on a class-wide basis."

11-982 ALREADY, LLC V. NIKE, INC.

The petition for a writ of certiorari is granted.

11-1059 GENESIS HEALTHCARE CORP., ET AL. V. SYMCZYK, LAURA

The motion of Chamber of Commerce of the United States of America, et al. for leave to file a brief as *amici curiae* is granted. The motion of DRI - The Voice of the Defense Bar for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is granted.

11-1160 FTC V. PHOEBE PUTNEY HEALTH, ET AL.

11-1231 SEBELIUS, SEC. OF H&HS V. AUBURN REGIONAL MEDICAL, ET AL.

11-1285 US AIRWAYS, INC. V. McCUTCHEN, JAMES E., ET AL.

The petitions for writs of certiorari are granted.

11-9307 HENDERSON, ARMARCION 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.

**CERTIORARI DENIED**

10-947 BANK MELLI IRAN NY REP. OFFICE V. WEINSTEIN, SUSAN, ET AL.  
10-1139 FACULTY SENATE OF FL, ET AL. V. FLORIDA  
10-1322 DIRECTV, INC., ET AL. V. TESTA, JOSEPH W.  
10-1377 COOK, MERILYN, ET AL. V. ROCKWELL INTERNATIONAL CORP.  
10-1555 PACIFIC MERCHANT SHIPPING ASS'N V. GOLDSTENE, JAMES, ET AL.  
11-71 COTRONEO, DOMINIC, ET AL. V. SHAW ENVTL. & INFRASTRUCTURE  
11-969 ) RYAN, THERESA R., ET AL. V. PICARD, IRVING H., ET AL.  
    )  
11-986 ) VELVEL, LAWRENCE R. V. PICARD, IRVING H., ET AL.  
11-1009 PUBLIC CITIZEN, INC., ET AL. V. FERC, ET AL.  
11-1026 M. H. V. UNITED STATES  
11-1056 TORRES-RENDON, TOMAS B. V. HOLDER, ATT'Y GEN.  
11-1062 MICCI, JOSEPH V. ALEMAN, RICK  
11-1089 DeFEO, CHRISTOPHER V. CALIFORNIA  
11-1153 OGNIBENE, TOM, ET AL. V. PARKES, JOSEPH P., ET AL.  
11-1158 HERRING, TED V. FLORIDA  
11-1161 CAHILL, PETER S. V. SEC  
11-1177 RHODES, DAVID T. V. JUDISCAK, DAN  
11-1215 ABDUR'RAHMAN, ABU-ALI V. COLSON, WARDEN  
11-1229 MI WORKERS' COMP. AGENCY, ET AL. V. ACE AM. INS. CO., ET AL.  
11-1243 DEEP, NORMAN P. V. CLINTON CENTRAL SCHOOL, ET AL.  
11-1252 LA CITIZENS PROPERTY INS. CO. V. OUBRE, GERALDINE, ET AL.  
11-1257 KIA MOTORS AMERICA, INC. V. SAMUEL-BASSETT, SHAMELL, ET AL.  
11-1258 KIVISTO, JUSSI K. V. SOIFER, MICHAEL D., ET AL.  
11-1260 WILSON, DAVID B. V. BIRNBERG, GERALD, ET AL.  
11-1270 AABDOLLAH, MORTEZA V. AABDOLLAH, FATEMEH  
11-1271 TRUSTEE OF NORTEL NETWORKS V. NORTEL NETWORKS, INC., ET AL.

11-1272 JACKSON, REBECCA W. V. MECOSTA CTY. MED. CENTER, ET AL.  
11-1273 WIECKIEWICZ, ADAM V. EDUCATIONAL CREDIT MANAGEMENT  
11-1276 MIKEL, ANDREW V. SCHOOL BD. OF SPOTSYLVANIA CTY.  
11-1279 JOHNSON, BENJAMIN L. V. BARTOS, WARDEN, ET AL.  
11-1283 RODRIGUEZ, ISIDORO V. SEA SEARCH ARMADA, ET AL.  
11-1294 IRAQ V. WYE OAK TECHNOLOGY, INC.  
11-1296 KATZ-PUESCHEL, DEBORAH V. DEPT. OF TRANSPORTATION  
11-1297 M. H. R. V. FLORIDA  
11-1311 PHAN, DUNG V. HOLDER, ATT'Y GEN.  
11-1315 FRANKLIN, CHAD V. ESTATE OF MAX OVERBEY, ET AL.  
11-1339 LOVAAS, PATTY V. MONTANA, ET AL.  
11-1340 BEY, NTCHWAIDUMELA, ET AL. V. NEW YORK, NY, ET AL.  
11-1341 BOSCH, YIGAL V. CERTAIN UNDERWRITERS AT LLOYD'S  
11-1357 SHARP, SHAWN C. V. JOHNSON, PHILIP, ET AL.  
11-1380 WILLIAMS, STEVEN, ET UX. V. JP MORGAN MORTGAGE, ET AL.  
11-1387 MR. S. V. UNITED STATES  
11-1394 BALLAN, ANTHONY P. V. UNITED STATES  
11-7501 SMITH, JAMES M. V. PENNSYLVANIA  
11-8101 CARTER, CHRISTOPHER V. UNITED STATES  
11-8733 TRUJILLO, ADELAIDO V. TALLY, SERGEANT, ET AL.  
11-8966 REBOLLO-ANDINO, DANNY V. UNITED STATES  
11-9013 BROWN, ARTHUR V. ILLINOIS  
11-9023 SAGHIR, UZMAH V. GRIEVANCE COMMITTEE  
11-9125 HUTCHISON, OLEN E. V. COLSON, WARDEN  
11-9452 FLORES, JOAQUIN B. V. UNITED STATES  
11-9453 GIANNINI, GLORIA V. UNITED STATES  
11-9492 SANDOVAL, ANNETTE N. V. UNITED STATES  
11-9672 PADILLA, JOSE V. UNITED STATES

11-9830 DOZIER, SCOTT V. NEVADA  
11-9861 SAMPSON, KIMANI A. V. FLORIDA  
11-9862 RIVERA, MICHAEL A. V. HORNE, ATT'Y GEN. OF AZ, ET AL.  
11-9863 SMITH, ZACHARY T. V. THALER, DIR., TX DCJ  
11-9874 BAILEY, RICARDO V. TUCKER, SEC., FL DOC, ET AL.  
11-9876 LOMAX, MATTIE V. REGALADO, MAYOR, ET AL.  
11-9877 SMITH, DANIEL L. V. SANDOR, WARDEN  
11-9889 McMORRIS, JOSEPH V. SHERFIELD, JON, ET AL.  
11-9892 NUNN, MYRON R. V. COOPER, ATT'Y GEN. OF NC  
11-9895 BROWN, ERIC V. MITCHELL, SUPT., OLD COLONY  
11-9902 ROJAS, PAUL D. V. ADAMS, WARDEN  
11-9906 CARAVEO, OMAR V. TEXAS  
11-9914 PENA, JORGE V. ILLINOIS  
11-9921 MAYES, NORMAN L. V. ROWLEY, WARDEN, ET AL.  
11-9924 WALKER, JOHNNY V. SMITH, WARDEN  
11-9928 BRUCE, DeSEAN A. V. RYAN, DIR., AZ DOC, ET AL.  
11-9933 COLEMAN, DONALD V. COX, DIR., NV DOC, ET AL.  
11-9934 LAVENDER, JAMES R. V. THALER, DIR., TX DCJ  
11-9935 NOWILL, RANDALL W. V. FRAZIER, WARDEN  
11-9940 KIDD, CARLOS R. V. LIVINGSTON, EXEC. DIR., ET AL.  
11-9949 MOXLEY, JOHN T. V. NEVEN, WARDEN  
11-9952 BRIST, AMY L. V. MINNESOTA  
11-9957 AMAKER, JOEL L. V. NEW YORK, ET AL.  
11-9959 MAYES, DEBRA V. GRAPHIC PACKAGING INT'L  
11-9963 MENDIOLA, RICHARD V. THALER, DIR., TX DCJ  
11-9964 MORRIS, TARAY T. V. MALFI, WARDEN, ET AL.  
11-9965 TURNER, CHARLES R. V. HERRICK, STEPHEN M., ET AL.  
11-9968 CABA, ROBERTO V. UNITED STATES

11-9973 LAZAROV, MALINA V. V. KIMMEL, JAMES, ET AL.  
 11-9976 McCARTHY, PATRICK V. SOSNICK, EDWARD, ET AL.  
 11-9978 APPLEWHITE, SAMUEL D. V. OUTLAW, SUPT., EASTERN, ET AL.  
 11-9979 BRANCO, ALLEN P. V. ESPINDA, WARDEN  
 11-9995 STURDIVANT, RAMELL V. ILLINOIS  
 11-10032 BAILEY, BATASKI V. EMS VENTURES, INC.  
 11-10055 KULA, FRANK S. V. WV DEPT. OF TRANSPORTATION  
 11-10127 MALAM, MAHAMAN L., ET AL. V. UNITED STATES  
 11-10132 LIZOTTE, BRANDON V. LeBLANC, JAMES, ET AL.  
 11-10164 DILWORTH, WARREN J. V. MISSISSIPPI  
 11-10183 LEONARD, GREGORY N. V. NEVADA  
 11-10187 SMITH, TONY M. V. McDANIEL, WARDEN, ET AL.  
 11-10230 THOMAS, PAUL A. V. CATE, SEC., CA DOC  
 11-10239 LYONS, ERIC J. V. COLEMAN, SUPT., FAYETTE, ET AL.  
 11-10254 HALBERT, LAWRENCE D. V. CALIFORNIA  
 11-10256 ESPINOZA, BENNY A. V. VIRGA, WARDEN  
 11-10269 RODRIGUEZ, RUSSELL G. V. CATE, DIR., CA DOC  
 11-10302 LOGGINS, KEVIN D. V. HANNIGAN, ROBERT D., ET AL.  
 11-10336 FRAZIER, MAURICE V. NOOTH, SUPT., SNAKE RIVER  
 11-10339 WEBSTER, MONROE V. FLORIDA  
 11-10341 IBARRA, FELIPE N. V. HOBBS, DIR., AR DOC  
 11-10342 PRATER, CAREL A. V. UNITED STATES  
 11-10345 ) LARSEN, ROBERT D. V. UNITED STATES  
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 11-10346 ) STONE, CRAIG M. V. UNITED STATES  
 11-10395 HODGE, SHAUN A. V. TENNESSEE  
 11-10445 WOODSON, WELLIE E. V. UNITED STATES  
 11-10447 VOGEL, DAVID A. V. UNITED STATES  
 11-10449 THOMPSON, BRENTON D. V. WILLIAMS, WARDEN

11-10452 LOPEZ, YUDEISY V. UNITED STATES  
11-10457 COLEMAN, JOHN V. UNITED STATES  
11-10458 MOORE, OPIO D. V. UNITED STATES  
11-10459 MENDOZA, JUAN A. V. UNITED STATES  
11-10469 RIVERA-PINON, JESUS E. V. UNITED STATES  
11-10474 HARPER, ADRIAN D. V. UNITED STATES  
11-10475 GARCIA, ORLANDO D. V. UNITED STATES  
11-10478 STANLEY, DARNELL V. UNITED STATES  
11-10482 FALLIN, BILLY J. V. UNITED STATES  
11-10484 FRAZIER, WILLIAM V. UNITED STATES  
11-10485 GONZALEZ-LOPEZ, MARCELO V. UNITED STATES  
11-10493 CORBRAY, JUSTIN D. V. UNITED STATES  
11-10496 AGUILAR-PEREZ, JUAN V. UNITED STATES  
11-10498 BURGEST, EARL H. V. UNITED STATES  
11-10500 CAMPOS-CABRERA, JESUS V. UNITED STATES  
11-10501 CAZAREZ, RODOLFO L. V. UNITED STATES PAROLE COMMISSION  
11-10508 ROBERTS, ARTEMAS T. V. UNITED STATES  
11-10513 POWELL, GARY V. UNITED STATES  
11-10524 LOPEZ, JESUS F. V. UNITED STATES  
11-10525 JOHNSON, DENNIS H. V. UNITED STATES  
11-10528 TORRES-VALENZUELA, WILFREDO V. UNITED STATES  
11-10529 WHITE, TIMOTHY O. V. UNITED STATES  
11-10530 MOORE, CHAUNCEY V. UNITED STATES  
11-10531 PHOUMMANY, SOMPHETH V. SANDERS, WARDEN  
11-10532 HUDGINS, ADRIAN M. V. UNITED STATES  
11-10533 COUSINS, KIM A. V. UNITED STATES  
11-10534 COLVIN, JOHN K. V. UNITED STATES



11-10537 BERGTHOLD, BRIAN J. V. UNITED STATES

The petitions for writs of certiorari are denied.

11-431 RUBIN, JENNY, ET AL. V. IRAN, ET AL.

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

11-604 EM LTD., ET AL. V. ARGENTINA, ET AL.

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

11-762 SEBELIUS, SEC. OF H&HS V. SOUTHERN UTE INDIAN TRIBE

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

11-999 ) FLORIDA, ET AL. V. GEORGIA, ET AL.

11-1006 ) ALABAMA, ET AL. V. GEORGIA, ET AL.

11-1007 ) SOUTHEASTERN FEDERAL POWER V. GEORGIA, ET AL.

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

11-1034 GABAYZADEH, MEHDI 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.

11-1194 ) JAYYOUSI, KIFAH W. V. UNITED STATES

11-1198 ) HASSOUN, ADHAM A. V. UNITED STATES

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

petitions.

11-1259 HARTSEL, MARYLYNN, ET AL. V. VANGUARD GROUP, ET AL.

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

11-9896 JONES, DONALD G. V. LIBERTY BANK & TRUST CO., ET AL.

11-9936 JONES, DONALD G. V. COMMONWEALTH LAND TITLE INS. CO.

The motions of petitioner for leave to proceed *in forma pauperis* are denied, and the petitions for writs of certiorari are dismissed. See Rule 39.8.

11-9960 PINDER, STEVEN V. ARKANSAS

The motion of petitioner to defer consideration of the petition for a writ of certiorari is denied. The petition for a writ of certiorari is denied.

11-10476 MOJICA, JOSHUA V. UNITED STATES

11-10477 SETTLE, KELVIN V. UNITED STATES

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

#### MANDAMUS DENIED

11-9882 IN RE KEVIN ALSTON

11-10487 IN RE JERRY J. HIGDON, JR.

The petitions for writs of mandamus are denied.

11-1261 IN RE EILEEN VEY

11-9885 IN RE SHELTON R. MODELIST

The petitions for writs of mandamus and/or prohibition are denied.

**REHEARINGS DENIED**

11-1013 SALESSI, KAREEM V. WACHOVIA MORTGAGE, FSB, ET AL.  
11-1014 HARMAN, DORIS J., ET VIR V. DATTE, PAUL, ET AL.  
11-1064 JACKSON, TIMOTHY A. V. FUJI PHOTO FILM, INC., ET AL.  
11-5843 WRIGHT, JOE V. V. OLD CASTLE GLASS, ET AL.  
11-8899 VIRAY, BENJARDI B. V. SMITH, WARDEN, ET AL.  
11-8916 WINGO, TONJIA V. SOUTH BEND, IN  
11-8983 ARAFAT, NASRA V. IBRAHIM, MOHAMED  
11-9014 BOLGAR, PETER V. GLEN DONALD APARTMENTS, INC.  
11-9091 IN RE HIEN A. DAO  
11-9233 BEASLEY, ANTONIO J. V. UNITED STATES  
11-9276 BEST, JASON V. UNITED STATES  
11-9592 JONES, VAUGHNTA M. V. UNITED STATES

The petitions for rehearing are denied.

11-7468 DAVIS, HENRY V. CAIN, WARDEN

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

**ATTORNEY DISCIPLINE**

D-2662 IN THE MATTER OF DISBARMENT OF TRACY HICKS BARLEY

Tracy Hicks Barley, of Durham, North Carolina, having been suspended from the practice of law in this Court by order of April 23, 2012; and a rule having been issued and served upon her requiring her to show cause why she should not be disbarred; and the time to file a response having expired;

It is ordered that Tracy Hicks Barley is disbarred from the practice of law in this Court.

D-2664 IN THE MATTER OF DISBARMENT OF DONALD L. RICHARDSON

Donald L. Richardson, of Crescent Springs, Kentucky, having

been suspended from the practice of law in this Court by order of April 23, 2012; and a rule having been issued requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Donald L. Richardson is disbarred from the practice of law in this Court.

D-2666 IN THE MATTER OF DISBARMENT OF RONALD RUSS SNYDER

Ronald Russ Snyder, of Jefferson, Kentucky, having been suspended from the practice of law in this Court by order of April 23, 2012; and a rule having been issued requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Ronald Russ Snyder is disbarred from the practice of law in this Court.

D-2667 IN THE MATTER OF DISBARMENT OF ROBERT W. SHIMER

Robert W. Shimer, of Camp Hill, Pennsylvania, having been suspended from the practice of law in this Court by order of April 23, 2012; 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. Shimer is disbarred from the practice of law in this Court.

D-2668 IN THE MATTER OF DISBARMENT OF JOSEPH P. SINDACO

Joseph P. Sindaco, of Fort Lauderdale, Florida, having been suspended from the practice of law in this Court by order of April 23, 2012; and a rule having been issued requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Joseph P. Sindaco is disbarred from the practice of law in this Court.

D-2669 IN THE MATTER OF DISBARMENT OF MICHAEL DAVID SINKO

Michael David Sinko, of Cherry Hill, New Jersey, having been suspended from the practice of law in this Court by order of April 23, 2012; 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 Michael David Sinko is disbarred from the practice of law in this Court.

D-2670 IN THE MATTER OF DISBARMENT OF NORMAN PAUL WEXLER

Norman Paul Wexler, of Weston, Florida, having been suspended from the practice of law in this Court by order of April 23, 2012; 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 Norman Paul Wexler is disbarred from the practice of law in this Court.

D-2671 IN THE MATTER OF DISBARMENT OF VANN F. LEONARD

Vann F. Leonard, of Jackson, Mississippi, having been suspended from the practice of law in this Court by order of April 23, 2012; 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 Vann F. Leonard is disbarred from the practice of law in this Court.

D-2672 IN THE MATTER OF DISBARMENT OF ROBERT L. HACKETT

Robert L. Hackett, of Atlanta, Georgia, having been

suspended from the practice of law in this Court by order of April 23, 2012; and a rule having been issued 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 L. Hackett is disbarred from the practice of law in this Court.

D-2679

IN THE MATTER OF DISCIPLINE OF ERIN MARIE WEBER

Erin Marie Weber, of Falls Church, Virginia, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring her to show cause why she should not be disbarred from the practice of law in this Court.

Per Curiam

**SUPREME COURT OF THE UNITED STATES**

AMERICAN TRADITION PARTNERSHIP, INC., FKA  
WESTERN TRADITION PARTNERSHIP, INC.,  
ET AL. *v.* STEVE BULLOCK, ATTORNEY  
GENERAL OF MONTANA, ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME  
COURT OF MONTANA

No. 11–1179. Decided June 25, 2012

PER CURIAM.

A Montana state law provides that a “corporation may not make . . . an expenditure in connection with a candidate or a political committee that supports or opposes a candidate or a political party.” Mont. Code Ann. §13–35–227(1) (2011). The Montana Supreme Court rejected petitioners’ claim that this statute violates the First Amendment. 2011 MT 328, 363 Mont. 220, 271 P. 3d 1. In *Citizens United v. Federal Election Commission*, this Court struck down a similar federal law, holding that “political speech does not lose First Amendment protection simply because its source is a corporation.” 558 U. S. \_\_\_\_, \_\_\_\_ (2010) (slip op., at 26) (internal quotation marks omitted). The question presented in this case is whether the holding of *Citizens United* applies to the Montana state law. There can be no serious doubt that it does. See U. S. Const., Art. VI, cl. 2. Montana’s arguments in support of the judgment below either were already rejected in *Citizens United*, or fail to meaningfully distinguish that case.

The petition for certiorari is granted. The judgment of the Supreme Court of Montana is reversed.

*It is so ordered.*

BREYER, J., dissenting

**SUPREME COURT OF THE UNITED STATES**

AMERICAN TRADITION PARTNERSHIP, INC., FKA  
WESTERN TRADITION PARTNERSHIP, INC.,  
ET AL. *v.* STEVE BULLOCK, ATTORNEY  
GENERAL OF MONTANA, ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME  
COURT OF MONTANA

No. 11–1179. Decided June 25, 2012

JUSTICE BREYER, with whom JUSTICE GINSBURG, JUSTICE SOTOMAYOR, and JUSTICE KAGAN join, dissenting.

In *Citizens United v. Federal Election Commission*, the Court concluded that “independent expenditures, including those made by corporations, do not give rise to corruption or the appearance of corruption.” 558 U. S. \_\_\_, \_\_\_ (2010) (slip op., at 42). I disagree with the Court’s holding for the reasons expressed in Justice Stevens’ dissent in that case. As Justice Stevens explained, “technically independent expenditures can be corrupting in much the same way as direct contributions.” *Id.*, at \_\_\_ (slip op., at 67–68). Indeed, Justice Stevens recounted a “substantial body of evidence” suggesting that “[m]any corporate independent expenditures . . . had become essentially interchangeable with direct contributions in their capacity to generate *quid pro quo* arrangements.” *Id.*, at \_\_\_ (slip op., at 64–65).

Moreover, even if I were to accept *Citizens United*, this Court’s legal conclusion should not bar the Montana Supreme Court’s finding, made on the record before it, that independent expenditures by corporations did in fact lead to corruption or the appearance of corruption in Montana. Given the history and political landscape in Montana, that court concluded that the State had a compelling interest in limiting independent expenditures by corporations. 2011 MT 328, ¶¶ 36–37, 363 Mont. 220, 235–236, 271 P.3d 1,



BREYER, J., dissenting

36–37. Thus, Montana’s experience, like considerable experience elsewhere since the Court’s decision in *Citizens United*, casts grave doubt on the Court’s supposition that independent expenditures do not corrupt or appear to do so.

Were the matter up to me, I would vote to grant the petition for certiorari in order to reconsider *Citizens United* or, at least, its application in this case. But given the Court’s *per curiam* disposition, I do not see a significant possibility of reconsideration. Consequently, I vote instead to deny the petition.

Statement of ALITO, J.

**SUPREME COURT OF THE UNITED STATES**

MOUNT SOLEDAD MEMORIAL ASSOCIATION

11–998

*v.*

STEVE TRUNK ET AL.

UNITED STATES ET AL.

11–1115

*v.*

STEVE TRUNK ET AL.

ON PETITIONS FOR WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Nos. 11–998 and 11–1115. Decided June 25, 2012

The petitions for writs of certiorari are denied.

Statement of JUSTICE ALITO respecting the denial of the petitions for writs of certiorari.

A large white cross has stood atop Mount Soledad in San Diego, California, since 1954 as a memorial to our Nation’s war veterans. The city of San Diego was previously enjoined under the California Constitution from displaying the cross or transferring, for the purpose of protecting the cross, the property on which the Mount Soledad Veterans Memorial stands. See *Trunk v. San Diego*, 629 F. 3d 1099, 1103–1104 (CA9 2011) (describing prior litigation); see also *San Diegans for Mt. Soledad Nat. War Memorial v. Paulson*, 548 U. S. 1301, 1302 (2006) (KENNEDY, J., in chambers) (same). In 2006, Congress exercised its power of eminent domain and took title to the property in order to “preserve a historically significant war memorial.” Act of Aug. 14, §2(a), 120 Stat. 770. After the Federal Government took possession, the Ninth Circuit held in the decision below that “the Memorial, presently configured and as a whole, primarily conveys a message of government endorsement of religion that violates the Establishment Clause.” 629 F. 3d, at 1125.

This Court’s Establishment Clause jurisprudence is undoubtedly in need of clarity, see *Utah Highway Patrol Assn. v. American Atheists, Inc.*, 565 U. S. \_\_, \_\_ (2011) (THOMAS, J., dissenting from denial of certiorari) (slip op., at 17), and the constitutionality of the Mount Soledad Veterans Memorial is a question of substantial importance. We considered a related question two Terms ago in *Salazar v. Buono*, 559 U. S. \_\_ (2010), which concerned a large white cross that was originally erected on public land. Although “[t]he cross is of course the preeminent symbol of Christianity,” *id.*, at \_\_ (ALITO, J., concurring in part and concurring in judgment) (slip op., at 3), we noted that “[t]he goal of avoiding governmental endorsement [of religion] does not require eradication of all religious symbols in the public realm. . . . The Constitution does not oblige government to avoid any public acknowledgment of religion’s role in society,” *id.*, at \_\_–\_\_ (plurality opinion of KENNEDY, J., joined in full by ROBERTS, C. J., and in part by ALITO, J.) (slip op., at 14–15). The demolition of the cross at issue in that case would have been “interpreted by some as an arresting symbol of a Government that is not neutral but hostile on matters of religion and is bent on eliminating from all public places and symbols any trace of our country’s religious heritage.” *Id.*, at \_\_ (opinion of ALITO, J.) (slip op., at 4).

In that case, we were not required to decide whether the Establishment Clause would have required the demolition of the cross if the land on which it was built had remained in government hands. Instead, Congress was ultimately able to devise a solution that was “true to the spirit of practical accommodation that has made the United States a Nation of unparalleled pluralism and religious tolerance.” *Id.*, at \_\_ (slip op., at 1).

The current petitions come to us in an interlocutory posture. The Court of Appeals remanded the case to the District Court to fashion an appropriate remedy, and, in

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doing so, the Court of Appeals emphasized that its decision “d[id] not mean that the Memorial could not be modified to pass constitutional muster [or] that no cross can be part of [the Memorial].” 629 F. 3d, at 1125. Because no final judgment has been rendered and it remains unclear precisely what action the Federal Government will be required to take, I agree with the Court’s decision to deny the petitions for certiorari. See, *e.g.*, *Locomotive Firemen v. Bangor & Aroostook R. Co.*, 389 U. S. 327, 328 (1967) (*per curiam*) (denying petition for certiorari because “the Court of Appeals [had] remanded the case” and thus it was “not yet ripe for review by this Court”); see also E. Gressman, K. Geller, S. Shapiro, T. Bishop, & E. Hartnett, *Supreme Court Practice* 280 (9th ed. 2007) (hereinafter Stern & Gressman). Our denial, of course, does not amount to a ruling on the merits, and the Federal Government is free to raise the same issue in a later petition following entry of a final judgment. See, *e.g.*, *Hughes Tool Co. v. Trans World Airlines, Inc.*, 409 U. S. 363, 365–366, n. 1 (1973); see also Stern & Gressman 283.