

(ORDER LIST: 543 U.S.)

MONDAY, DECEMBER 6, 2004

**CERTIORARI -- SUMMARY DISPOSITIONS**

04-5891 SPENCER, MICHEAL L. V. EARLEY, MARK, 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 Fourth Circuit for further consideration in light of *Tennessee v. Lane*, 541 U.S. \_\_\_\_ (2004).

04-6765 SILER, BRIAN K. V. OHIO

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 Court of Appeals of Ohio, Ashland County, for further consideration in light of *Crawford v. Washington*, 541 U.S. 36 (2004).

**ORDERS IN PENDING CASES**

04-702 HAMDAN, SALIM A. V. RUMSFELD, SEC. OF DEFENSE

The motion of petitioner to expedite consideration of the petition for a writ of certiorari before judgment is denied.

04-6711 OVIEDO, VINCENT C. V. MYERS, KELLEY M.

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until December 27, 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 DENIED**

04-28 AKERS, DAWN, ET AL. V. MCGINNIS, KENNETH L., ET AL.  
04-223 CHURCH OF THE AMERICAN KNIGHTS V. KELLY, COMM'R, NYC POLICE DEPT  
04-296 HAGAN, PETER M. V. WARNER/ELEKTRA/ATLANTIC CORP.  
04-300 BYNAM, RICKY L. V. INTERMET MACHINING  
04-306 VENTURE COAL SALES CO., ET AL. V. UNITED STATES  
04-308 PRUITT, MARTIN, ET AL. V. COMCAST CABLE HOLDINGS, LLC  
04-320 BOST, ANTHONY W., ET AL. V. FED. EXPRESS CORP.  
04-326 SWEENEY, CHARLES E. V. CARTER, ATT'Y GEN. OF IN  
04-359 HABERERN, EDWARD J. V. SPRAGUE & SPRAGUE, ET AL.  
04-440 STANLEY, FRANK, ET UX. V. CARPENTER, JUDGE, ET AL.  
04-444 PICCIOTTO, MELITA, ET AL. V. GILLERAN, MICHAEL C., ET AL.  
04-447 CLISSURAS, ALICE V. CONCORD VILLAGE OWNERS, INC.  
04-452 CLINTON, RENE J. V. ATLANTA, GA  
04-459 MATTMILLER, RODNEY A. V. MINNESOTA  
04-460 NATL. LEAGUE OF CITIES, ET AL. V. FCC, ET AL.  
04-465 BENCHIMOL, MAHBOUB V. URRUTIA, MARGARET  
04-472 H&R BLOCK, INC., ET AL. V. McNULTY, ERIN M., ET AL.  
04-475 ALBURQUERQUE-RIVERA, GERARDO V. ASHCROFT, ATT'Y GEN.  
04-481 ENEWALLY, IKECHUKWU M., ET UX. V. WASHINGTON MUTUAL BANK  
04-496 BRENEMAN, JOHN, ET AL. V. UNITED STATES  
04-502 VALLONE, MICHAEL J., ET AL. V. CNA FINANCIAL CORP., ET AL.  
04-504 BRAKKEN, JANICE S. V. HOYME, STEVEN H.  
04-511 REES, PHILIP C. V. GLENDALE, CA, ET AL.  
04-541 BLANSETT, MICHAEL S., ET AL. V. CONTINENTAL AIRLINES, INC.  
04-543 PHONOMETRICS, INC., ET AL. V. ITT SHERATON CORP.

04-577 BALLARD, TRAVIS W. V. MICHIGAN  
04-587 SAWUKAYTIS, MICHAEL V. CIR  
04-596 WILLIAMS-RUSSELL AND JOHNSON V. UNITED STATES  
04-600 FARMER, WILLIAM H. V. UNITED STATES  
04-606 CASTILLA, OSCAR V. UNITED STATES  
04-616 CHOHUNG BANK V. FILLER, TRUSTEE, ET AL.  
04-619 WEIL, STEVE G. V. UNITED STATES  
04-5878 PERRY, JEREMAIN V. KEMNA, SUPT., CROSSROADS  
04-5897 FITZGERALD, WILLIAM A. V. FITZGERALD, LEON T., ET AL.  
04-5908 SCOTT, MARY J. V. PA DEPT. OF PUBLIC WELFARE  
04-6185 PINEDA-TORRES, VICENTE V. UNITED STATES  
04-6526 ROBINSON, DARRELL J. V. LOUISIANA  
04-6553 BOLTON, MICHAEL A. V. KING, SUPT., SOUTH MS  
04-6556 JONES, MARCUS D. V. NORTH CAROLINA  
04-6557 PRUITT, DAVID M. V. CROSBY, SEC., FL DOC  
04-6561 PRUITT, DERRICK S. V. WILSON, SUPT., MS, ET AL.  
04-6565 WILLIAMS, CARROLL D. V. SUPERIOR COURT OF CA  
04-6566 DOUGLAS, TONY K. V. TRUE, WARDEN  
04-6570 DeMATTEO, NICHOLAS V. DiGUGLIELMO, SUPT., GRATERFORD  
04-6571 LEPLEY, BRIAN E. V. NEVADA  
04-6583 GREEN, GREG V. WASHINGTON  
04-6585 GONZALES, RICHARD R. V. YARBOROUGH, WARDEN  
04-6589 HOWARD, CLINTON C. V. LOUISIANA  
04-6590 FRIDAY, MARIO D. V. PITCHER, WARDEN  
04-6592 HALL, WENDALL V. McCRAY, S., ET AL.  
04-6594 PERKINS, MARCUS V. LOCKYER, ATT'Y GEN. OF CA  
04-6596 HARRIS, ERSKIN K. V. DRETKE, DIR., TX DCJ  
04-6597 GREER, SAMUEL W. V. FLORIDA

04-6598 HOUGH, BRIAN A. V. DRETKE, DIR., TX DCJ  
04-6605 PRATT, RAY V. LFG  
04-6612 ASH, HIRAM V. ASH, TRUDE L., ET AL.  
04-6613 ANDERSON, TYRELL D. V. SIZER, COMM'R, MD DOC, ET AL.  
04-6614 BURTON, DOROTHY V. CLEVELAND OH EMPOWERMENT  
04-6615 LEWIS, KENNETH E. V. GASPAR, WILLIAM  
04-6616 McDEID, RICKY LEE V. MOONEY, DIR., MN SEX OFFENDER  
04-6618 MARTINI, JOHN V. HENDRICKS, ADM'R, NJ, ET AL.  
04-6634 AMESBURY, RALEIGH V. DEAN, SHERIFF, ET AL.  
04-6635 JENKINS, WALTER V. CONNECTICUT  
04-6641 STEELE, CHARLES M. V. RANDLE, WARDEN  
04-6644 KLINGER, STEVEN V. TENNIS, SUPT., ROCKVIEW  
04-6648 BUIE, TOMMY E. V. EPPS, COMM'R, MS DOC, ET AL.  
04-6656 WRIGHT, DONALD W. V. YATES, WARDEN  
04-6659 TAYLOR, ROBERT L. V. YARBROUGH, SHERIFF, ET AL.  
04-6662 DUNCAN, KATHLEEN V. PRINCIPI, SEC. OF VA, ET AL.  
04-6663 COLLINS, KATHLEEN V. CITIBANK (SOUTH DAKOTA), N.A.  
04-6666 CHUN, IN S. V. KING CTY. DEPT. OF JUDICIAL  
04-6668 MOORE, ERVIN V. KELLY, SUPT., CENTRAL MS  
04-6670 McDONALD, RONNIE V. HOFBAUER, WARDEN  
04-6671 N'KIMOTU, ARABIAN V. SULLIVAN, WARDEN, ET AL.  
04-6673 BRITT, MINNIE A. V. FOX, MARK, ET AL.  
04-6675 COLEMAN, JAMES E. V. DRETKE, DIR., TX DCJ  
04-6676 COOPER, ALVIN R. V. DRETKE, DIR., TX DCJ  
04-6677 CLAPSADL, JEFFREY D. V. SHANNON, SUPT., FRACKVILLE  
04-6685 HERNANDEZ, JESUS V. GARCIA, WARDEN  
04-6687 GARCIA, ELOY M. V. DRETKE, DIR., TX DCJ  
04-6689 FAWKES, LESTER V. CASTRO, WARDEN

04-6690 GRAY, MORRIS L. V. CROSBY, SEC., FL DOC, ET AL.  
04-6692 IVES, LARRY C. V. BOONE, WARDEN  
04-6695 SINGH, BABU V. MILLER, SUPT., EASTERN  
04-6696 STEPHENS, JOSEPH L. V. NORRIS, DIR., AR DOC  
04-6697 BLAIR, LAWRENCE J. V. CROSBY, SEC., FL DOC, ET AL.  
04-6701 HARRISON, LEON V. DRETKE, DIR., TX DCJ  
04-6702 HUMPHREY, JOHN V. KIMBROOK MANOR APARTMENTS  
04-6703 HOWARD, ERNEST V. PERDUE, GOV. OF GA, ET AL.  
04-6708 BANSAL, DEVENDRA P. B. V. LAMAR UNIV., ET AL.  
04-6723 HOLLINGSWORTH, MICHAEL V. JONES, WARDEN  
04-6727 CAPP, MARY V. BARNHART, COMM'R, SOCIAL SEC.  
04-6733 LAMBERT, MICHAEL A. V. McBRIDE, SUPT., MAXIMUM CONTROL  
04-6736 BOSCAINO, RONALD E. V. YARBOROUGH, WARDEN  
04-6752 DURAN, JOSE L. V. CASTRO, WARDEN  
04-6756 JONES, DONALD V. ROPER, SUPT., POTOSI  
04-6777 LUCAS, WEBSTER S. V. ADAMS, WARDEN  
04-6808 WESTON, REGINALD V. JACKSON, WARDEN  
04-6840 ANDERSON, EUGENE R. V. OHIO  
04-6851 MARSHALL, PAUL V. MEDICOMP, INC.  
04-6853 SPRINGFIELD, CIRON B. V. YARBOROUGH, WARDEN  
04-6907 HELTON, PAUL J. V. McADORY, WARDEN  
04-6916 GRAVES, DEMOND L. V. WOODFORD, DIR., CA DOC  
04-6939 STOCKMEIER, ROBERT L. V. SANDOVAL, ATT'Y GEN. OF NV  
04-6948 MARIN, DANNY V. TEXAS  
04-6982 STEWART, JAREY V. BARNHART, COMM'R, SOCIAL SEC.  
04-6990 TRAVERSO, JAIME V. MARYLAND  
04-6993 WILLIAMS, MARLOW T. V. NORTH CAROLINA  
04-6994 CARTER, LEXIE L. V. DiGUGLIELMO, SUPT., GRATERFORD

04-7001 BELTON, ALLEN V. NEW HAMPSHIRE  
04-7027 COLON, TOMMIE V. CROSBY, SEC., FL DOC, ET AL.  
04-7052 GLASKER, JOHNNY V. TRANSAMERICA FINANCIAL SERVICES  
04-7068 SERRATO-ESPINOZA, ISRAEL A. V. UNITED STATES  
04-7069 ROGERS, FELIX V. UNITED STATES  
04-7070 RIOS-MACIAS, HUGO V. UNITED STATES  
04-7071 ACUNA-CUADROS, RODRIGO V. UNITED STATES  
04-7076 McCOY, GERRY L. V. UNITED STATES  
04-7083 SOLOMON, DWAYNE L. V. UNITED STATES  
04-7086 DANIELS, STEVEN V. UNITED STATES  
04-7092 ROSS, ARTHUR S. V. UNITED STATES  
04-7098 WILLIAMS, JOSEPH M. V. UNITED STATES  
04-7100 WILSON, EUGENE H. V. UNITED STATES  
04-7101 TORRES, D'ANDRE V. UNITED STATES  
04-7105 DAVIS, CURTIS D. V. UNITED STATES  
04-7108 COLEMAN, KENNETH V. UNITED STATES  
04-7109 SMITH, SHIRLEY E. V. UNITED STATES  
04-7111 MUHAYMIN, RAFIQ Z. V. UNITED STATES  
04-7112 MARTIN, TAMARA L. V. UNITED STATES  
04-7113 GRUBER, JEFFREY P. V. UNITED STATES  
04-7126 REED, RICHARD V. UNITED STATES  
04-7132 JIMENEZ-BORJA, BALTAZAR V. UNITED STATES  
04-7141 RICE, ROYLAND V. UNITED STATES  
04-7145 CIARAVELLA, VINCENT M. V. UNITED STATES  
04-7149 LAWRENCE, LOUIS Z. V. UNITED STATES  
04-7153 EDMONDS, ROLAND H. V. UNITED STATES  
04-7157 PULIDO-PEDROSA, ESEQUIEL V. UNITED STATES  
04-7159 DOMINGUEZ, DANIEL V. UNITED STATES

04-7164 ADEOSHUN, SUNDAY V. UNITED STATES

The petitions for writs of certiorari are denied.

04-6470 ERICKSON, DANIEL R. V. SUNBEAM CORPORATION

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

04-6604 JONES, LARRY D. V. BIRKETT, 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.

04-6633 COLIDA, TONY V. MOTOROLA, INC.

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

04-6638 SMITH, GLENN C. V. CROSBY, SEC., FL DOC

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*). Justice Stevens dissents. See *id.*, at 4, and cases cited therein.

#### **HABEAS CORPUS DENIED**

04-7196 IN RE DAVID J. ROYALE

The petition for a writ of habeas corpus is denied.

**MANDAMUS DENIED**

04-569 IN RE MICHAEL SHEMONSKY  
04-572 IN RE MICHAEL SHEMONSKY  
04-610 IN RE MICHAEL B. GRAVES

The petitions for writs of mandamus are denied.

04-454 IN RE ISIDORO RODRIGUEZ-HAZBUN

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

**PROHIBITION DENIED**

04-6579 IN RE ALEXANDRIA BARKCLAY

The petition for a writ of prohibition is denied.

**REHEARINGS DENIED**

03-10098 HAWTHORNE, PERCY V. CAIN, WARDEN  
03-10131 HOFFMAN, CLAUDE T. V. JONES, WARDEN  
03-10192 GREEN, LARRY D. V. JOHNSON, DIR., VA DOC  
03-10285 REED, JEFFERY A. V. WOODFORD, DIR., CA DOC  
03-10301 JOHNSON, HAROLD L. V. WARD, DIR., OK DOC  
03-10360 AUTREY, TYRES F. V. PARSON, RUDOLPH L.  
03-10806 CURRIE, PAUL C. V. BLANKS, WARDEN  
03-10870 LYNN, JAMES G. V. ALLEN, TRACEY P., ET AL.  
03-10882 PEREA, GUY R. V. BUSH, PRESIDENT OF U.S.  
03-10939 ROMER, ANDREW H., ET AL. V. CALIFORNIA, ET AL.  
03-10954 KRONCKE, ROBERT E. V. TRUILLO, WARDEN, ET AL.  
03-10980 MUEHLBERG, GARY R. V. ROPER, SUPT., POTOSI, ET AL.  
03-11013 ROMER, JOHN H. V. YUBA COUNTY, CA, ET AL.  
04-5021 ALLEN, ANNA M. V. MITCHELL, WARDEN  
04-5057 HALE, BENNIE R. V. DRETKE, DIR., TX DCJ



04-5237 UGOCHUKWU, OKWULDILI V. UNITED STATES  
04-5325 McCREARY, LONNIE V. JEFFERSON SMURFIT CORP.  
04-5380 WYNTER, ORVILLE V. BURGE, SUPT., AUBURN  
04-5402 CURRIE, PAUL C. V. BLANKS, WARDEN  
04-5427 DEAN, ROBERT J. V. DRETKE, DIR., TX DCJ  
04-5554 THOMPSON, FRAN L. V. NE DOC, ET AL.  
04-5580 CALHOUN, FLEM V. UNITED STATES  
04-5587 BARNES, RICKEY V. CAIN, WARDEN  
04-5605 BOYCE, ANTONNEO R. V. SCHRIRO, DIR., AZ DOC, ET AL.  
04-5729 BEDARD, DONALD J. V. IOWA  
04-5780 GRAHAM, GARY E. V. WEBBER, MARK, ET AL.  
04-5800 JACKSON, RAYMOND V. CIR  
04-5902 IN RE DUANE R. OLSON  
04-5912 JONES, DAVID L. V. ST. LOUIS, MO  
04-6132 VETA, JEFFREY N. V. DUPNIK, CLARENCE  
04-6243 GARDNER, SANDRA J. V. PRINCIPI, SEC. OF VA  
04-6278 WILLIAMS, CRAIG V. UNITED STATES

The petitions for rehearing are denied.

03-9994 CORRADINI, GARY V. CORRADINI, CHARLES D.

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

#### **RECESS ORDER**

The Court will take a recess from Monday, December 13, 2004, until Monday, January 10, 2005.