

(ORDER LIST: 562 U.S.)

MONDAY, NOVEMBER 1, 2010

CERTIORARI -- SUMMARY DISPOSITION

10-5706 BRANDON, SANDAKO M. 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 *Carachuri-Rosendo v. Holder*, 560 U.S. ____ (2010).

ORDERS IN PENDING CASES

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

09-529 VOPA V. STEWART, JAMES W., ET AL.

The motions of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument are granted. Justice Kagan took no part in the consideration or decision of these motions.

09-1279 FCC, ET AL. V. AT&T INC., ET AL.

The motion of the Acting Solicitor General to dispense with printing the joint appendix is granted. Justice Kagan took no part in the consideration or decision of motion.

10-218 PPL MONTANA, LLC V. MONTANA

10-272 JOHN CRANE INC. V. ATWELL, THOMAS F.

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

10-6059 RILEY, LAKENYA T. V. UNION PARISH SCHOOL BD., ET AL.

- 10-6083 MILLS, PATRICIA V. WAYNE COUNTY BOARD OF EDUCATION
10-6532 SHAW, SHERRY V. V. POTTER, POSTMASTER GEN.
10-6618 BANEY, JOHN-PIERRE V. MERIT SYSTEMS PROTECTION BOARD

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until November 22, 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

- 09-1159 BD. OF TRUSTEES OF LELAND V. ROCHE MOLECULAR SYSTEMS, ET AL.

The petition for a writ of certiorari is granted.

- 09-11121 J. D. B. V. NORTH CAROLINA

The motion of Juvenile Law Center, et al. for leave to file a brief as *amici curiae* is granted. The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted.

- 09-11328 DAVIS, WILLIE G. V. UNITED STATES

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

- 10-10 TURNER, MICHAEL D. V. PRICE, REBECCA, ET AL.

The motion of Larry E. Price, Sr. for leave to intervene is granted. The motion of respondents for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is granted. In addition to the question presented by the petition the parties are directed to brief and argue the following question: "Does the Court have jurisdiction to review the decision of the South Carolina Supreme Court?"

10-114 FOX, RICKY D. V. VICE, BILLY R., ET AL.

The petition for a writ of certiorari is granted.

CERTIORARI DENIED

09-1367 ROSILLO-PUGA, MARTIN V. HOLDER, ATT'Y GEN.

09-1378 MENDIOLA, EDDIE V. HOLDER, ATT'Y GEN.

09-1554 SHELBY, REX V. UNITED STATES

09-1561 MAYFIELD, BRANDON, ET AL. V. UNITED STATES

09-1572 STROUD, JOSEPH, ET AL. V. BLOUNT, JERRI

09-11370 BUTT, DAVID V. HARTLEY, WARDEN, ET AL.

09-11489 ZARATE-MORALES, ANDRES V. UNITED STATES

09-11574 KPORLOR, RICHARD R. V. HOLDER, ATT'Y GEN.

10-103 ARCHSTONE MULTIFAMILY, ET AL. V. NILES BOLTON ASSOCIATES, INC.

10-108 KING, DONALD L., ET UX. V. PIONEER REGIONAL ED. SERVICE

10-110 BROWNFIELD, JAMES B. V. ALABAMA

10-120 SCHNELLER, JAMES D. V. FOX SUBACUTE, ET AL.

10-125 NAT'L UROLOGICAL GROUP, ET AL. V. FEDERAL TRADE COMMISSION

10-137 FIRST BANK V. DJL PROPERTIES, LLC, ET AL.

10-145 KEATING, DAVID, ET AL. V. FEC

10-148 ESTATE OF JAMES F. SHEPPARD V. SCHLEIS, JESSICA, ET AL.

10-157 SPRINT SPECTRUM V. HESSE, CHRISTOPHER W., ET AL.

10-158 HUNTZINGER, ROBERT C. V. UNITED STATES

10-178 LOCKETT, SHAWN M., ET UX. V. NEW ORLEANS, LA, ET AL.

10-192 ROSS, MICHELLE V. PFIZER, INC.

10-255 SHALABY, ANDREW W., ET AL. V. NEWELL RUBBERMAID, INC., ET AL.

10-269 GERSTEN, CHARLES V. GERSTEN, ETHEL J.

10-271 CHANDLER, DAVID G. V. COURSEY, SUPT., EASTERN OREGON

10-273 YOUNGS, PATRICK V. IND. CLAIM APPEALS OFF., ET AL.

10-280 GHAZIBAYAT, NIKROUZ V. SBC ADVANCED SOLUTIONS, INC.

10-282 SKUTCHES, JOSEPH M., ET AL. V. GLASOW, BARBARA L.
10-285 CNG FINANCIAL CORPORATION V. DAVIS, ALLEN L.
10-286 MURPHY, MORRIS D. V. MAINE
10-293 ABAD, ARTEMIO M., ET AL. V. FINANCE FACTORS, ET AL.
10-297 JENNEY, MARK W. V. BARBERTON, OH
10-298 PALMA-PALMA, MARIA D., ET AL. V. HOLDER, ATT'Y GEN.
10-299 ZHAO, YUMIN V. LONE STAR ENGINE INSTALLATION
10-301 ANASCAPE, LTD. V. NINTENDO OF AMERICA, INC.
10-302 KUBICKI, JOYCE V. APPROXIMATELY 3.38 ACRES OF LAND
10-304 ZUTZ, LOREN, ET AL. V. NELSON, JOHN, ET AL.
10-306 ROBERTS, STEVEN, ET AL. V. MENTZER, JACK F., ET AL.
10-311 ADVANCED TOWING CO., ET AL. V. FAIRFAX CTY. BD. OF SUPERVISORS
10-321 PARKER, GUY W. V. DONLEY, SEC. OF AIR FORCE
10-331 MAUNALUA BAY BEACH OHANA 28 V. HAWAII
10-338 TRICOME, DOMENIC V. EBAY, INC.
10-342 KOZACHUK, WALTER E. V. MEDPOINTE HEALTHCARE, INC.
10-345 AYDINER, DENIZ C. V. OREGON
10-365 HIGHLAND CRUSADER, ET AL. V. LIFECARE HOLDINGS, ET AL.
10-381 VANCE, CLARENCE L. V. ILLINOIS
10-390 EHLERS, EDWIN A. V. UNITED STATES
10-400 MURPHY, STEPHEN J. V. UNITED STATES
10-413 CONTRERAS, GABRIEL R. V. UNITED STATES
10-423 LOPERA, JAVIER V. UNITED STATES
10-428 AMERICAN HOME ASSURANCE CO. V. UMG RECORDINGS, INC., ET AL.
10-5263 McMILLAN, ROBERT V. UNITED STATES
10-5558 BATES, GAIL P. V. MORRISON MANAGEMENT SPECIALISTS
10-5566 CHANTHAKOUMMANE, KOSOUL V. TEXAS
10-5572 WILLIAMS, JEFFREY D. V. THALER, DIR., TX DCJ

10-5601 RANDOLPH, RICHARD V. McNEIL, SEC., FL DOC, ET AL.
10-5645 WRIGHT, JEREMY S. V. UNITED STATES
10-5672 GRANT, RICHARD A. V. UNITED STATES
10-5675 HEARN, YOKAMON L. V. TEXAS
10-5728 MILLS, JEFFERY J. V. CALIFORNIA
10-5809 SNEED, DAVID A. V. JOHNSON, WARDEN
10-5999 GRAVES, JOHN L. V. AULT, WARDEN
10-6001 CANTRELL, JACK V. ARPAIO, SHERIFF, ET AL.
10-6006 McCULLOUGH, DAVEON V. CAIN, WARDEN
10-6012 HARRIS, TANGER A. V. PROGRESSIVE INSURANCE, ET AL.
10-6014 JOHNSON, MAURICE J. V. VALENTINO, JOSEPH D., ET AL.
10-6016 WOOLRIDGE, JOSHUA T. V. RIVERSIDE, CA, ET AL.
10-6018 MARSH, AARON K. V. FL DEPT. OF CHILDREN, ET AL.
10-6019 MARTIN, CLAYTON C. V. JOHNSON, DIR., VA DOC
10-6021 DELORIA, DAVID M. V. SD DOC, ET AL.
10-6023 JOHNSON, ROOSEVELT V. FLORIDA
10-6024 D'ANTUONO, FRANK V. CONWAY, SUPT., ATTICA
10-6027 NELSON, MICHAEL A. V. HARRIS, N.A., ET AL.
10-6029 McWATTERS, EUGENE W. V. FLORIDA
10-6032 MALONE, DeSHAWN V. MARTINEZ, CORRECTIONAL OFFICER
10-6034 WALSH, DONALD A. V. McNEIL, SEC., FL DOC, ET AL.
10-6035 CHRISTIAN, TARYN V. FRANK, DIR., HI DEPT. OF PUBLIC
10-6036 TAYLOR, JAQUAVIS V. LUDWICK, WARDEN
10-6037 THORNTON, GERALD V. BANK OF NEW YORK
10-6040 THOEUR, SARIN V. CALIFORNIA
10-6041 WALTON, DERRICK V. TEXAS
10-6044 ALVERSON, BILLY D. V. WORKMAN, WARDEN
10-6053 WEST, OLIVER GIOLA V. DENNISON, ROBERT, ET AL.

10-6056 PELLINO, MATTHEW V. PROVINCE, WARDEN
10-6057 MILLER, CHARLES L. V. KOLENDER, FORMER SHERIFF, ET AL.
10-6058 KAY, CHARLES R. V. TEXAS
10-6062 DICKEY, DAVAN V. FLORIDA
10-6063 PRATHER, JOHNNY I. V. LEE, CHIEF JUDGE, ETC.
10-6066 SWON, JAMES V. CALIFORNIA
10-6068 VALENCIA, JOSE L. V. NEVADA
10-6075 THOMPSON, GARY R. V. WORKMAN, WARDEN
10-6078 BACON, PERCY L. V. SKOLNIK, DIR., NV DOC, ET AL.
10-6079 STOWELL, SUSAN V. TOLL BROTHERS, INC.
10-6082 McCASTLE, CORNELIUS J. V. NORTH TEXAS MEDICAL HOSPITAL
10-6084 BATTLE, MARY L. V. JP MORGAN CHASE BANK, ET AL.
10-6085 MARTIN, ROBERT L. V. THALER, DIR., TX DCJ
10-6089 DIAZ, MIGUEL A. V. TEXAS
10-6091 NEELEY, CURTIS J. V. NAMEMEDIA, INC., ET AL.
10-6094 DINGLE, RONALD D. V. STEVENSON, WARDEN
10-6097 GREEN, CHARLES T. V. CATE, SEC., CA DOC, ET AL.
10-6103 SHEAD, TERRENCE R. V. THALER, DIR., TX DCJ
10-6111 MANN, JOHN W. V. McNEIL, SEC., FL DOC, ET AL.
10-6113 PONCE, LUIS P. V. FELKER, WARDEN
10-6122 STOUT, DEBORAH K. V. HOBBS, WARDEN
10-6124 AYALA-CARRANZA, YOLANDA V. HOLDER, ATT'Y GEN.
10-6125 EUBANKS, TIMOTHY T. V. THALER, DIR., TX DCJ
10-6127 PATEL, KETAN V. TESTPAK, INC.
10-6132 SMITH, WAYNE V. PENNSYLVANIA
10-6134 DuHALL, MARK V. LENNAR FAMILY OF BUILDERS
10-6136 DEROVEN, DETRICK V. THALER, DIR., TX DCJ
10-6138 HARRIS, JOHN A. V. MICHIGAN

10-6141 HAN, XIAO V. CALIFORNIA
10-6143 HALL, ERIC J. V. VARANO, SUPT., COAL TOWNSHIP
10-6144 HARRIS, TIMOTHY S. V. FLORIDA
10-6148 GOWAN, MICHAEL J. V. THALER, DIR., TX DCJ
10-6149 IRVIN, ROBERT T. V. CLARKSVILLE POLICE DEPT., ET AL.
10-6153 HENDERSHOTT, KENNETH A. V. PREMO, SUPT., OR
10-6156 HOLMES, MORRIS S. V. BROWN, WARDEN, ET AL.
10-6158 PHILLIPS, GALANTE R. V. FLORIDA
10-6159 ATKINS, GENE E. V. HERNDON, WARDEN
10-6160 WALKER, EARNEST L. V. TILLMAN, DEBORAH
10-6161 HOISINGTON, MONTE C. V. WILLIAMS, ROBIN
10-6162 HENDRICKS, LARRY E. V. COHEN, WARDEN
10-6163 GONZALES, ARTHUR A. V. CLARK, WARDEN
10-6165 HERRERA, ROBERT V. THALER, DIR., TX DCJ
10-6167 RHONE, THEODORE V. WASHINGTON
10-6168 STINSKI, DARRYL S. V. GEORGIA
10-6171 GUTIERREZ, RICARDO V. THALER, DIR., TX DCJ
10-6175 LaBRANCHE, KIM M. V. ARGENT MORTGAGE COMPANY
10-6177 JENKINS, GEORGE V. STEVENSON, WARDEN
10-6183 DeLaCRUZ, STEVEN R. V. THALER, DIR., TX DCJ
10-6186 HINOJOSA, ERNESTO R. V. THALER, DIR., TX DCJ
10-6188 PREPETIT, RALPH J. V. VIRGINIA
10-6189 PREPETIT, RALPH J. V. VIRGINIA
10-6190 OWENS, DWAN L. V. MORENO VALLEY HOSP., ET AL.
10-6191 WADDEL, GARY L. V. JONES, WARDEN
10-6192 TAYLOR, FREDERICK L. V. CAIN, WARDEN
10-6193 WALKER, EARNEST L. V. ALABAMA
10-6195 JONES, DAVID W. V. McNEIL, SEC., FL DOC, ET AL.

10-6196 JOHNSON, STEPHEN C. V. CASTRO, WARDEN
10-6197 LATCHISON, KENYATTA V. FELKER, WARDEN
10-6207 WILSON, TIMOTHY M. V. JOHNSON, DIR., VA DOC
10-6209 BREYTMAN, ALEXANDER V. OLINVILLE REALTY, ET AL.
10-6212 BERRIOS, MARK V. McNEIL, SEC., FL DOC, ET AL.
10-6213 JACKSON, DEWAYNE V. LAWLER, SUPT., HUNTINGDON
10-6220 SMITH, JOSIAH E. V. SCRIBNER, WARDEN
10-6221 BRADLEY, FREDDIE D. V. THALER, DIR., TX DCJ
10-6222 CUNNINGHAM, ERIC V. WEST POINT, MS
10-6225 DODSON, JULIUS V. COLEMAN, SUPT., FAYETTE, ET AL.
10-6228 RIDEOUT, JOSHUA J. V. HOLDER, ATT'Y GEN., ET AL.
10-6231 QAZZA, SULEIMAN A. V. KANE, WARDEN
10-6233 RILEY, MALCOLM T. V. SUPREME COURT OF PA
10-6235 PINSON, JEREMY V. GRIMES, J., ET AL.
10-6237 MATTHEWS, IVAN L. V. SCRIBNER, WARDEN
10-6241 PATTERSON, PATRICIA T. V. SHEAROUS, DANIEL
10-6245 ROBINSON, EDWARD J. V. CALIFORNIA
10-6251 GOODRUM, TONY V. BROWN, ATT'Y GEN. OF CA, ET AL.
10-6282 ZIED, MINDY V. ASTRUE, COMM'R, SOCIAL SEC.
10-6289 JAMES, XUAN T. V. T.H. CONTINENTAL LTD.
10-6294 McCOIN, CARRIE J. V. FICKLE, MARVIN
10-6299 TAYLOR, BRANDON A. V. CALIFORNIA
10-6325 HAYWARD, RODGER E. V. GODINEZ, SALVADOR, ET AL.
10-6326 MORALES, JOSEPH V. HARRY, WARDEN
10-6327 McCLENTON, ROOSEVELT V. MINNESOTA
10-6357 WALKER, JAMES V. SHELDON, GEORGE H.
10-6368 COULOMBE, JACKIE L. V. OXNARD, CA, ET AL.
10-6374 NORRIS, MATTHEW T. V. LAWLER, SUPT., HUNTINGDON

10-6381 BONNER, HAZEL V. STEELE, JOHN R.
 10-6385 WHITE, NATHANIEL V. SOUTH CAROLINA
 10-6400 WILSON, PRENTIS W. V. BERGHUIS, WARDEN
 10-6412 O'CONNELL, ELMER L. V. UTTECHT, SUPT., COYOTE RIDGE
 10-6414 MERIDETH, ROBERT E. V. PREMO, SUPT., OREGON
 10-6421 BROWN, TONEY I. V. MILYARD, WARDEN, ET AL.
 10-6424 BATES, ROBERT V. OHIO
 10-6426 REYNA, ISRAEL V. KANSAS
 10-6427 SCHIFF, IRWIN V. UNITED STATES
 10-6438 ZAVALA, RAUL S. V. DEA
 10-6460 MARCUM, TED V. OH ADULT PAROLE AUTHORITY
 10-6487 DURRANTE, ALLISTER V. KARESTES, JOHN, ET AL.
 10-6496 GIST, LAMONT V. DiGUGLIELMO, SUPT., GRATERFORD
 10-6498 SIMPSON, DARRELL V. DANFORTH, WARDEN
 10-6512 BROWN, PATRICIA A. V. MISSISSIPPI
 10-6516 KENDRICKS, JAMES H. V. BARROW, WARDEN
 10-6520 BRIM, ERNEST V. ZAVARES, EXEC. DIR., CO DOC
 10-6527 HENDERSON, BRIAN D. V. UNITED STATES
 10-6538 MOON, LARRY V. UNITED STATES
 10-6543 FOREMAN, JOSEPHINE, ET AL. V. LOUISIANA, ET AL.
 10-6554 ROADCAP, GERRY D. V. MILYARD, WARDEN, ET AL.
 10-6580 SCHLUSSEL, MICHAEL V. UNITED STATES
 10-6593 GATLIN, LUKE V. UNITED STATES
 10-6594 HENRIKSON, PAUL M. V. UNITED STATES
 10-6596 HENDERSON, SAMUEL L. V. UNITED STATES
 10-6597) RODGERS, KENNETH D. V. UNITED STATES
)
 10-6750) ARCENEUX, SHONDOR V. UNITED STATES
)
 10-6808) WILLIAMS, MICHAEL D. V. UNITED STATES

10-6598 SHIPP, DAVID M. V. SEBELIUS, SEC., HHS
 10-6602 PICKETT, RICHARD L. V. ROLLINS, DEPUTY WARDEN, ET AL.
 10-6604 SULLIVAN, REAGAN V. UNITED STATES
 10-6606 STEPHENS, LORENZO V. UNITED STATES
 10-6610 TERRELL, ROBERT E. V. BERGHUIS, WARDEN
 10-6628 COX, JESSEE D. V. UNITED STATES
 10-6629 DuBOSE, JAMONT V. UNITED STATES
 10-6630 CASTRO, JAIME A. V. UNITED STATES
 10-6631 ESPINOSA, PETER M. V. UNITED STATES
 10-6632 CAMPBELL, DENNIS J., ET UX. V. UNITED STATES, ET AL.
 10-6636 BARRON-LOPEZ, FRANCISCO V. UNITED STATES
 10-6637 VASQUEZ, JAIME V. UNITED STATES
 10-6638 VASQUEZ-CHOA, OSVALDO V. UNITED STATES
 10-6639 RAMIREZ-AGUILAR, ORLANDO V. UNITED STATES
 10-6640 ORNELAS-LOPEZ, JUAN V. UNITED STATES
 10-6641 MARTINEZ, JORGE A. V. UNITED STATES
 10-6642) MANNERS, MARK V. UNITED STATES
)
 10-6648) SIEBERT, ANDREW V. UNITED STATES
 10-6643 LOWE, VINCENT A. V. UNITED STATES
 10-6645 MILLER, MARVIN V. UNITED STATES
 10-6646 GUILLIOT, SAUL V. V. UNITED STATES
 10-6653 SANTANA, WILLIAM M. V. UNITED STATES
 10-6656 VALENCIA-BARRAGAN, JOSE V. UNITED STATES
 10-6659 BRACEY, MICHAEL V. UNITED STATES
 10-6661 BLOOMER, RICHARD G. V. WYOMING
 10-6666 COLLINS, BILLY J. V. UNITED STATES
 10-6669 LADSON, MALCOLM V. UNITED STATES
 10-6675 GROSS, MICHAEL V. UNITED STATES

10-6679 GHALI, MOHAMMED V. ROY, WARDEN
10-6682 HARTZOG, MALCOLM C. V. UNITED STATES
10-6683 FORD, BRENDA L. V. CHAPMAN, WARDEN
10-6684 FORD, BRENDA L. V. UNITED STATES
10-6686 HARGRAVE, ROGER B. V. WASHINGTON POST
10-6687 GAONA, ARMANDO V. UNITED STATES
10-6693 HANDBERRY, DARRYL V. UNITED STATES
10-6694 HAFED, SHAABAN S. V. UNITED STATES
10-6697 NORTHINGTON, STEVE V. UNITED STATES
10-6700 WHITE, ANTWONNE D. V. UNITED STATES
10-6706 THOMAS, LAMARCUS T. V. UNITED STATES
10-6708 ADAMS, WILLIAM M. V. UNITED STATES
10-6711 TORRES, IGNACIO V. UNITED STATES
10-6714 BANKS, BOBBY V. UNITED STATES
10-6719 CHAPMAN, ERIC C. V. UNITED STATES
10-6721 MARTINEZ, TOBY V. UNITED STATES
10-6722 MONCRIEFFE, DONOVAN A. V. UNITED STATES
10-6729 COHEN, LESLIE C. V. UNITED STATES
10-6734 MARCH, FREDERICK V. UNITED STATES
10-6735 LOPEZ, CARLOS V. UNITED STATES
10-6738) QUAINANCE, MARY H. V. UNITED STATES
)
10-6776) QUAINANCE, DANUEL D. V. UNITED STATES
10-6740 McCORMICK, JAMES T. V. UNITED STATES
10-6741 WONG, JOSE L. V. UNITED STATES
10-6742 WRIGHT, RUFUS V. UNITED STATES
10-6743 BYRD, ALVIN W. V. UNITED STATES
10-6744 BRIDGEWATER, KENNETH V. UNITED STATES
10-6754 HUBBARD, CHARLES W. V. UNITED STATES

10-6757 SHERMAN, CHRISTOPHER L. V. UNITED STATES
10-6760 GONZALEZ, JESUS V. UNITED STATES
10-6761 FERNANDEZ-ROQUE, RAFAEL V. UNITED STATES
10-6762 GREEN, PERCY L. V. UNITED STATES
10-6764 MORENO, EULALIO V. UNITED STATES
10-6774 VILLASENOR, JOSE A. V. UNITED STATES
10-6777 GABBARD, MICHAEL W. V. UNITED STATES
10-6778 GARCIA-CORDERO, ONECHE V. UNITED STATES
10-6779 FINLEY, TODD R. V. UNITED STATES
10-6780 MIZWA, BRIAN V. UNITED STATES
10-6783 STANLEY, JOHN L. V. UNITED STATES
10-6785 SCOTT, FERRELL D. V. UNITED STATES
10-6787 NGUYEN, VAN T. V. UNITED STATES
10-6789 KENNEDY, MICHAEL V. ALLERA, MICHAEL P., ET AL.
10-6790 MASON, WILLIAM T. V. UNITED STATES
10-6792 RODGERS, RYAN A. V. UNITED STATES
10-6793 ARANDA, ESPIRIDION V. UNITED STATES
10-6797 VALLE, ORLAN H. V. UNITED STATES
10-6798 REED, DENNIS C. V. PENNSYLVANIA
10-6803 SUAREZ FLORES, JOAQUIN V. UNITED STATES
10-6806 BROOKS, GREGORY K. V. UNITED STATES
10-6807 WILLIAMS, CHRISTOPHER L. V. ARIZONA
10-6810 WHITE, BRUCE V. UNITED STATES
10-6811 TRUAX, ALBERT V. UNITED STATES
10-6815 MOSS, WILL V. UNITED STATES

The petitions for writs of certiorari are denied.

10-85 SCHEUR, BARRY V. UNITED STATES

The motion of respondent Robert McMillan for leave to

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

10-312 LA UNION DEL PUEBLO ENTERO V. FEMA

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

10-419 TORJMAN, MIREILLE N. V. FBI, ET AL.

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

10-5541 STRICKLAND, DENNIS 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.

10-6031 MATTHEWS, FELTON L. V. McDANIELS, WARDEN, 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. 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*).

10-6080 STOLLER, CHRISTOPHER V. COURT OF APPEALS OF AZ, ET AL.

10-6090 ALBRIGHT-LAZZARI, KIMBERLY V. HAMILTON, SUSAN L.

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.

10-6135 COHEN, LESLIE C. V. TERRELL, WARDEN, 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. 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*).

10-6170 FARRIS, TYRONE L. V. OKLAHOMA

10-6314 BERRYHILL, LaVERN V. SEAY, JUDGE, USDC ED OK, ET AL.

10-6481 GRANDOIT, GERARD D. V. PHYSICIAN NETWORK, INC., ET AL.

10-6545 BERRYHILL, LaVERN V. WHITE, JUDGE, USDC ED OK, ET AL.

10-6551 BERRYHILL, LaVERN V. PAYNE, JUDGE, USDC ND OK, ET AL.

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.

10-6625 SUKUP, THOMAS M. V. USCA 9

10-6662 WOODBERRY, CHRISTOPHER R. V. UNITED STATES

10-6728 PERCEL, SUGENTINO V. UNITED STATES

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

10-6747 TANN, ANTWAN 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.

HABEAS CORPUS DENIED

10-452 IN RE LUIS R. F. HERNANDEZ
10-6822 IN RE LEE H. WAGNER
10-6828 IN RE TERRY L. NEWMAN
10-6843 IN RE CLINTON E. ROSS, JR.

The petitions for writs of habeas corpus are denied.

10-6911 IN RE LONNIE L. GRIFFIN

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*).

MANDAMUS DENIED

10-322 IN RE ADE O. OGUNJOBI
10-6054 IN RE ALBERT D. MEDINA
10-6101 IN RE ALFREDO SANCHO
10-6116 IN RE CAESAR WHITE, JR.
10-6240 IN RE CURTIS J. NEELEY, JR.

The petitions for writs of mandamus are denied.

10-6020 IN RE HAROLD V. N. DAVIS

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

REHEARING DENIED

10-5125 LIETZKE, BILL V. MONTGOMERY, AL, ET AL.

The petition for rehearing is denied.

ATTORNEY DISCIPLINE

D-2475 IN THE MATTER OF DISBARMENT OF HOWARD L. BLAU

Howard L. Blau, of New York, 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 Howard L. Blau is disbarred from the practice of law in this Court.

D-2481 IN THE MATTER OF DISBARMENT OF MARTIN JOSEPH MICKLER

Martin Joseph Mickler, of Jacksonville, 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 Martin Joseph Mickler is disbarred from the practice of law in this Court.

D-2482 IN THE MATTER OF DISBARMENT OF JEFFREY THOMAS KIPI

Jeffrey Thomas Kipi, of Oviedo, Florida, having been suspended from the practice of law in this Court by order of July 26, 2010; 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 Jeffrey Thomas Kipi is disbarred from the practice of law in this Court.

D-2485

IN THE MATTER OF DISBARMENT OF ROBERT E. MITTENDORFF

Robert E. Mittendorff, of Great Falls, Virginia, 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 Robert E. Mittendorff is disbarred from the practice of law in this Court.

D-2490

IN THE MATTER OF DISBARMENT OF ROBERT C. ARLEDGE

Robert C. Arledge, of Vicksburg, Mississippi, 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 Robert C. Arledge is disbarred from the practice of law in this Court.

D-2491

IN THE MATTER OF DISBARMENT OF MELISSA ANNE SHOMBER

Melissa Anne Shomber, of Guthrie, Oklahoma, 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 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 Melissa Anne Shomber is disbarred from the practice of law in this Court.

D-2492

IN THE MATTER OF DISBARMENT OF PATRICK D. McNEAL

Patrick D. McNeal, of Trabnco Canyon, California, 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 Patrick D. McNeal is disbarred from the
practice of law in this Court.

D-2512

IN THE MATTER OF DISBARMENT OF NIKITA V. MACKEY

Nikita V. Mackey, of Charlotte, North Carolina, having been
suspended from the practice of law in this Court by order of
October 4, 2010; 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 Nikita V. Mackey is disbarred from the
practice of law in this Court.

D-2541

IN THE MATTER OF DISBARMENT OF RICHARD BRIAN SIMRING

Richard Brian Simring, of Miami Beach, Florida, having been
suspended from the practice of law in this Court by order of
October 4, 2010; 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 Richard Brian Simring is disbarred from
the practice of law in this Court.

D-2550

IN THE MATTER OF DISBARMENT OF RICHARD CHARLES BAGDASARIAN

Richard Charles Bagdasarian, of Boca Raton, Florida, having
been suspended from the practice of law in this Court by order
of October 4, 2010; 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 Richard Charles Bagdasarian is disbarred
from the practice of law in this Court.

D-2560

IN THE MATTER OF JOSEPH WAYNE DEAN

Joseph Wayne Dean, of Raleigh, North Carolina, having requested to resign as a member of the Bar of this Court, it is ordered that his name be stricken from the roll of attorneys permitted to the practice of law before this Court. The Rule to Show Cause, issued on October 4, 2010, is discharged.

ALITO, J., dissenting

SUPREME COURT OF THE UNITED STATES

**ROBERT K. WONG, WARDEN v. ANTHONY BERNARD
SMITH, JR.**

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

No. 09–1031. Decided November 1, 2010

The petition for a writ of certiorari is denied.

JUSTICE ALITO, with whom THE CHIEF JUSTICE and JUSTICE SCALIA join, dissenting from denial of certiorari.

The Court of Appeals granted habeas relief in this case after concluding that a state trial judge unconstitutionally coerced the jury by commenting and offering an opinion on the evidence. Because that decision cannot be reconciled with the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), see 28 U. S. C. §2254(d)(1), and gives short shrift to a venerable common-law practice, I would grant the petition for writ of certiorari.

I

After they learned that Eugene and Deanna S. had won some money at a casino, respondent Anthony Smith and codefendant James Hinex drove to the couple’s Sacramento home, burglarized it, and robbed both victims at gunpoint. During the robbery, one of the defendants put a gun to the head of Mrs. S. and forced her to perform oral copulation. Both Smith and Hinex were arrested and charged under California law with one count of residential burglary and two counts of residential robbery. Cal. Penal Code Ann. §§459 (West 2010), 211 (West 2008). Smith was also charged with forcible oral copulation. §288a(c) (West 2008). At trial, the jury deliberated for a little over two days before convicting both defendants on the burglary and robbery counts. The jury had a more difficult

ALITO, J., dissenting

time reaching agreement on the oral-copulation count. Tests showed that semen recovered from the crime scene matched Smith's DNA, but Mrs. S. had originally identified Hinex as her attacker.

On the fourth day of deliberations, one juror sent the judge a note stating that he was unable to vote to convict Smith on the oral-copulation count because he thought the DNA evidence was unreliable. The trial judge then gave the jury a modified version of an *Allen* charge. See *Allen v. United States*, 164 U. S. 492 (1896). When further deliberations proved fruitless, the judge decided to exercise the judicial authority, as recognized by the State Constitution, to "comment on the evidence." See Cal. Const., Art. VI, §10.

At the outset, the judge reminded the jurors that they were the "exclusive judges of the facts." *Smith v. Curry*, 580 F. 3d 1071, 1077 (CA9 2009). He explained that his comments were not intended "to impose [his] will" on the jury, but only to review "certain evidence" that they "may not have considered." *Ibid.* The judge thought it "important" for the jury to consider the statements Smith and Hinex "made to law enforcement following their arrests," particularly the "consistencies and inconsistencies" between those statements. *Ibid.* The judge pointed out that Smith told police that both he and Hinex entered the house. Smith stated that he found Mrs. S. in a back bedroom, that Smith was armed at the time, and that Mrs. S. gave Smith a \$100 bill. *Id.*, at 1077–1078. The judge noted that Hinex also "said Smith went to the back of the house . . . and closed the door." *Id.*, at 1077. But Hinex denied going inside the house himself. The judge played the tapes of both defendants' statements for the jury. He told them to consider and discuss the statements during deliberations. Finally, the judge reiterated that his "comments [were] advisory only" and that the jurors remained "the exclusive judges" of the facts and the "credibility of

ALITO, J., dissenting

witnesses.” *Id.*, at 1078. The jury continued their deliberations; a short time later, they returned a guilty verdict against Smith on the oral-copulation count.

Smith argued on appeal that the judge’s comments coerced the jury’s verdict. A California intermediate appellate court rejected that claim. The California Supreme Court denied review. Smith then filed a federal petition for writ of habeas corpus, 28 U. S. C. §2254, which the District Court granted. A split Ninth Circuit panel affirmed.

II

Smith’s claim on federal habeas is that the California appellate court unreasonably applied this Court’s clearly established law forbidding coercive jury instructions. §2254(d)(1); see Brief in Opposition 12. “[C]learly established” law under §2254(d)(1) consists of “the holdings, as opposed to the dicta, of this Court’s” cases. *Williams v. Taylor*, 529 U. S. 362, 412 (2000). An “unreasonable application” of that law involves not just an erroneous or incorrect decision, but an objectively unreasonable one. *Renico v. Lett*, 559 U. S. ____ (2010).

The clearly established law relevant to this case is sparse. Just one of this Court’s decisions, *Lowenfield v. Phelps*, 484 U. S. 231 (1988), has addressed the constitutional rule against coercive jury instructions. And *Lowenfield* held only that, on the totality of the circumstances present there, no unconstitutional coercion resulted. *Id.*, at 241. The Court has also decided several cases on the specific practice of judicial comment on the evidence. *E.g.*, *Quercia v. United States*, 289 U. S. 466 (1933). But all of those cases arose under this Court’s supervisory power over federal courts; they set no clearly established constitutional limits under AEDPA. See *Early v. Packer*, 537 U. S. 3, 10 (2002) (*per curiam*). As a result, the clearly established law in this area provides very little specific

ALITO, J., dissenting

guidance. About all that can be said is that coercive instructions are unconstitutional, coerciveness must be judged on the totality of the circumstances, and the facts of *Lowenfield* (polling a deadlocked jury and reading a slightly modified *Allen* charge) were not unconstitutionally coercive. See 484 U. S., at 237–241.

A general standard such as this gives state courts wide latitude for reasonable decisionmaking under AEDPA. *Yarborough v. Alvarado*, 541 U. S. 652, 664 (2004) (“The more general the rule, the more leeway courts have in reaching outcomes in case-by-case determinations”). That latitude is wider still in this case, as no constitutional decision of this Court has ever explained how the general rule against “coercion” applies to the traditional practice of judicial comment on the evidence. Cf. *Carey v. Musladin*, 549 U. S. 70, 76 (2006).

For centuries, trial judges have enjoyed authority to comment on the evidence. At common law, the judge was empowered to “weig[h] the evidence” and share an “opinion” with the jury, even “in matter of fact.” 2 M. Hale, *History of the Common Law of England* 147 (5th ed. 1794) (hereinafter Hale).^{*} The practice is well established in this Court’s cases as well. The Court has recognized that a trial judge has “discretion” to “comment upon the evidence,” to call the jury’s “attention to parts of it which he thinks important,” and to “express his opinion upon the facts.” *Vicksburg & Meridian R. Co. v. Putnam*, 118 U. S. 545, 553 (1886); *Quercia*, *supra*, at 469.

^{*}See J. Thayer, *Preliminary Treatise on Evidence at Common Law* 188, n. 2 (1898) (trial by jury “in a form which would withhold from the jury the assistance of the court in dealing with the facts” is not “trial by jury in any historic sense of the word”); 9 J. Wigmore, *Evidence* §2551, p. 664 (J. Chadbourn rev. 1981) (hereinafter Wigmore) (comment on the evidence “existed at common law since the beginning of jury trial, and must be regarded historically as an essential and inseparable part of jury trial”).

ALITO, J., dissenting

To be sure, the practice has for many years been on the wane. Comment on the evidence has always been more popular in Britain than it ever was in this country. See 9 Wigmore §2551, at 666. That said, federal courts and several States continue to recognize judicial authority to comment on the evidence, and California expressly protects the practice in its State Constitution. Cal. Const., Art. VI, §10.

This long tradition, combined with the complete absence of constitutional precedent on how to apply *Lowenfield's* anticoercion principle in this context, shows that federal courts should tread lightly when faced with a claim that judicial comment on the evidence runs afoul of clearly established federal law. Outside of extreme cases, most decisions approving traditional uses of this common-law practice should fall within the bounds of reasonable decisionmaking under AEDPA.

III

Here, the California appellate court did not unreasonably apply this Court's clearly established law. The trial judge, before commenting on the evidence, made clear that the jurors remained the exclusive judges of the facts and that the judge's comments were advisory only. 580 F. 3d, at 1077. The judge then directed the jurors to particular evidence—the defendants' initial statements to police—and highlighted for them certain “‘consistencies and inconsistencies’” between those statements. *Ibid.* This practice of drawing the jury's “attention to parts” of the evidence that the judge thinks “‘important’” lies at the recognized core of the common-law power to comment on the evidence. See *Vicksburg, supra*, at 553; Hale 147 (The judge “is able, . . . in matters of fact, to give [the jury] great light and assistance, by . . . observing where the question and knot of the business lies; and by showing them his opinion even in matter of fact” (some capitaliza-

ALITO, J., dissenting

tion omitted)). Neither the trial judge's decision to employ the practice here nor the state appellate court's approval of the instruction ran afoul of clearly established federal law.

The Ninth Circuit's contrary decision rested in large measure on its concern that the comments "pointed the jury to evidence leading to a particular verdict," while omitting to mention other evidence favorable to Smith. 580 F. 3d, at 1081, 1083. But the common-law privilege to comment on the evidence has never required a compendious summary. Rather, the judge has traditionally enjoyed the power to focus on the particular evidence the *judge* thinks important, and to share with the jury an opinion on that evidence. *Vicksburg*, *supra*, at 553; *Quercia*, 289 U. S., at 469. It was not unreasonable under this Court's clearly established law for the California appellate court to approve that practice here.

The Ninth Circuit's opinion also suggests that, when a jury is "deadlocked," the judge may provide only "appropriate encouragement . . . to deliberate," and must refrain from providing the "judge's selective view of the evidence." 580 F. 3d, at 1080. None of this Court's constitutional cases establish such a rule. And this Court's supervisory-power cases (which, if anything, set a more demanding standard than the constitutional minimum) have specifically upheld judicial comments that provide a particular "view of the evidence" to an apparently deadlocked jury. See *Simmons v. United States*, 142 U. S. 148, 155 (1891) (no error where judge denied deadlocked jury's request to be discharged and told them "that he regarded the testimony as convincing"). Nothing in this Court's clearly established law prohibits the trial judge from offering an opinion to a jury that is struggling to reach a verdict.

The Ninth Circuit was also troubled that the trial judge's comments appeared to be designed to address the concerns of the holdout juror. 580 F. 3d, at 1082. And the

ALITO, J., dissenting

panel majority disapproved of the trial judge’s “mandatory language” directing the jury to “consider and discuss” the evidence highlighted by the court. *Id.*, at 1082–1083. Whatever potential for coercion these comments caused, the California appellate court’s decision upholding them “was clearly *not unreasonable*” under the general *Lowenfield* standard. See *Renico*, 559 U. S., at ____ (slip op., at 12). I would grant certiorari in this case and correct the Ninth Circuit’s error.