

(ORDER LIST: 562 U.S.)

TUESDAY, OCTOBER 12, 2010

CERTIORARI -- SUMMARY DISPOSITIONS

09-1443 RYAN, DIR., AZ DOC V. DOODY, JOHNATHAN A.

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 *Florida v. Powell*, 559 U.S. \_\_\_\_ (2010).

09-11051 PETERSON, HENRY L. V. McNEIL, SEC., FL DOC, ET AL.

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 Eleventh Circuit for further consideration in light of *Holland v. Florida*, 560 U.S. \_\_\_\_ (2010).

10-8 EUGENE IOVINE, INC. V. NLRB

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 *New Process Steel, L.P. v. NLRB*, 560 U.S. \_\_\_\_ (2010). Justice Sotomayor took no part in the consideration or decision of this petition.

10-5211 LOADHOLT, JASON V. MASSACHUSETTS

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 Judicial Court of Massachusetts for further consideration in light of *McDonald v. Chicago*, 561 U.S. \_\_\_\_ (2010).

**ORDERS IN PENDING CASES**

10M35 WOODS, JEROME V. McCOLLUM, ATT'Y GEN. OF FL

10M36 PEARSON DENTAL SUPPLIES, INC. V. SUPERIOR COURT OF CA, ET AL.

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

137, ORIG. MONTANA V. WYOMING, ET AL.

The first exception to the Special Master's First Interim Report is set for oral argument in due course. The second exception is recommitted to the Special Master. Wyoming's motion to dismiss is denied. The motion of the Special Master for allowance of fees and reimbursement of expenses is granted, and the Special Master is awarded a total of \$72,008.74 for the period June 13, 2009, through July 9, 2010, to be paid equally by Montana and Wyoming. Justice Kagan took no part in the consideration or decision of these exceptions and these motions.

09-400 STAUB, VINCENT E. V. PROCTOR HOSPITAL

The motion of Equal Employment Advisory Council for leave to file a brief as *amicus curiae* out of time is granted. Justice Kagan took no part in the consideration or decision of this motion.

09-987 ) AZ CHRISTIAN SCH. TUITION ORG. V. WINN, KATHLEEN M., ET AL.

)  
09-991 ) GARRIOTT, GALE V. WINN, KATHLEEN M., ET AL.

The motion of petitioner Arizona Christian School Tuition Organization for divided argument is denied. The joint motion of petitioner Gale Garriott and the Acting Solicitor General for

leave to allow the Acting Solicitor General to participate in oral argument as *amicus curiae* and for divided argument is granted, and the time is to be divided as follows: 15 minutes for petitioner Gale Garriott, and 15 minutes for the United States.

10-74 AQUINO, JAVIER R., ET AL. V. SUIZA DAIRY, INC., ET AL.

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

10-6060 DUNBAR, JOHN P. V. HAWAII

10-6105 PIPER, PAUL A. V. UNITED STATES

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until November 2, 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 GRANTED**

09-1227 BOND, CAROL A. V. UNITED STATES

The petition for a writ of certiorari is granted.

09-1454 ) CAMRETA, BOB V. GREENE, SARAH

09-1478 ) ALFORD, JAMES V. GREENE, SARAH, ET AL.

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

09-1476 DURYE, PA, ET AL. V. GUARNIERI, CHARLES J.

09-1533 DePIERRE, FRANTZ V. UNITED STATES

10-6 GLOBAL-TECH APPLIANCES, ET AL. V. SEB S.A.

The petitions for writs of certiorari are granted.

10-72 MADISON COUNTY, NY, ET AL. V. ONEIDA INDIAN NATION OF NY

The motion of Citizens Equal Rights Foundation, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is granted. Justice Sotomayor took no part in the consideration or decision of this motion and this petition.

**CERTIORARI DENIED**

09-1442 DENALI, L.L.C., ET AL. V. UT STATE TAX COMM'N, ET AL.

09-10097 HILL, EDWARD V. THALER, DIR., TX DCJ

09-10509 MAXWELL, DELANO, ET AL. V. UNITED STATES

09-10911 SEDRATI, ABDELHAMID V. UNITED STATES

09-11207 DODGE, MATTHEW M. V. UNITED STATES

09-11218 PRESSLEY, DAVID N. V. KANSAS

09-11285 CASTILLO-ESTEVEZ, RAFAEL C. V. UNITED STATES

09-11538 JACKSON, ROBERT W. V. DANBERG, COMM'R, DE DOC, ET AL.

10-28 CHAE, ANNE, ET AL. V. SLM CORPORATION, ET AL.

10-47 WELLS, LORRAINE A. V. FRANKLIN APARTMENTS, ET AL.

10-152 BROOKS-McCOLLUM, CATHY D. V. STATE FARM INSURANCE COMPANY

10-154 KEREAKOLOW, GREGORY V. MASSACHUSETTS

10-162 J. Z. V. NEW JERSEY

10-164 ALSTON, JERRY L. V. SUPREME COURT OF DE, ET AL.

10-166 STANLEY, HAROLD R. V. GRATE, JUDGE, ETC., ET AL.

10-168 LIFE SETTLEMENT CORP. V. GOSHAWK SYNDICATE 102 AT LLOYD'S

10-169 KNIGHT, JONATHAN V. DRYE, DAVID, ET AL.

10-170 MARTIN, BRIAN, ET AL. V. HANIC, RAQUEL

10-173 BYRD, RALPH T., ET UX. V. HOFFMAN, JAMES M., ET AL.

10-181 SCHNELLER, JAMES D. V. PHILADELPHIA ENTERTAINMENT

10-183 SAMSON, FRED V. MANLEY, JAMES, ET AL.

10-190 TORAIN, BILLY V. AT&T MANAGEMENT SERVICES, ET AL.  
10-199 FILAR, VALERIE T. V. CHICAGO SCHOOL REFORM BOARD  
10-207 FOOD MOVERS INT'L, INC. V. WELLS DAIRY, INC.  
10-211 TRANSOCEAN ENTERPRISE, INC. V. INGALLS SHIPBUILDING, INC.  
10-213 ROWLAND, ARLENE D. V. PRUDENTIAL FINANCIAL, INC.  
10-219 PIKE CTY. JOINT VOC. SCH. DIST. V. KNISLEY, MISTY, ET AL.  
10-222 WYETH LLC, ET AL. V. KIRKLAND, SANDRA, ET AL.  
10-230 FISHERMEN'S FINEST, ET AL. V. LOCKE, SEC. OF COMMERCE  
10-231 GRAY, KENNETH L. V. GENERAL ELECTRIC CO.  
10-243 SONNENSCHN NATH & ROSENTHAL V. ROSENTHAL, DOUGLAS E.  
10-246 MONTGOMERY, JEROME E. V. DAVIS, WARDEN  
10-248 ABRAM, RAYSHAWN C. V. NEBRASKA  
10-249 CWIK, DAVID, ET AL. V. GIANNOULIAS, ALEXI, ET AL.  
10-253 UMPHREYVILLE, KEVIN C. V. GITTINS, CHARLES W.  
10-256 MELLOR, RICHARD L. V. UNITED STATES  
10-258 JACKIM, NINA L. V. BROOKLYN, NY, ET AL.  
10-259 COLLIS, TORINA A. V. BANK OF AMERICA, N.A.  
10-260 MATTIS, STEPHEN G. V. NEW JERSEY, ET AL.  
10-270 SKIDMORE ENERGY, INC. V. MAGHREB PETROLEUM  
10-289 HUMALA, ALELAIDA, ET VIR V. HOLDER, ATT'Y GEN.  
10-292 PEREZ, OSCAR, ET AL. V. CAREY INT'L, INC., ET AL.  
10-295 VEASAW, JAMES B. V. UNITED STATES, ET AL.  
10-296 HARRIS, PATRICE V. HOMECOMING FINANCIAL, ET AL.  
10-303 LAMANA, PETER J. V. PENNSYLVANIA  
10-307 MELENDREZ, JOSE V. BIERY, JUDGE, USDC WD TX, ET AL.  
10-310 BROEMER, GLEN V. CIR  
10-316 GAGALIS, ROBERT J. V. UNITED STATES  
10-5124 JOHNSTON, DAVID E. V. FLORIDA

10-5282 MASKE, JERRY L. V. ESTRADA, VALERIE, ET AL.  
10-5655 REYNOLDS, DAVID L. V. SUPREME COURT OF VA  
10-5661 BOSIER, HAROLD V. GILA GROUP, ET AL.  
10-5664 LEVI, HUNTER R. V. AEROTEK, INC., ET AL.  
10-5665 RHETT, JOHN V. NEW JERSEY  
10-5666 SILVA, LUTGARDO V. CAIN, WARDEN  
10-5668 STAFFORD, TYRON V. AMMONS, THOMAS, ET AL.  
10-5678 SINGH, SATROHAN V. HEATH, SUPT., SING SING  
10-5680 SMITH, RONALD A. V. MAHONEY, WARDEN  
10-5682 ELAM, DARIUS D. V. TEXAS  
10-5686 HILL, KIMBLEY D. V. ORTEGON, FERNANDO, ET AL.  
10-5687 GARCIA, FRANK V. TEXAS  
10-5688 ) GUERRERO, JOE L. V. TEXAS  
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10-5689 ) GUERRERO, JOE L. V. TEXAS  
) )  
10-5690 ) GUERRERO, JOE L. V. TEXAS  
10-5698 LANDIS, THOMAS F. V. VIRGINIA  
10-5699 REECE, CHARLES A. V. SISTO, WARDEN  
10-5709 BARNES, CAMELLIA B. V. ALTERNATIVE CAPITAL SOURCE, LLC  
10-5717 TAYOR, LaDAVID B. V. GUNNELS, RICHARD A., ET AL.  
10-5721 PRICE, ALAN J. V. McNEIL, SEC., FL DOC  
10-5726 JEBBIA, CAROL V. THALER, DIR., TX DCJ  
10-5731 LAURORE, LOUIS V. UMASS MEDICAL HEALTHCARE, ET AL.  
10-5733 APONTE, PETER R. V. McKEE, WARDEN  
10-5747 ROUSER, WILLIAM V. CALIFORNIA  
10-5748 SHEEHAN, TERRENCE V. THALER, DIR., TX DCJ  
10-5749 RICHARD, JOHN W. V. ROCK, SUPT., UPSTATE  
10-5750 ROSENBLUM, PHILLIP V. CAMPBELL, WARDEN  
10-5751 SHERMAN, JOSEPH A. V. HENDERSON, DAVID, ET AL.

10-5755 KING, JAMES W. V. IA DOC, ET AL.

10-5757 LEE, RODERICK V. LUDWICK, WARDEN

10-5758 LEWIS, TIRAM V. COCA-COLA ENTERPRISES, INC.

10-5759 KANTAMANTO, ABDUR R. V. NORTH, LORENZO

10-5761 BROWN, DAIRELL V. THALER, DIR., TX DCJ

10-5766 KNIGHT, KENNETH K. V. YATES, WARDEN

10-5771 THOMPSON, THANE V. FLORIDA

10-5773 MEDRANO, ROBERT V. NEW JERSEY

10-5774 DIXON, VALENTINO V. CONWAY, SUPT., ATTICA

10-5777 McBRIDE, KIRK W. V. TEXAS

10-5778 ST. AMANT, JESSIE V. LOUISIANA

10-5784 INSUA, ALBERT V. McDONALD, WARDEN

10-5791 GEORGIEVA, VASILA V. BARNES & NOBLE

10-5794 DANIELS, DANNY O. V. DISTRICT COURT OF CO, ET AL.

10-5795 JONES, DONALD G. V. SHAW GROUP, ET AL.

10-5804 HALLFORD, PHILLIP D. V. ALLEN, COMM'R, AL DOC, ET AL.

10-5805 A1BRITTON, DeVINCHE V. JOHNSON, DIR., VA DOC, ET AL.

10-5807 BUNYARD, JOHN P. V. KNOWLES, WARDEN

10-5808 BELANGER, MELISSA K. V. STOVALL, WARDEN

10-5811 ABDULHASSEB, MADYUN V. CALBONE, WARDEN, ET AL.

10-5814 HA, HUNG V. RICHMAN, JAMES A., ET AL.

10-5818 JACKSON, EUDALE V. CALIFORNIA

10-5819 JONES, WALLACE C. V. McNEIL, SEC, FL DOC

10-5820 NEWSOM, DANIEL S. V. RUNNELS, WARDEN, ET AL.

10-5821 PERREGO, WILLIAM R. V. PENNSYLVANIA

10-5823 HUBBARD, ALBERTA V. DETROIT PUBLIC SCHOOLS

10-5824 TAYLOR, JERRY L. V. YATES, WARDEN

10-5825 VALLERY, RAYNARD V. SMELOSKY, WARDEN

10-5826 VENEGAS, JUSTIN L. V. TEXAS  
10-5840 POLK, DONTAE L. V. KANSAS  
10-5846 DIXIE, COURTNEY C. V. WILSON, SUPT., IN  
10-5847 ROWELL, RICHARD V. MARTINO, RUBEN A., ET AL.  
10-5853 MANKO, NELLA V. MANNOR, DANA, ET AL.  
10-5854 JERVIS, JACK V. INDIANA  
10-5855 MARIE P. V. SACRAMENTO CTY. DEPT. OF H&HS  
10-5856 BUCHANAN, PATRICIA V. ILLINOIS  
10-5866 MCGLEACHIE, DANNY V. MISSISSIPPI  
10-5871 REID, NORMAN V. RICCI, ASSOC. ADM'R, NJ, ET AL.  
10-5879 DAVIS, ROBERT L. V. McNEIL, SEC., FL DOC, ET AL.  
10-5897 RANDLE, PATRICK H. V. SKOLNIK, DIR., NV DOC, ET AL.  
10-5899 McCRAY, NAOMI V. WAL-MART STORES, INC., ET AL.  
10-5916 JEFFUS, EDWARD D. V. DREW, WARDEN  
10-5924 BAILEY, DAVID W. V. TEXAS  
10-5930 AL-TIMIMI, ALI S. V. JACKSON, WARDEN  
10-5950 RAMOS, ROBERTO V. McNEIL, SEC., FL DOC  
10-5954 ROGERS, CARL L. V. NEW YORK  
10-5957 CARTER, ANTONIO C. V. FLORIDA  
10-5963 ANAYA, DOMINGO B. V. SISTO, WARDEN  
10-5979 DONTIGNEY, JEFFREY J. V. O & G INDUSTRIES, INC., ET AL.  
10-6011 CUTSHAW, ALLEN D. V. TENNESSEE  
10-6022 GREENE, CEDRIC V. LEE'S MAINTENANCE SERVICES  
10-6026 ESCARENO, ROBERT A. V. EVANS, WARDEN  
10-6045 RIVERA, ARMANDO V. OHIO  
10-6049 NOCERO, EDWARD C. V. ARIZONA  
10-6050 REYNOLDS, ANTHONY V. ILLINOIS  
10-6051 TARVER, LORENZO V. MISSISSIPPI



10-6069 MACOMBER, BOBBY V. HAWAII, ET AL.  
10-6070 JONES, MARVEL V. NEBRASKA  
10-6073 VILLANUEVA-MORAN, FREDY O. V. HOLDER, ATT'Y GEN.  
10-6074 WAYNE, EDGAR V. GUNDY, WARDEN  
10-6088 STONE, BILL J. V. McDANIEL, WARDEN, ET AL.  
10-6095 HARRIS, MICHAEL V. ARIZONA  
10-6102 SETTLE, MIKE V. BELL, WARDEN  
10-6118 BANKS, SIMON V. KRAMER, JUDGE, ETC., ET AL.  
10-6123 RODRIGUEZ, RAMON V. ROBERTS, WARDEN, ET AL.  
10-6137 IGBINOSUN, FERGUSON V. NEW YORK  
10-6155 HENDERSON, MARIO V. JONES, WARDEN  
10-6169 FERREL, LIONEL V. UNITED STATES  
10-6176 GALLOWAY, RASHFORD E. V. UNITED STATES  
10-6182 CUNNINGHAM, R. SCOTT V. UNITED STATES  
10-6184 DeLOGE, STEVEN A. V. WYOMING  
10-6187 McQUEEN, ANTHONY V. UNITED STATES  
10-6194 VAN BUREN, BARCLAY V. UNITED STATES  
10-6198 LEISER, JEFFREY D. V. THURMER, WARDEN  
10-6201 REYES-SILVA, IVAN A. V. UNITED STATES  
10-6202 SURA-VILLALTA, JORGE A. V. UNITED STATES  
10-6203 CUNNINGHAM, NEALLY V. UNITED STATES  
10-6204 CASTRO-GAXIOLA, JOEL V. UNITED STATES  
10-6206 YOUNG, SHAWN V. UNITED STATES  
10-6210 MAHDI, ABDUR R. V. UNITED STATES  
10-6211 KIMMONS, SAFARRA V. UNITED STATES  
10-6214 McBROOM, JAMES W. V. UNITED STATES  
10-6219 SEGURA, JASON V. UNITED STATES  
10-6224 SIMPSON, SEAN A. V. UNITED STATES

10-6226 TAYLOR, DARRYL V. UNITED STATES  
10-6229 RIDEOUT, KEVIN A. V. UNITED STATES  
10-6230 REED, CHRISTOPHER V. ILLINOIS  
10-6232 SMITH, PAUL E. V. KONTEH, WARDEN  
10-6234 RAGLIN, DONNELL V. UNITED STATES  
10-6236 MARCANO, JEMEL V. UNITED STATES  
10-6238 JOHNSON, HENRY C. V. UNITED STATES  
10-6239 GILREATH, SHAWN S. V. UNITED STATES  
10-6246 IBRAHIM, AHMAD V. UNITED STATES  
10-6247 GUZMAN, HARRY V. UNITED STATES  
10-6248 GOPIE, DESHAWN V. UNITED STATES  
10-6249 HENDERSON, BRIAN D. V. UNITED STATES  
10-6250 FIELDS, SALWILLEL T. V. UNITED STATES  
10-6252 HARRIS, JESSIE G. V. UNITED STATES  
10-6256 LEDBETTER, DENNIS E. V. UNITED STATES  
10-6257 CHRISTMAN, RICHARD V. UNITED STATES  
10-6260 EGU, CYRIL V. UNITED STATES  
10-6261 BOWERS, AMOS R. V. BURT, WARDEN, ET AL.  
10-6264 ORLANDO-PAPIAS, HARRY V. UNITED STATES  
10-6265 OSORIO-FUNEZ, JUAN A. V. UNITED STATES  
10-6269 TREADWELL, RANDALL V. UNITED STATES  
10-6271 SOLORIO-VALDEZ, JULIAN V. UNITED STATES  
10-6284 BORDEN, BARRON L. V. UNITED STATES  
10-6287 LEMKE, DENNIS V. UNITED STATES  
10-6288 LUONG, MICHAEL V. UNITED STATES  
10-6290 LOCKETT, TROY K. V. UNITED STATES  
10-6295 NUNEZ-GONZALEZ, MARCO A. V. UNITED STATES  
10-6296 AKENS, JOSEPH A. V. UNITED STATES

10-6301 NAPOLI, JOHN V. UNITED STATES  
10-6302 PEREZ, RAUL V. UNITED STATES  
10-6319 FELIX-CARRAZCO, FELIPE V. UNITED STATES  
10-6320 HARMON, JEFFREY T. V. UNITED STATES  
10-6321 HARO-VERDUGO, JULIO, ET AL. V. UNITED STATES  
10-6324 GROOMS, JOSEPH R. V. UNITED STATES  
10-6330 MATIAS, VICTOR V. UNITED STATES  
10-6335 BLACK, JASON W. V. UNITED STATES  
10-6340 ELLIS, KIM V. UNITED STATES  
10-6344 GARCIA-MANZO, FRANCISCO J. V. UNITED STATES  
10-6348 CALDWELL, GREG, ET AL. V. UNITED STATES  
10-6352 TABATABAI, REZA B. V. UNITED STATES  
10-6355 SANTOS, ANTONIO V. UNITED STATES  
10-6358 THOMPSON, SALA-THIEL V. CHOINSKI, WARDEN, ET AL.  
10-6361 CASTELLON, EDY R. V. UNITED STATES  
10-6362 CONNORS, RICHARD S. V. UNITED STATES  
10-6363 ROBINSON, HERBERT V. UNITED STATES  
10-6364 VILLARREAL, OMAR V. UNITED STATES  
10-6365 VEGA-SOTO, JUVENAL, ET AL. V. UNITED STATES  
10-6366 VILLEGAS, GUILLERMO J. V. UNITED STATES  
10-6367 ZAVALA-ROSALES, JORGE O. V. UNITED STATES  
10-6373 GARCIA-OCHOA, JOSUE O. V. UNITED STATES  
10-6375 STEPHENS, LORENZO V. UNITED STATES  
10-6379 MACINNIS, JOHN K. V. UNITED STATES  
10-6380 MANCHA-PEREZ, JUAN V. UNITED STATES  
10-6383 TURNBULL, JAYRECE E. V. UNITED STATES  
10-6384 WELKER, JEFFREY V. UNITED STATES  
10-6387 XINIDAKIS, DAVID V. UNITED STATES

10-6394 RAMIREZ-LEONARDO, BIENVENIDO V. UNITED STATES  
The petitions for writs of certiorari are denied.

09-1461 ASSN. CHRISTIAN SCHOOLS, ET AL. V. STEARNS, ROMAN, ET AL.  
The motion of Catholic League, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

09-1520 UNITED STATES V. HAGEN, REGINALD K.  
The motion of respondent for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is denied. Justice Kagan took no part in the consideration or decision of this motion and this petition.

10-175 GLATZER, BERNARD H. V. ENRON CORP., ET AL.

10-242 DADA, FAZAL M., ET AL. V. HOLDER, ATT'Y GEN.  
The petitions for writs of certiorari are denied. Justice Sotomayor took no part in the consideration or decision of these petitions.

10-254 UNITED STATES, EX REL. RADCLIFFE V. PURDUE PHARMA L.P., ET AL.  
The petition for a writ of certiorari is denied. Justice Kagan took no part in the consideration or decision of this petition.

10-5710 BISHOP, WINFORD K. V. GRIEVANCE COMM., USDC ED NY  
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*).

10-5779 SABEDRA, RICKEY V. USCA 5

10-5813 HA, HUNG V. MCGUINNESS, WILLIAM

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.

10-5817 JACOBS, CHRIS V. HUIBREGTSE, 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. 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*).

10-5832 MOORE, GREGG V. USPS, 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.

10-5883 WHITAKER, NORRIS L. V. DEXTER, WARDEN

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

10-6200 ELLIOTT, DAMON E. 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. Justice Kagan took no part in the consideration or decision of this motion and this petition.

10-6216 SANTIAGO, EULADIO V. UNITED STATES

10-6223 PIATEK, THOMAS W. V. UNITED STATES

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

10-6329 MESZAROS, STEVEN 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.

10-6346 MELENDEZ, JONATHAN 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**

10-6390 IN RE DERRICK A. POLLY

10-6485 IN RE WILLIAM CAPERS

10-6507 IN RE JEFFERY W. WANSLEY

10-6514 IN RE WILLIAM SLATE

10-6535 IN RE JAIME A. DAVIDSON

The petitions for writs of habeas corpus are denied.

10-6316 IN RE LaVERN BERRYHILL

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of habeas corpus 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*).

10-6349 IN RE GARY B. WILLIAMS  
10-6386 IN RE FRANK WATTS, II  
10-6547 IN RE DAVID E. SINQUEFIELD

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

**MANDAMUS DENIED**

10-5659 IN RE VICTOR DEL RIO  
10-5684 IN RE THEODORE SHOVE

The petitions for writs of mandamus are denied.

10-5886 IN RE JIMMY R. DAVIDSON

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

**REHEARING DENIED**

09-8961 ROBERTS, THOMAS J. V. MITCHEM, WARDEN, ET AL.

The petition for rehearing is denied.

**ATTORNEY DISCIPLINE**

D-2476 IN THE MATTER OF DISBARMENT OF STEVEN R. LAPIDUS

Steven R. Lapidus, of Wainscott, New York, having been suspended from the practice of law in this Court by order of July 26, 2010; 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 Steven R. Lapidus is disbarred from the

practice of law in this Court.

D-2483

IN THE MATTER OF DISBARMENT OF DONALD F. MINTMIRE

Donald F. Mintmire, of Palm Beach, Florida, having been suspended from the practice of law in this Court by order of July 26, 2010; 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 Donald F. Mintmire is disbarred from the practice of law in this Court.

D-2493

IN THE MATTER OF DISBARMENT OF DAVID A. EHRLICH

David A. Ehrlich, of Cohoes, New York, having been suspended from the practice of law in this Court by order of July 26, 2010; 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 A. Ehrlich is disbarred from the practice of law in this Court.



GINSBURG, J., dissenting

**SUPREME COURT OF THE UNITED STATES**

LESLIE WEISE ET AL. *v.* MICHAEL CASPER ET AL.

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

No. 10–67. Decided October 12, 2010

The petition for a writ of certiorari is denied.

JUSTICE GINSBURG, with whom JUSTICE SOTOMAYOR joins, dissenting from denial of certiorari.

The President of the United States gave a speech open to the public, from which Leslie Weise and Alex Young allege they were forcibly ejected. Their transgression was to have arrived at the event in a car that displayed a bumper sticker reading “No More Blood For Oil.” After they were marched out, they allege, Secret Service officials confirmed to them that the bumper sticker was the reason for their exclusion.

I cannot see how reasonable public officials, or any staff or volunteers under their direction, could have viewed the bumper sticker as a permissible reason for depriving Weise and Young of access to the event. Nevertheless, the Court of Appeals held respondents entitled to qualified immunity because “no specific authority instructs this court . . . how to treat the ejection of a silent attendee from an official speech based on the attendee’s protected expression outside the speech area.” 593 F.3d 1163, 1170 (CA10 2010). No “specific authority” should have been needed; “[f]or at least a [half]-century, this Court has made clear that . . . [the government] may not deny a benefit to a person on a basis that infringes his constitutionally protected interests.” *Perry v. Sindermann*, 408 U. S. 593, 597 (1972). As Judge Holloway noted in his incisive dissent, solidly established law “may apply with obvious clarity” even to conduct startling in its novelty.

GINSBURG, J., dissenting

593 F. 3d, at 1177 (quoting *Hope v. Pelzer*, 536 U. S. 730, 741 (2002); emphasis deleted).

The Court of Appeals suggested that this Court's decision in *Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston, Inc.*, 515 U. S. 557 (1995), could have justified a decision to exclude individuals who appear to disagree with the President's views. But the comparison serves only to highlight the unlawfulness of Weise's and Young's alleged treatment: Not only was this an official presentation of the President's views, not a private act of expression as in *Hurley*; in addition, unlike the *Hurley* plaintiff who sought to engage in competing expression, Weise and Young were "*silent* attendee[s]," 593 F. 3d, at 1170 (emphasis added). Their presence alone cannot have affected the President's message. Therefore, ejecting them for holding discordant views could only have been a reprisal for the expression conveyed by the bumper sticker. "Official reprisal for protected speech 'offends the Constitution because it threatens to inhibit exercise of the protected right.'" *Hartman v. Moore*, 547 U. S. 250, 256 (2006) (quoting *Crawford-El v. Britton*, 523 U. S. 574, 588, n. 10 (1998); brackets omitted).

I see only one arguable reason for deferring the question this case presents. Respondents were volunteers following instructions from White House officials. The Volunteer Protection Act of 1997, 111 Stat. 218, 42 U. S. C. §14501 *et seq.*, had respondents invoked it in the courts below, might have shielded them from liability. Federal officials themselves, however, gain no shelter from that Act. Suits against the officials responsible for Weise's and Young's ouster remain pending and may offer this Court an opportunity to take up the issue avoided today.