

(ORDER LIST: 583 U.S.)

MONDAY, DECEMBER 4, 2017

ORDERS IN PENDING CASES

17M61 MADISON, JAMES B. V. CALIFORNIA
17M62 KENNY, JAMES M. V. BARTMAN, MICHAEL J., ET AL.
17M63 TABB, DAVID C. V. JEFFERSON CTY. BD. ED., ET AL.
17M64 TURNER, WILLIAM D. V. WETZEL, SEC., PA DOC, ET AL.

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

16-9158 CHAPPELL, RONALD V. MORGAN, DONALD, ET AL.
16-9472 FULLER, CURTIS V. GREELEY, TIMOTHY P.

The motions of petitioners for reconsideration of orders denying leave to proceed *in forma pauperis* are denied.

17-290 MERCK SHARP & DOHME CORP. V. ALBRECHT, DORIS, ET AL.

The Solicitor General is invited to file a brief in this case expressing the views of the United States. Justice Alito took no part in the consideration or decision of this petition.

17-5026 BLANK, TRAVIS H. V. UNITED STATES
17-5269 ALBERT, KALLYS V. DIVERSIFIED CONSULTANTS, ET AL.

The motions of petitioners for reconsideration of orders denying leave to proceed *in forma pauperis* are denied.

17-6254 WOODS, MARCUS G. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until December 26, 2017, 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 DENIED

16-1043 CLARK, JONATHAN R. V. VA DEPARTMENT OF STATE POLICE
16-1517 HAMILTON, JAMES V. PALLOZZI, WILLIAM L., ET AL.
16-1548 CLEATON, ALESTEVE V. DEPT. OF JUSTICE
16-9376 MASSEY, KEVIN L. V. UNITED STATES
16-9385 TRISLER, KENNETH R. V. INDIANA
16-9693 PATTERSON, JESSE J. V. UNITED STATES
17-10 CREDIT SUISSE FIRST BOSTON MTG. V. FDIC
17-69 ROGERS, MARVIN V. UNITED STATES
17-85 McCARTHAN, DAN C. V. COLLINS, JOSEPH C.
17-276 U.S. HOME CORP., ET AL. V. SETTLERS CROSSING, ET AL.
17-278 HO, VIEN-PHUONG T. V. RECONTRUST CO., ET AL.
17-320 PERFECT 10 V. GIGANEWS, ET AL.
17-367 TROPIC LEISURE CORP., ET AL. V. HAILEY, JERRY A.
17-424 TURNER, MAYOR, ET AL. V. PIDGEON, JACK, ET AL.
17-426 TICHENOR, DARREN C. V. ARIZONA
17-428 TRAVERSO, MICHAEL E. V. RYAN, DIR., AZ DOC
17-436 TURNER, GREGORY P. V. HUBBARD SYSTEMS, INC.
17-438 SPRINGFIELD, MA, ET AL. V. QUARTERMAN, WILL
17-444 TOWER CREDIT, INC. V. SCHOTT, MARTIN A.
17-450 S. S. V. BELLEVUE MEDICAL CENTER, ET AL.
17-453 MIRANDA, SERGIO V. SELIG, ALLAN H., ET AL.
17-454 BURCH, ADRIENNE A. V. BELLAGIO HOTEL & CASINO, ET AL.
17-458 DYER, ALLEN R. V. ATTORNEY GRIEVANCE COMM'N OF MD
17-466 PHILLIPS, DORIS, ET AL. V. GENERAL MOTORS LLC, ET AL.
17-468 NEXT MILLENIUM REALTY, ET AL. V. ADCHEM CORP., ET AL.
17-470 HICKS-FIELDS, MARIE, ET AL. V. HARRIS COUNTY, TX

17-490 GONZALEZ-BETANCOURT, JORGE M. V. FLORIDA
17-509 LAUVE, JOHN V. SNYDER, GOV. OF MI
17-510 KINNEY, CHARLES G. V. USCA 9
17-513 BUCKOVETZ, DENNIS M. V. DEPT. OF NAVY
17-520 KLINE, PHILLIP D. V. BILES, DANIEL, ET AL.
17-527 REOFORCE, INC., ET AL. V. UNITED STATES
17-529 S. H., ET AL. V. UNITED STATES
17-534 I. T. V. HAWAII DEPARTMENT OF EDUCATION
17-563 SNYDER, VICTORIA V. DEPT. OF NAVY
17-573 SMITH, KELLY, L. ET UX. V. CENT. PLATTE NATURAL RESOURCES
17-581 PINCKNEY, XAVIER J. V. CLARKE, DIR., VA DOC
17-583 AOSSEY, WILLIAM B., ET AL. V. UNITED STATES
17-584 BRACEWELL, CAROLANN, ET AL. V. FL DOC
17-589 KING, DANIEL V. RIVERWATCH CONDOMINIUM
17-594 THAW, RUSSELL, ET AL. V. SESSIONS, ATT'Y GEN., ET AL.
17-596 DOUGLAS, BRYAN C. V. JONES, SEC., FL DOC, ET AL.
17-615 RODRIGUEZ, MARIO P. V. UNITED STATES
17-619 TANAKA, PAUL V. UNITED STATES
17-623 PARKHURST, JEFFREY V. UNITED STATES
17-5054 CASTILLO-RIVERA, JUAN V. UNITED STATES
17-5055 CLEMONS, RODNEY V. PFISTER, WARDEN
17-5095 LOCKHART, COLE C. V. TEXAS
17-5114 ZAMZOW, GLENN T. V. WISCONSIN
17-5186 STEPHENS, KEITH D. V. UNITED STATES
17-5267 CASTILLO, LUIS R. R. V. UNITED STATES
17-5351 OLAWALE-AYINDE, RICHARD V. UNITED STATES
17-5385 GARLICK, JAMES V. NEW YORK
17-5412 COLLINS, TORI K. V. UNITED STATES

17-5417 ADKINS, DORA L. V. PUBLIC STORAGE
17-5450 HARRIS, SAQUAWN V. UNITED STATES
17-5592 MIDDLEBROOKS, DONALD R. V. MAYS, ACTING WARDEN
17-5653 MEHMETI, SUBI V. JOFAZ TRANSPORTATION
17-5713 ESLAMI, ROD V. FEDERAL NAT. MORTGAGE, ET AL.
17-5739 WILLIAMS, LYLE E. V. UNITED STATES
17-5753 ANDERSON, JOHN L. V. UNITED STATES
17-6050 SAPIEN, ANDREW V. BOWERSOX, WARDEN
17-6062 WILLIAMS, MICHAEL B. V. KING, AUDREY
17-6076 NYANJOM, HAROLD M. V. HAWKER BEECHCRAFT
17-6082 BUTLER, AMILCAR C. V. TENNESSEE
17-6083 BUCHANAN, MARQUITA V. TALLAHATCHIE COUNTY CORRECTIONAL
17-6087 EDWARDS, JOHN V. MILLS, JOSHUA, ET AL.
17-6098 TAPIA, GERARDO L. V. HOLLAND, WARDEN
17-6100 WHEDBEE, PARIS M. V. CLARKE, DIR., VA DOC
17-6103 VETA, JEFFREY N. V. HANDLER, JEFFREY P., ET AL.
17-6114 JOHNSON, MARCEL E. V. PENNSYLVANIA
17-6120 SAINTFLEUR, JEAN B. V. FLORIDA
17-6122 BLAKELY, RALPH H. V. TOMPKINS, LINDA G.
17-6124 BARTLETT, ALAN M. V. MORTON, WENDY S., ET AL.
17-6126 EVERETT, GREGORY V. JONES, SEC., FL DOC, ET AL.
17-6129 BETHEL, GARRON V. ALABAMA
17-6132 WILLIAMS, DERRICK V. HALL, COMM'R, MS DOC
17-6143 KING, CURTIS L V. McPHERSON, OFFICIAL, ET AL.
17-6147 SAPPINGTON, WILLIAM V. OLDHAM, SHERIFF
17-6148 ROPER, DONALD V. JONES, SEC., FL DOC
17-6149 RANGEL, RONALD W. V. NEVEN, WARDEN, ET AL.
17-6154 SANTIAGO, FABIAN V. ILLINOIS

17-6156 AGUILAR, OSCAR A. V. CALIFORNIA
17-6157 MUMIN, DUKHAN V. FRAKES, DIR., NE DOC
17-6160 MARTINEZ, RUBEN F. V. DUCART, WARDEN
17-6162 DORSEY, BRIAN V. GRIFFITH, WARDEN
17-6164 MCGEE, STEPHANIE V. DEPT. OF CHILD SUPPORT, ET AL.
17-6165 KEELEY, DAVID V. GRAY, WARDEN
17-6171 WARREN, RAYMOND V. ZATECKY, SUPT., PENDLETON
17-6172 VIAU, PAUL S. V. FLORIDA
17-6173 LOUD, CHRISTOPHER D. V. DAVIS, DIR., TX DCJ
17-6177 PIRELA, JOSEPH V. UNKNOWN BAR, ET AL.
17-6178 CAVALLARO, VINCENT K. V. PASH, RONDA J., ET AL.
17-6179 RAINEY, KYLE V. DISTRICT ATT'Y OF PHILADELPHIA
17-6180 HITCHCOCK, JAMES E. V. FLORIDA
17-6184 PRINDLE, MICHAEL E. V. NEW YORK
17-6186 DAVISON, ALONZO G. V. McCOLLUM, WARDEN
17-6189 HALPER, MARK V. COLORADO
17-6199 EVANS, ALBERT V. LEE, WARDEN
17-6200 SEDLAK, BRYAN V. SMITH, SUPT. HOUTZDALE, ET AL.
17-6206 WIJE, SURAN V. STUART, ANN, ET AL.
17-6210 CHURCH, KEVIN W. V. VIRGINIA
17-6214 COLLINS, OLUFEMI S., ET UX. V. ASSET MANAGEMENT SPECIALISTS
17-6217 THOMASSON, JEREMIAH V. ROSENBLUM, ATT'Y GEN. OF OR
17-6221 BALADEZ, SANDRO V. DAVIS, DIR., TX DCJ
17-6228 BRUMMEL, RICHARD A. V. NORTH HEMPSTEAD TOWN BD., ET AL.
17-6237 BROOKS, DONALD L. V. CALIFORNIA
17-6243 HAWKINS, WESLEY A. V. CALIFORNIA
17-6245 GAITHER, WILLIE L. V. CALIFORNIA
17-6266 RECARTE, XAVIER V. MONTGOMERY, ACTING WARDEN

17-6277 BROWN, DEMETRI V. BRIDGES, CHRISTOPHER, ET AL.
17-6281 MORITZ, CONNY V. WOODS, WARDEN
17-6293 TURNER, JOHN V. HIGH DESERT STATE PRISON, ET AL.
17-6306 WATKINS, MARVIN D. V. MARYLAND
17-6320 PRESLEY, ERIC V. KELLY, SUPT., OR
17-6328 BELL, ARTHUR V. HOFFNER, WARDEN, ET AL.
17-6346 BLANC, KENNY V. UNITED STATES
17-6354 BAILEY, STEVEN V. WINN, WARDEN
17-6363 KELLEY, LUCILLE R. V. ALDINE INDEPENDENT SCHOOL DIST.
17-6381 SCHREANE, CLARENCE D. V. EBBERT, WARDEN
17-6392 MIDDLETON, CHRISTOPHER T. V. PAYNE, WARDEN
17-6394 MOORE, GREGORY V. COUNTY OF ORANGE, CA, ET AL.
17-6408 WILLIAMS, CHAROLETTE A. V. BERRYHILL, ACTING COMM'R OF SSA
17-6421 OUYANG, LIN V. ACHEM INDUSTRY AMERICA
17-6433 KIIR, DIW V. SOUTH DAKOTA
17-6452 LEVY, BARRINGTON V. JONES, SEC., FL DOC
17-6466 PROUSALIS, THOMAS V. UNITED STATES
17-6467 VANDERHORST, BOOKER T. V. UNITED STATES
17-6470 WEARING, EUGENE V. UNITED STATES
17-6476 BAKER, PHILLIP E. V. UNITED STATES
17-6484 ACEVEDO, ARIEL V. UNITED STATES
17-6490 MARTINEZ-LOPEZ, MELVIN V. UNITED STATES
17-6494 MACIAS-FARIAS, RODRIGO V. UNITED STATES
17-6495 CHAMBERS, ROSCOE V. UNITED STATES
17-6497 LOPEZ, CESAR T. V. UNITED STATES
17-6498 HAWKINS, STARKE A. V. UNITED STATES
17-6499 HASSETT, ROBERT W. V. DELAWARE
17-6502 MOMAH, CHARLES V. UTTECHT, SUPT., COYOTE RIDGE

17-6503 NICHOLS, TERRY R. V. UNITED STATES
17-6507 APLESA, ALEJANDRO E. V. UNITED STATES
17-6508 BIGIO, RICARDO V. JONES, SEC., FL DOC, ET AL.
17-6519 GUZMAN-RENDON, DIEGO V. UNITED STATES
17-6526 SPHABMISAI, CHRIS V. UNITED STATES
17-6528 FREDERICK, VITAL V. UNITED STATES
17-6529 GUZMAN, ADALBERTO A. V. UNITED STATES
17-6538 PICKETT, APPLETON V. PETERS, COLETTE S., ET AL.
17-6543 VALDES, TAMMY L. V. UNITED STATES
17-6548 CURRIE, LARRY V. UNITED STATES
17-6549 BABAR, SYED A. V. UNITED STATES
17-6551 GRESHAM, COREY V. UNITED STATES
17-6554 BUFFIS, JOSEPH V. UNITED STATES
17-6555 BYRD, MARCUS D. V. UNITED STATES
17-6557 BATTLE, DAVID A. V. UNITED STATES
17-6558 ABBOTT, WILLIAM R. V. UNITED STATES
17-6568 CROXTON, KACEY V. UNITED STATES
17-6571 NKUKU, OLIVER V. UNITED STATES
17-6572 PUZEY, MICHAEL P. V. UNITED STATES
17-6576 GIBONEY, CRAIG K. V. UNITED STATES
17-6584 HUDSON, AHMAD R. V. UNITED STATES
17-6587 GRAHAM, DAVID V. UNITED STATES
17-6588 FOREMAN, BENJAMIN P. V. TERRIS, WARDEN
17-6589 FRIDIE, LARRY A. V. UNITED STATES
17-6592 REASCO-RENIA, RAMON V. UNITED STATES
17-6594 LOPEZ-DOMINGUEZ, ELISEO V. UNITED STATES
17-6597 DAWSON, PIERRE E. V. UNITED STATES
17-6603 JERI, MAX V. UNITED STATES

17-6609 HARRIS, AARON C. V. UNITED STATES
17-6610 FEATHERSTONE, SAJA I. V. UNITED STATES
17-6616 ALMEIDA-OLIVAS, JOSE F. V. UNITED STATES
17-6618 COCA, IVAN D. V. UNITED STATES
17-6622 WILLIAMS, KEIRON V. UNITED STATES
17-6626 JOHNSTON, SETH J. V. UNITED STATES
17-6629 AGUIAR, STEPHEN V. UNITED STATES
17-6632 JENKINS, JOSEPH V. V. UNITED STATES
17-6636 DAVILA, ARNULFO V. CHANDLER, WARDEN
17-6637 BAMS, HENRY K. V. UNITED STATES
17-6638 RAMOS-PABLO, LORETO V. UNITED STATES
17-6639 RODRIGUEZ, ROBERTO R. V. UNITED STATES

The petitions for writs of certiorari are denied.

17-332 CORDIS CORPORATION V. BARBER, MICHAEL, ET AL.
17-372 DOW AGROSCIENCES, LLC, ET AL. V. BAYER CROPSCIENCE AG, ET AL.

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

17-464 CONNECTICUT V. BACCALA, NINA C.

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

17-609 EVOLUTIONARY INTELLIGENCE LLC V. SPRINT NEXTEL CORP., ET AL.

The motion of U.S. Inventors Group for leave to file a brief as *amici curiae* is granted. The motion of Eagle Forum Education & Legal Defense Fund for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

17-662 YANG, AMY V. WORTMAN, DONALD, ET AL.
The petition for a writ of certiorari is denied. Justice Breyer took no part in the consideration or decision of this petition.

17-6175 ALLEN, JACK V. UNITED STATES, ET AL.
The petition for a writ of certiorari is denied. Justice Alito took no part in the consideration or decision of this petition.

17-6207 TRIMBLE, DAVID R. V. VANNOY, WARDEN
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.

17-6524 JOHNSON, JOSEPH V. UNITED STATES
The petition for a writ of certiorari before judgment is denied.

17-6633 MATHERLY, THOMAS S. V. ANDREWS, JUSTIN
The petition for a writ of certiorari is denied. Justice Kagan took no part in the consideration or decision of this petition.

17-6634 EL, AUBREY V. DEPARTMENT OF COMMERCE, 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.

HABEAS CORPUS DENIED

17-6669 IN RE EARNEST C. WOODS, II

17-6754 IN RE GERY L. SCOTT

The petitions for writs of habeas corpus are denied.

MANDAMUS DENIED

17-483 IN RE ELAINE I. BRADLEY, ET AL.

17-485 IN RE ROBERT K. HUDNALL

17-507 IN RE JOHN E. REARDON

The petitions for writs of mandamus are denied.

17-6136 IN RE DAVID PANNELL

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of mandamus and/or prohibition is dismissed. See Rule 39.8.

17-6150 IN RE ELMER SCHECKEL

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

REHEARINGS DENIED

16-1339 HANES, ERNEST, ET UX. V. ARMED FORCES INSURANCE EXCHANGE

16-1381 MILLS, MICHAEL R. V. FLORIDA

16-1389 DAVIS, RICHARD D. V. FOLSOM CORDOVA SCHOOL, ET AL.

16-1390 COHEN, JONATHAN V. SESSIONS, ATT'Y GEN.

16-1419 XU, HUAFENG V. TEREX CORP.

16-1452 ROSS, CRAIG, ET AL. V. BD. OF TRUSTEES, CA STATE UNIV.

16-8811 CASSINELLI, ROBERT J. V. CASSINELLI, JANICE R.

16-8947 REED, AUDREY L. V. MICHIGAN

16-8973 MOORE, DECORNICK V. UNITED STATES

16-9100 STEWART, BENNY V. GREEN, WARDEN, ET AL.

16-9109 McCOY, FRANKIE L. V. CONROY, WARDEN

16-9199 BIGBEE, ROOSEVELT V. LINDAMOOD, WARDEN

16-9216 RIVERA-HERNANDEZ, ISRAEL V. SESSIONS, ATT'Y GEN.

16-9383 RECTOR, JOSEPH M. V. UNITED STATES

16-9423 WOODSON, FRIZZELL C. V. UNITED STATES

16-9437 LANGAN, MORGAN J. V. DOWNIE, MARGARET, ET AL.
16-9489 MARTIN, DENNIS V. BEAR, WARDEN
16-9496 SCHERMERHORN, RONALD F. V. TEXAS
16-9497 BOWSHER, CHARLES A. V. LEXINGTON-FAYETTE URBAN GOVT.
16-9520 BUCK, CLARENCE B. V. UNITED STATES
16-9525 REILLY, SEAN V. FLORIDA
16-9554 AKEL, ANTONIO V. FLORIDA
16-9578 REYNOLDS, MICHAEL C. V. STEWART, WARDEN
16-9614 WOODSON, FRIZZELL C. V. CREWS, JENNIFER M.
16-9661 ARMSTRONG, NEHEMIAH V. KELLEY, DIR., AR DOC
17-16 FISHER, SUSAN A. V. MEDICAL CENTER OF PLANO, ET AL.
17-29 HORNBERGER, GEORGE V. MERRILL LYNCH, ET AL.
17-32 BEJAR, JOSE M. V. DEPT. OF VETERANS AFFAIRS
17-46 GUO, ZHI V. CHINESE PEN CENTER, ET AL.
17-157 HSU, DARRU V. UBS FINANCIAL SERVICES, INC.
17-315 WAITS, WILLIAM H. V. J&J MANAGEMENT SERVICE, INC.
17-5047 ROBERTS, REED L. V. TEXAS
17-5174 DAVIS, ANTONIO V. STEPHENSON, ACTING WARDEN
17-5179 ROEDEL, LAWRENCE V. KIRKEGARD, WARDEN, ET AL.
17-5211 JACKSON, MAGGAE J. V. PEARSON, JUDGE, USDC NDOH
17-5247 ARPINO, JOHN F. V. WASHOE CTY. BD. OF COMM'RS
17-5253 BOOKER, WALTER D. V. CLARKE, DIR., VA DOC, ET AL.
17-5279 ESPINOZA-HORIUCHI, NADINE V. WALMART STORES, INC.
17-5294 SINGLETON, DAVID T. V. COOLEY, WARDEN
17-5316 VICTORIA, KENNETH B. V. JONES, SEC., FL DOC, ET AL.
17-5328 JOHNSON, KAREN A. V. MURPHY, JUDGE
17-5348 NETZER, RANDY J. V. OFFICE OF LAWYER REG., ET AL.
17-5368 DARBY, MICHAEL D. V. MCKEE, THEODORE A., ET AL.

17-5380 IN RE ROBERT GLASSGOW
17-5382 GIPSON, BARBARA L. V. MNUCHIN, SEC. OF TREASURY
17-5383 CASTONGUAY, PAUL V. NEBRASKA
17-5416 DAVIS, RELMON H. V. DAVEY, WARDEN, ET AL.
17-5418 FORD, RODNEY V. UNITED STATES
17-5422 IANNUCCI, YANN V. MICHIGAN, ET AL.
17-5446 VU, NGUYEN V. WETZEL, SEC., PA DOC, ET AL.
17-5568 CAMPBELL, GREGORY L. V. SOUTH CAROLINA
17-5577 ADKINS, VIOLA V. KODURI, VINAYA
17-5609 AGOSTO, RAFAEL V. MASTRANTONIO, PETER, ET AL.
17-5623 SHARP, DARYL V. DOLAN, TIMOTHY J., ET AL.

The petitions for rehearing are denied.

16-9539 COMBS, LEON V. USDC ED KY

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

17-182 TIAN, WENKAN A. V. WATERGATE SOUTH, INC.

The petition for rehearing is denied. Justice Ginsburg took no part in the consideration or decision of this petition.

ATTORNEY DISCIPLINE

D-2970 IN THE MATTER OF DISBARMENT OF DARRELL J. CONWAY

Darrell J. Conway, of Babylon, New York, having been suspended from the practice of law in this Court by order of May 15, 2017; 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 Darrell J. Conway is disbarred from the practice of law in this Court.

D-2977

IN THE MATTER OF DISBARMENT OF THOMAS ANDREW CLARK

Thomas Andrew Clark, of Princeton, New Jersey, having been suspended from the practice of law in this Court by order of June 12, 2017; 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 Thomas Andrew Clark is disbarred from the practice of law in this Court.

D-2988

IN THE MATTER OF DISBARMENT OF CHARLES GRANT BYRD, JR.

Charles Grant Byrd, Jr., of Baltimore, Maryland, having been suspended from the practice of law in this Court by order of June 12, 2017; 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 Charles Grant Byrd, Jr. is disbarred from the practice of law in this Court.

Statement of SOTOMAYOR, J.

SUPREME COURT OF THE UNITED STATES

CHRISTOPHER ANTHONY FLOYD *v.* ALABAMA

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

No. 16–9304. Decided December 4, 2017

The petition for a writ of certiorari is denied.

Statement of JUSTICE SOTOMAYOR, with whom JUSTICE BREYER joins, respecting the denial of certiorari.

Petitioner Christopher Floyd was sentenced to death by an Alabama jury that was selected in a manner that raises serious concerns under our precedent in *Batson v. Kentucky*, 476 U. S. 79 (1986), *J. E. B. v. Alabama ex rel. T. B.*, 511 U. S. 127 (1994), and *Foster v. Chatman*, 578 U. S. ____ (2016). Although the unique context of Floyd’s case counsels against review by this Court, I find the underlying facts sufficiently troubling to note that in the ordinary course, facts like these likely would warrant a court’s intervention.

During *voir dire*, the Houston County District Attorney’s Office exercised peremptory challenges against 10 out of 11 qualified African-American venire members, and used 12 of its 18 strikes against women. The prosecutor also marked the letter “B,” as in black, next to the name of each potential African-American juror. 2 Supp. Record, Reporter’s Tr. 58 (Nov. 13, 2007).

If these facts sound familiar, it is because they are remarkably similar to those in *Foster*, where we concluded that peremptory strikes of jurors “were ‘motivated in substantial part by discriminatory intent.’” 578 U. S., at ____ (slip op., at 23) (quoting *Snyder v. Louisiana*, 552 U. S. 472, 485 (2008)). There, the prosecution struck all four qualified African-American venire members and had marked each of their names with a “B.” 578 U. S., at ____

Statement of SOTOMAYOR, J.

(slip op., at 3). The prosecutors’ attempts to provide race-neutral explanations with respect to two of those venire members failed to withstand scrutiny. See *id.*, at ___ (slip op., at 23). Here, too, the record fails to support the prosecutors’ proffered race- and gender-neutral reasons for some of the strikes. For example, the reasons for striking at least two venire members applied equally to seated jurors, and the prosecutors justified the strikes of five women on the basis of age despite the fact that their ages ranged from 28 to 77.

That we have not granted certiorari should not be construed as complacency or an affirmance of all of the reasoning of the courts below. The unusual posture in which Floyd raised his *Batson* and *J. E. B.* claims warrants caution in the exercise of the Court’s review here. Yet, courts reviewing claims in circumstances like these must be steadfast in identifying, investigating, and correcting for improper bias in the jury selection process. Such discrimination “casts doubt on the integrity of the judicial process,’ and places the fairness of a criminal proceeding in doubt.” *Powers v. Ohio*, 499 U. S. 400, 411 (1991) (citation omitted).