

(ORDER LIST: 542 U.S.)

MONDAY, JUNE 28, 2004

CERTIORARI -- SUMMARY DISPOSITIONS

03-69 VYTRA HEALTHCARE, ET AL. V. CICIO, BONNIE

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 Second Circuit for further consideration in light of *Aetna Health Inc. v. Davila*, 542 U.S. ____ (2004).

03-357 ADAMS, WARDEN, ET AL. V. BRAMBLES, MICHAEL D.

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 Ninth Circuit for further consideration in light of *Pliler v. Ford*, 542 U.S. ____ (2004).

03-520 PLILER, WARDEN V. HUNT, JOSEPH

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 Ninth Circuit for further consideration in light of *Pliler v. Ford*, 542 U.S. ____ (2004).

03-649 CIGNA HEALTHCARE OF FLORIDA V. LAND, ROBBIE L., ET UX.

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 *Aetna Health Inc. v. Davila*, 542 U.S. ____ (2004).

03-8659 NELSON, BILLY R. V. DRETKE, DIR., TX DCJ

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 Fifth Circuit for further consideration in light of *Tennard v. Dretke*, 542 U.S. ____ (2004).

03-9412 DILTS, RANDY E. V. OREGON

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 Supreme Court of Oregon for further consideration in light of *Blakely v. Washington*, 542 U.S. ____ (2004).

ORDERS IN PENDING CASES

03M81 TAYLOR, LORETTA V. PRUDENTIAL INS. CO. OF AM.

The motion for leave to file a petition for a writ of certiorari under seal is granted.

03M82 HARTSFIELD, DOLLY F. V. DRETKE, 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.

03M83 McCULLUM, DeMARCO M. V. DRETKE, DIR., TX DCJ

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

105, ORIG. KANSAS V. COLORADO

The motion of the Solicitor General for divided argument is granted.

02-626 SOUTH FL WATER MGMT. V. MICCOSUKEE TRIBE, ET AL.

The motion of respondents to retax costs is denied.

02-1028 NORFOLK SOUTHERN RWY. CO. V. JAMES N. KIRBY PTY, ET AL.

The motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument is granted.

03-750 SMALL, GARY S. V. UNITED STATES

The motion of petitioner to dispense with printing the joint appendix is granted.

03-1116) GRANHOLM, GOV. OF MI, ET AL. V. HEALD, ELEANOR, ET AL.

03-1120) MI BEER & WINE WHOLESALERS V. HEALD, ELEANOR, ET AL.

03-1274) SWEDENBURG, JUANITA, ET AL. V. KELLY, EDWARD D., ET AL.

The motion for realignment of the parties and to set a briefing schedule is denied.

03-1202 HEWLETT-PACKARD CO. V. JEBIAN, DONALD

03-1443 HILL, ETHEL L. V. LOCKHEED MARTIN, INC.

The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

03-10531 IN RE MICHAEL R. SHEMONSKY

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until July 19, 2004, 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

03-388 BATES, DENNIS, ET AL. V. DOW AGROSCIENCES LLC

03-855 SHERRILL, NY V. ONEIDA INDIAN NATION OF NY

03-1395 TENET, DIR., CIA, ET AL. V. DOE, JOHN, ET UX.

03-1454 ASHCROFT, ATT'Y GEN., ET AL. V. RAICH, ANGEL M., ET AL.

The petitions for writs of certiorari are granted.

03-9046 RHINES, CHARLES R. V. WEBER, WARDEN

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted.

03-9560 HOWELL, MARLON L. V. MISSISSIPPI

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted.

In addition to the Question presented by the petition, the parties are directed to brief and argue the following Question: "Was petitioner's federal constitutional claim properly raised before the Mississippi Supreme Court for purposes of 28 U.S.C. Sec. 1257?"

03-9659 MILLER-EL, THOMAS J. V. DRETKE, DIR., TX DCJ

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted.

03-932 DURA PHARMACEUTICALS, INC. V. BROUDO, MICHAEL, ET AL.

The motion of Securities Industry Association for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is granted.

CERTIORARI DENIED

02-1864 CONOVER, SALLEE A. V. AETNA US HEALTHCARE, ET AL.

03-641 REGAL CINEMAS, INC., ET AL. V. STEWMON, KATHY, ET AL.

03-786 WILLIAMS, EDNA L. V. BENICORP INS. CO.

03-1131 CINEMARK USA, INC. V. UNITED STATES

03-1266 LATON, JOHN A. V. UNITED STATES

03-1313 DAVIS, SYLVIA, ET AL. V. UNITED STATES, ET AL.

03-1339 UNIV. OF MEDICINE, ET AL. V. CORRIGAN, DEPT. OF H&HS

03-1342 DAIMLERCHRYLSER CORPORATION V. YSBRAND, SHERYL, ET AL.

03-1347 ORLOFF, JACQUELINE V. FCC, ET AL.

03-1359 MITCHELL, JOEY L. V. CHAPMAN, GLENN, ET AL.

03-1369 BAKER, WANDA, ET AL. V. SUNNY CHEVROLET, INC., ETC.

03-1430 SIBLEY, MONTGOMERY B. V. SIBLEY, BARBARA

03-1455 SAPPINGTON, JUDGE, ETC. V. ROBINSON, MELISSA

03-1462 EGBUNE, PATRICK A. V. COLORADO

03-1466) CHASE MANHATTAN BANK, TRUSTEE V. BASCOM CORPORATION, ET AL.

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03-1467) CHASE MANHATTAN BANK, TRUSTEE V. ASKEW, FANNIE

03-1469 JONAS, NANCY D. V. SOUTH CAROLINA DISCOUNT AUTO

03-1477 GESIORSKI, GERALD J., ET UX. V. BRANCH BANKING AND TRUST CO.

03-1478 GOUIN, FRANCOIS V. GOULD, ASSOC. JUSTICE, ET AL.

03-1479 GALLEGOS, PHILLIP V. JICARILLA APACHE NATION, ET AL.

03-1483 RAHN, ABBY V. KAPS, JURIS, ET AL.

03-1484 YEE, WILLIAM R. V. COURT OF APPEALS OF MI

03-1497 SAUDI, SHERIFF V. MARINE TRANSPORT LINES, ET AL.

03-1525 FORD, GLADSTONE V. NYC TRANSIT AUTH., ET AL.

03-1526 HOCKING VALLEY HOSPITAL V. EDWARDS, RUTH, ET AL.

03-1531 ANDERSON, HAROLD E. V. PEARSON, EDDIE L., ET AL.

03-1556 MACY, SHARON V. KENTUCKY

03-1580 MALDONADO, DAGOBERTO V. UNITED STATES

03-1589 SPITZER, ATT'Y GEN. OF NY V. MATEO, ANGEL L., ET AL.

03-1591 LARSON, DUANE W. V. UNITED STATES

03-1606 PAUL REVERE LIFE INS. CO., ET AL V. GREENBERG, GARY

03-7361 LOTTER, JOHN L. V. NEBRASKA

03-9006 KNIGHT, JAMES V. UNITED STATES

03-9036 MARQUEZ-URQUIDI, CESAR V. UNITED STATES

03-9118 CHAMPNEY, RONALD G. V. PENNSYLVANIA
03-9215 WILLS, CHRISTOPHER A. V. UNITED STATES
03-9273 SANSING, JOHN E. V. ARIZONA
03-9402 RIDEOUT, KEVIN A. V. UNITED STATES
03-9519 STROMAN, MARK V. TEXAS
03-9920 BELL, THOMAS L. V. CALIFORNIA
03-9922 STRINGHAM, BILL, ET AL. V. TITSWORTH, JIM, ET AL.
03-9941 MARTINEZ, RICARDO V. DRETKE, DIR., TX DCJ
03-9942 YOUNG, WILLIE V. PHILLIPS, SUPT., GREEN HAVEN
03-9943 ALLEN, GENE A. V. NEVADA
03-9944 ALLISON, CLIVE P. V. ALAMEIDA, DIR., CA DOC
03-9949 SLACK, TERENCE A. V. JACKSON, WARDEN
03-9950 STERLING, JOSEPH M. V. TEXAS
03-9955 HENDERSON, MYRON K. V. DRETKE, DIR., TX DCJ
03-9959 HENDERSON, DEMETRIUS V. BRILEY, WARDEN
03-9962 HARRIS, MARK A. V. WEST VIRGINIA
03-9964 BRIDGEFORTH, TERENCE R. V. MULLIN, WARDEN
03-9979 RECTOR, THOMAS C. V. OHIO
03-9984 JOHNSON, DAVID A. V. ILLINOIS
03-9985 JOHNSON, IRVING L. V. LEWIS, WARDEN
03-9987 BEHARRY, VISHWA M. V. M.T.A. NYC TRANSIT AUTH., ET AL.
03-9990 WILLIAMS, ROY W. V. JAMROG, WARDEN
03-9992 ANDERSON, GARY P. V. DEMIS, CHRISTINE A.
03-9993 EDDY, DENNIS P. V. SCHRIRO, DIR., AZ DOC
03-9994 CORRADINI, GARY V. CORRADINI, CHARLES D.
03-9997 GRAY, WILLIAM T. V. EDWARDS, LITA F., ET AL.
03-9998 MILLER, CLIFFORD R. V. NORTH CAROLINA
03-10003 LIVINGSTON, TRAYVEON M. V. CALIFORNIA

03-10006 McCORMICK, SANDRA P. V. DEMPSTER, GEORGIA, ET AL.
03-10008 SMITH, WESLEY T. V. NORTH CAROLINA
03-10017 REED, JERRELL S. V. DRETKE, DIR., TX DCJ
03-10019 WILLIAMS, RAY L. V. LAMARQUE, WARDEN
03-10020 NANTHABOUTHDY, MONDAY V. HUMPHREY, WARDEN
03-10021 TAYLOR, MICHAEL V. GEORGIA
03-10023 LAVIGNE, JOHN F. V. VARNER, SUPT., SMITHFIELD
03-10029 BARBOA, JOSEPH V. BAIRD, SCOTT, ET AL.
03-10032 BRANCH, BERNARD V. BERGHUIS, WARDEN
03-10040 SANTIAGO, WILFREDO V. PENNSYLVANIA
03-10049 WILCHER, BOBBY G. V. MISSISSIPPI
03-10065 FITTS, CAMERON L. V. BIRKETT, WARDEN
03-10093 FEATHERSTONE, IVY V. COLUMBUS CITY SCHOOL
03-10100 HENDLEY, SAMUEL V. SMITH, WARDEN
03-10122 HAWKINS, MARCUS V. BERTRAND, WARDEN
03-10140 IHSAN, MICHAEL A. H. V. VISA, ET AL.
03-10141 KURTI, FALK, ET UX. V. BIEDESS, PHYLLIS
03-10155 ALFORD, RODNEY V. BERBARY, SUPT., COLLINS
03-10160 KANDEKORE, LIJYASU V. FLORIDA BAR
03-10163 McLAUGHLIN-COX, JOHN W. V. MD PAROLE COMM'N
03-10168 PHELPS, ALVIN, ET UX. V. NATIONWIDE INS. CO.
03-10195 HENDERSON, JOHNNIE V. ILLINOIS
03-10227 DuPONT, MICHAEL K. V. MALONEY, COMM'R, MA DOC
03-10230 WHEATON, NATHAN D. V. YARBOROUGH, WARDEN
03-10253 SUMPTER, JAMES D. V. GA BD. OF PARDONS & PAROLES
03-10290 SCOTT, LOUIS A. V. GALAZA, WARDEN
03-10309 DANKS, LARRY V. DEUTH, SUPT., CORRECTIONAL
03-10351 JELKS, RICHARD L. V. SMALL, WARDEN, ET AL.

03-10352 JAMESON, BARRY S. V. ALAMEIDA, DIR., CA DOC, ET AL.
03-10390 HARRISON, JOHN B. V. CROSBY, SEC., FL DOC, ET AL.
03-10395 HERNANDEZ, PETER F. V. SOUTH CAROLINA, ET AL.
03-10398 GOVAN, JOSEPH O. V. SOUTH CAROLINA, ET AL.
03-10496 MARTIN, JERRY V. CAREY, WARDEN, ET AL.
03-10502 STONE, OLLIE B. V. UNITED STATES
03-10576 GONZALEZ, ALEYDO V. UNITED STATES
03-10577 FRASER, DONALD W. V. ZENK, WARDEN
03-10581 TELLO-DURAN, ABLE V. UNITED STATES
03-10586 ALLEN, BILLY V. UNITED STATES
03-10587 BAINES, ANDREW J. V. UNITED STATES
03-10589 LANDEROS-VILLA, ARTURO V. UNITED STATES
03-10591 JONES, ANTHONY A. V. UNITED STATES
03-10593 BERRYHILL, JOSHUA V. UNITED STATES
03-10594 BAKER, TONY V. UNITED STATES
03-10595 BRELAND, WALTER, ET AL. V. UNITED STATES
03-10597 McGRIFF, JAMES O. V. UNITED STATES
03-10601 MILLER, KEVIN V. UNITED STATES
03-10602 LAWRENCE, DION V. UNITED STATES
03-10603 LOPEZ, CANDELARIA V. UNITED STATES
03-10605 DYSON, RICKY D. V. UNITED STATES
03-10606 MARTINEZ-ANDRADE, JOEL V. UNITED STATES
03-10609 AJADI, RAFIU A. V. UNITED STATES
03-10610 YOCUM, RYAN A. V. UNITED STATES
03-10613 GARRIDO-SANTANA, ELVIS A. V. UNITED STATES
03-10618 EVANS, DON A. V. UNITED STATES
03-10619 BURTON, SAMUEL M. V. UNITED STATES
03-10629 THOMAS, REGINALD R. V. UNITED STATES

03-10631 ALEXANDER, JOSEPH V. UNITED STATES
03-10636 ALLEN, DONALD R. V. UNITED STATES
03-10648 MEDINA-MAELLA, COSME V. UNITED STATES
03-10656 MOSS, CHARLES B. V. UNITED STATES
03-10657 ADEGBUJI, TOSIN V. INS
03-10660 MEDINA, WILLIAM V. WISCONSIN

The petitions for writs of certiorari are denied.

02-1646 HIGBEE CO. V. CHAPMAN, LYNETTE

The motion of Ohio Council of Retail Merchants, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

03-151 MITCHELL, WARDEN V. DAVIS, WILEY

03-699 ALAMEIDA, DIR., CA DOC V. SMITH, JAMES E.

The motions of respondents for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

03-959 VARCO, CLARA V. ADMINISTRATIVE COMM., ETC.

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

03-1341 BAXTER INT'L, INC., ET AL. V. UNITED STATES

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

03-1541 FLEMING, DONALD C. V. UNITED STATES

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

03-1570 NEW YORK V. MATEO, ANGEL L., ET AL.

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

03-9948 SHABAZZ, JOSHUA V. LAMARQUE, WARDEN

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.

03-9956 HOLLIS-ARRINGTON, BEVERLY A. V. CENDANT MORTGAGE CORPORATION

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

HABEAS CORPUS DENIED

03-10669 IN RE CHARLES H. PARKER

03-10697 IN RE RAFAEL ALMEYDA

03-10730 IN RE REYNALDO S. VILLARREAL

The petitions for writs of habeas corpus are denied.

MANDAMUS DENIED

03-1542 IN RE DONALD C. FLEMING AND WILLIAM A. ARNOLD

03-10233 IN RE MARVIN B. McMILLIAN

The petitions for writs of mandamus are denied.

PROHIBITION DENIED

03-10007 IN RE SANDRA P. McCORMICK

The petition for a writ of prohibition is denied.

REHEARINGS DENIED

03-1028 MIDDLETON, WARDEN V. McNEIL, SALLY M.
03-1210 JOHNSON, DONNIE E. V. BELL, WARDEN
03-1218 ROANE, JEAN B. V. NATIONAL CHILDREN'S CENTER
03-8007 ENGLISH, MILTON G. V. BENNETT, SUPT., ELMIRA
03-8317 AYER, DANIEL E. V. NEW HAMPSHIRE
03-8828 HUME, JOSEPH W. V. BARTON PROTECTIVE SERVICES
03-8839 BARBER, EDWARD E. V. OHIO UNIV., ET AL.
03-9085 FIELDS, JIMMY L. V. UNITED STATES
03-9130 HOLIDAY, PRENTICE A. V. DRETKE, DIR., TX DCJ
03-9173 LEINENBACH, JAMES F. V. UNITED STATES
03-9223 HURST, JERRY A. V. DELAWARE
03-9340 BARNES, LEARTIS V. UNITED STATES
03-9662 WILLIAMS, WILLIE V. KEMNA, SUPT., CROSSROADS

The petitions for rehearing are denied.