

(ORDER LIST: 589 U.S.)

MONDAY, DECEMBER 9, 2019

CERTIORARI -- SUMMARY DISPOSITIONS

19-5804 LEWIS, JESSE 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 Eleventh Circuit for further consideration in light of *United States v. Davis*, 588 U. S. ____ (2019).

19-5852 COOPER, ROOSEVELT L. 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 Eleventh Circuit for further consideration in light of *Rehaif v. United States*, 588 U. S. ____ (2019).

ORDERS IN PENDING CASES

19A21 GEIMAH, MONUE F. V. BARR, ATT'Y GEN.

The application for stay addressed to Justice Ginsburg and referred to the Court is denied.

19M71 McINTOSH, JAMES V. KIRBY, WARDEN, ET AL.

The motion to direct the Clerk to file a petition for a writ of certiorari out of time is denied. Justice Alito took no part in the consideration or decision of this motion.

19M72 SHARBUTT, JIMMY L. V. VASQUEZ, WARDEN

19M73 CARSWELL, JEFFREY G., ET AL. V. E. PHIL & SONS, ET AL.

19M74 JOHNSON, DAVID V. COURT OF CLAIMS OF ILLINOIS

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

19M75 WHITE, OLIVER L. V. UNITED STATES

The motion for leave to file a petition for a writ of certiorari under seal with redacted copies for the public record is granted.

19M76 UPSHAW, SOLOMON V. UNITED STATES

The motion for leave to proceed as a veteran is denied.

151, ORIG. STATE OF ARIZONA V. SACKLER, RICHARD, ET AL.

The motion for leave to file a bill of complaint is denied.

17-1268 OPATI, MONICAH O., ET AL. V. SUDAN, ET AL.

The motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument is granted. Justice Kavanaugh took no part in the consideration or decision of this motion.

17-1712 THOLE, JAMES J., ET AL. V. U.S. BANK, N.A., ET AL.

18-1048 GE ENERGY POWER CONVERSION V. OUTOKUMPU STAINLESS, ET AL.

18-1195 ESPINOZA, KENDRA, ET AL. V. MONTANA DEPT. OF REVENUE, ET AL.

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

18-9412 RASHID, AMIN A. V. UNITED STATES

The motion for reconsideration of order denying leave to proceed *in forma pauperis* is denied. Justice Alito took no part in the consideration or decision of this motion.

18-9706 PETERS, SCOTT V. ILLINOIS

The motion for reconsideration of order denying leave to proceed *in forma pauperis* is denied.

19-7 SEILA LAW LLC V. CONSUMER PROTECTION BUREAU

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

19-277 HSBC HOLDINGS, ET AL. V. PICARD, IRVING H., ET AL.

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

19-5632 T. A., ET AL. V. LEFF, HOWARD B., ET AL.

The motion for reconsideration of order denying leave to proceed *in forma pauperis* is denied.

19-6172 RAJAPAKSE, SAMANTHA D. V. CREDIT ACCEPTANCE CORPORATION

19-6191 K. N., ET UX. V. MT DEPT. OF PUBLIC HEALTH

19-6198 RUBANG, GONZALO R. V. UNITED AIRLINES, INC., ET AL.

19-6214 FUQUEN, LUIS V. EVERITT, TRINA

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until December 30, 2019, 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 DENIED

18-1519 CORREA, JASON V. UNITED STATES

18-1538 CHERK, DARTMOND, ET AL. V. MARIN COUNTY, CA

18-1552) ALFANO, HENRY P., ET AL. V. UNITED STATES

)

18-1581) LOWERY, MICHAEL, ET AL. V. UNITED STATES

18-1572 PRISET, MATTHEW D. V. PENNSYLVANIA

18-1586 GIBSON, SCOTT L. V. COLLIER, BRIAN, ET AL.

18-9263) VALENCIA, LUIS F. V. UNITED STATES
)
 18-9328) VALENCIA, DIEGO P. V. UNITED STATES

 19-4) JACKSON NATIONAL LIFE INS. CO. V. LINDENBERG, TAMARIN
)
 19-13) TENNESSEE V. LINDENBERG, TAMARIN

 19-47 MORGAN, JERYME V. SCHOTT, MINH, ET AL.

 19-109 MONTIJO-DOMINGUEZ, GIOVANNI V. UNITED STATES

 19-152 AMARIN PHARMA, INC., ET AL. V. INT'L TRADE COMM'N, ET AL.

 19-158 TURNER, MARCUS, ET AL. V. HINES, ALVA C., ET AL.

 19-159 TAPIA, CARLOS V. NEW YORK

 19-248 JAMMAL, WALID, ET AL. V. AMERICAN FAMILY INS. CO., ET AL.

 19-263 ROSS, CODY V. ROCHELL, JOHNNIE

 19-276 GARZA, JOSE L., ET AL. V. DONNA, TX

 19-283 TRINIDAD, CO V. HAMER, STEPHEN

 19-285 BUTLER, JERUD V. SAN MIGUEL CTY. COMM'RS, ET AL.

 19-286 CRANSTON POLICE RETIREES V. CRANSTON, RI

 19-287 MEDINA, JORGE L. V. BARR, ATT'Y GEN.

 19-291 BLOCK, ANNE K. V. WA STATE BAR ASSN., ET AL.

 19-293 TKC AEROSPACE INC. V. MUHS, CHARLES T.

 19-304 RANGER AMERICAN, ET AL. V. BALBONI, FREDERICK J.

 19-406 TOUMA, MARILU F. V. GEN. COUNSEL OF REGENTS, ET AL.

 19-417 EMW WOMEN'S SURGICAL, ET AL. V. MEIER, ADAM

 19-436 T. R. C. V. WISCONSIN

 19-439 CTIA - THE WIRELESS ASSOCIATION V. BERKELEY, CA, ET AL.

 19-448 PLOURDE, GLEN V. DOE, JANE

 19-451 ARNOLD, EDWARD R. V. McCORD, TN COMM'R. OF LABOR

 19-452 CLARK, GREGORY V. CLARK, AUSTIN

 19-457 BI, XIA, ET AL. V. McAULIFFE, TERRY, ET AL.

 19-458 SCHICKEL, JOHN, ET AL. V. TROUTMAN, GEORGE C., ET AL.

19-459 TX BRINE CO., LLC V. FL GAS TRANSMISSION CO.
19-460 USENKO, ALEXANDER Y. V. MEMC LLC, ET AL.
19-463 WILBUR-ELLIS CO. LLC V. USDC ED MO, ET AL.
19-467 PAVEL, CHIXAPKAID D. V. UNIVERSITY OF OREGON, ET AL.
19-468 FRYE, KEESHA E. V. UNITED STATES
19-474 RESPECT WASHINGTON V. GLOBAL NEIGHBORHOOD, ET AL.
19-478 SOWE, AMADOU V. PALL CORPORATION
19-482 ASAP COPY & PRINT, ET AL. V. CANON SOLUTIONS AMERICA, INC.
19-485 PEREZ, JUAN, ET AL. V. SWEETWATER, FL
19-492 ADAME-HERNANDEZ, EDUARDO V. BARR, ATT'Y GEN.
19-501 RUTLAND, SHAWN C. V. WARDEN, SMITH STATE PRISON
19-530 SCHLOSSER, JAMES K. V. UNITED STATES
19-533 RIVER BIRCH, INC. V. WASTE MANAGEMENT OF LA
19-536 BOCILLA ISLAND SEAPORT, INC. V. CIR
19-538 HEE, ALBERT S. V. UNITED STATES
19-571 INTEL CORPORATION, ET AL. V. CONTINENTAL CIRCUITS LLC
19-576 INTERIOR GLASS SYSTEMS, INC. V. UNITED STATES
19-579 BOATENG, WILLIAM V. BP, P.L.C., ET AL.
19-585 STOLTZ, ROBERT L. V. VIRGINIA
19-594 THIAM, MAHMOUD V. UNITED STATES
19-612 ABPIKAR, HASSAN V. UNITED STATES
19-613 W&T OFFSHORE, INC. V. APACHE DEEPWATER, L.L.C.
19-5391 MCCARTHAN, DAN C. V. UNITED STATES
19-5643 WRIGHT, RAYMONT V. UNITED STATES
19-5693 HUTCHINSON, HARLOW V. LOUISIANA
19-6090 WELLS, TAYLOR V. INCH, SEC., FL DOC, ET AL.
19-6091 TONEY, JAMES L. V. DICKSON, HEATH, ET AL.
19-6092 PRATHER, JONOTHAN E. V. GILMORE, SUPT., GREENE, ET AL.

19-6096 SIMMONS, JERRY V. VANNOY, WARDEN
19-6097 REYNOLDS, CLARENCE D. V. VIRGINIA, ET AL.
19-6098 ROSADO-SANCHEZ, PABLO E. V. PR DEPT. OF EDUCATION, ET AL.
19-6099 STAFFORD, KHALIL V. NEW JERSEY
19-6103 POPAL, FARID V. NEW YORK
19-6105 PERRY, AVRAM M. V. JPMORGAN CHASE BANK, ET AL.
19-6106 JOHNSON, ALEXANDER W. V. DAVIS, DIR., TX DCJ
19-6118 BRENT, AARON V. WORKMAN, ASHLEY
19-6122 STEVENSON, JERMAINE V. WOODS, WARDEN
19-6126 YOUSSEF, ADELBASET A. V. SCHUETTE, BILL, ET AL.
19-6129 GUZMAN PENA, HARIZ B. V. BARR, ATT'Y GEN.
19-6130 FISHER, GEORGE W. V. MERMELSTEIN, JOHN GREGORY, ET AL.
19-6136 BIAS, THOMAS A. V. MARTIN, WARDEN
19-6139 STEVENSON, JERMAINE V. HORTON, WARDEN
19-6145 SMITH, ANTHONY M. V. VIRGINIA
19-6147 SARDAKOWSKI, JAMES V. ROMERO, WARDEN
19-6153 NELSON, DAVONTAH L. V. BURT, WARDEN
19-6161 CONNOLLY, JOHN V. FLORIDA
19-6163 POLANCO, JULISSA O. V. LINCOLN CMTY. HEALTHCARE
19-6165 DAVIS, RICKY G. V. VIRGINIA
19-6166 STRANDBERG, SEAN L. V. PALMER, WARDEN
19-6168 ROBINSON, EDWARD V. BURTON, WARDEN
19-6171 SANCHEZ-RODRIGUEZ, JORGE V. LOUISIANA
19-6174 LEE, DAVID A. V. VANNOY, WARDEN
19-6175 K. S. V. CONTRA COSTA COUNTY CHILDREN
19-6180 FARNUM, DANNIE J. V. FRAUENHEIM, WARDEN
19-6181 ROBERTSON, MARK V. DAVIS, DIR., TX DCJ
19-6183 CHATMAN, REGINALD V. FLORIDA

19-6184 JOHNSON, CHAVALIER D. V. SEVERSON, WARDEN, ET AL.
19-6192 JUNIOUS, LAGENZA V. PENNSYLVANIA
19-6194 SNEED, WILLIAM E. V. WETZEL, SEC., PA DOC, ET AL.
19-6203 BARRASS, ERIC C. V. INCH, SEC., FL DOC, ET AL.
19-6204 BIELA, JAMES M. V. NEVADA
19-6206 DAVENPORT, TROY V. INCH, SEC., FL DOC
19-6210 JACKSON, MARCUS V. NAGY, WARDEN
19-6212 EDWARDS, MELISSA V. ATTORNEY GRIEVANCE COMMISSION
19-6215 HAYNES, TWILA V. ASSETS PROTECTION, INC.
19-6216 HERRING, MAXCIUM V. McEWEN, WARDEN
19-6218 BOONE, TIMOTHY M. V. MARYLAND
19-6219 C. B. V. FISCHGRUND, THOMAS N.
19-6222 HEARNS, CLARENCE L. V. HARRINGTON, WARDEN
19-6223 HARRIS, KERMIT B. V. BRACY, WARDEN
19-6226 ACKBAR, SUPREME R. V. CONNOR, PATRICIA S., ET AL.
19-6235 ERSKINE, SCOTT T. V. CALIFORNIA
19-6246 JONES, SHAFIA M. V. WISCONSIN
19-6260 CROSS, CRAIG V. FLORIDA
19-6261 MARION, JEREMIAH V. FLORIDA
19-6263 VELASQUEZ, CARLOS V. UTAH, ET AL.
19-6274 KOVALEV, SERGEI V. PHILADELPHIA, PA, ET AL.
19-6299 LOPEZ, VICTOR V. STERLING CORR. FACILITY, ET AL.
19-6302 DOUGLAS, JAMES P. V. GILBERT, SUPT., STAFFORD CREEK
19-6303 COOPER, JEFFREY J. V. UNITED STATES
19-6323 TAFFARO, MICHAEL V. NEW JERSEY
19-6344 ALTSCHULER, SPENCER V. FLORIDA
19-6350 DOBSON-EL, MAURICE A. V. MICHIGAN
19-6351 ELKINGTON, GEOFFREY V. CLARK, SUPT., ALBION, ET AL.

19-6366 CURTISS, SPENCER K. V. NORTH DAKOTA
19-6367 KEISER, JAMES E. V. FOXWELL, WARDEN, ET AL.
19-6371 JEFFERSON, WESLEY V. KELLEY, DIR., AR DOC, ET AL.
19-6380 BEVERLY, EMERSON L. V. BURT, WARDEN
19-6383 KESOYAN, NELLI V. UNITED STATES
19-6385 GRENNING, NEIL V. KEY, SUPT., AIRWAY HEIGHTS
19-6390 COLLINS, EDWARD L. V. INCH, SEC., FL DOC, ET AL.
19-6391 CHIN, ROBERT V. CAPOZZA, SUPT., FAYETTE, ET AL.
19-6392 EVERS, JEFFREY F. V. FOSTER, WARDEN
19-6394 VILLAFANA, JACQUES P. V. PADRICK, HENRY T.
19-6397 GOMEZ-AGUILAR, JOSE V. UNITED STATES
19-6400 WAZNEY, ROBERT W. V. JPMORGAN CHASE BANK, N.A.
19-6404 CURTIS, DONALD L. V. HOOKS, SEC., NC DPS
19-6408 STREGE, ADAM V. UNITED STATES
19-6415 NAVA, JOSE E. V. UNITED STATES
19-6418 MORRIS, WAYNE N. V. UNITED STATES
19-6420 HEATH, CHRISTOPHER M. V. UNITED STATES
19-6421 FOX, RALPH H. V. UNITED STATES
19-6423 UHURU, HALISI V. UNITED STATES
19-6424 STOKES, ANTHONY D. V. UNITED STATES
19-6433 TORRES, EDWARD A. V. UNITED STATES
19-6436 PADMANABHAN, BHARANIDHARAN V. DEA
19-6444 HARRIS, JERMAINE D. V. MOYER, STEPHEN T., ET AL.
19-6445 COX, LEWELLYN C. V. UNITED STATES
19-6448 DOOR, GARRETT D. V. UNITED STATES
19-6450 MAHMOUD, SHERIF S. V. TEXAS
19-6456 BAGGETT, GEOFFREY V. SPEARMAN, WARDEN
19-6461 COLLINS, VERNON A. V. MARYLAND

19-6471 LOZANO-PEREZ, DIEGO A. V. UNITED STATES
19-6474 TANK, CHRISTOPHER A. V. MICHIGAN
19-6476 BLUNT, CHARLES V. CAMPBELL, WARDEN
19-6478 GARBA, ABDUL K. V. UNITED STATES
19-6481 ROTTE, HAROLD B. V. UNITED STATES
19-6485 STEVENSON, RYAN V. V. UNITED STATES
19-6486 BANGIYEV, EDUARD V. UNITED STATES
19-6487 DONAHUE, SEAN M. V. PENNSYLVANIA
19-6489 WALLACE, CLIFFORD G. V. UNITED STATES
19-6490 AL-MAQABLH, ALI V. KENTUCKY
19-6491 SHAFFER, MATTHEW V. UNITED STATES
19-6494 STATEN, SANDRA J. V. D.R. HORTON INC.
19-6497 MORILLO-CRUZ, DAVID V. UNITED STATES
19-6503 MORENO-GARCIA, PEDRO JORGE V. UNITED STATES
19-6505 INGRAM, MICHAEL V. UNITED STATES
19-6509 GAUDET, WILLIAM V. UNITED STATES
19-6511 DEL CARPIO FRESCAS, ROBERTO T. V. UNITED STATES
19-6515 ANDERSON, ANDRE V. V. JANSSEN, WARDEN
19-6525 BARNES, SEAN T. V. UNITED STATES
19-6527 VALDES, RUBEN P. V. UNITED STATES
19-6529 TYSON, JAMES V. UNITED STATES
19-6530 WILLIAMS, VINCENT V. UNITED STATES
19-6533 BASEY, KALEB L. V. UNITED STATES
19-6538 GRIFFIN, LEVI J. V. UNITED STATES
19-6539 HAIZLIP, DWAYNE D. V. VALLIERE, JOSEPH
19-6540 GRANT, HOWARD V. UNITED STATES
19-6541 FORTES, STAR V. TX DEPT. OF FAMILY, ET AL.
19-6547 STERLING, KEVIN V. UNITED STATES

19-6549 LAUREANO SALGADO, JOSE V. UNITED STATES
19-6550 GIESEKE, CHRISTIAN J. V. UNITED STATES
19-6551 AHO, NEIL T. V. UNITED STATES
19-6552 ATKINSON, DARRELL T. V. UNITED STATES
19-6554 LEAL, BRANDON G. V. UNITED STATES
19-6555 JOHNSON, COURTNEY V. UNITED STATES
19-6557 NYGREN, STEVEN V. UNITED STATES
19-6560 LUCIO, MATTHEW J. V. UNITED STATES
19-6569 CARRAWAY, KEYON W. V. UNITED STATES
19-6571 ILLARRAMENDI, FRANCISCO V. CARNEY, JOHN J., ET AL.
19-6572 HILLS, DERRICK V. UNITED STATES
19-6573 GONZALEZ, GARRON V. UNITED STATES
19-6576 REED, JAMES M. V. UNITED STATES
19-6583 KILLEN, PATRICK V. UNITED STATES
19-6584 WILLIAMS, STEVEN V. UNITED STATES
19-6587 HELGUERA DEL RIO, JOSE J. V. UNITED STATES
19-6597 GALITSA, THIODORE I. V. UNITED STATES

The petitions for writs of certiorari are denied.

18-8862 WHITE, RODERICK V. LOUISIANA

The motion of National Association of Criminal Defense Lawyers for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

19-257 CALIFORNIA TROUT, ET AL. V. HOOPA VALLEY TRIBE, ET AL.

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

19-426 PENNSYLVANIA V. HICKS, MICHAEL J.

The motion of respondent for leave to proceed *in forma*

pauperis is granted. The petition for a writ of certiorari is denied.

19-432 ALL AM. CHECK CASHING, ET AL. V. CONSUMER PROTECTION BUREAU

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

19-470 JONES, DARIN V. DEPT. OF JUSTICE, ET AL.

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

19-560 NICASSIO, JENNIE V. VIACOM INTERNATIONAL, ET AL.

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

19-6158 WHITE, WILLIAM A. V. SLOOP, TODD, 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

19-6591 IN RE KENNETH UNCAPHER

19-6645 IN RE MORGAN A. ARMSTRONG

The petitions for writs of habeas corpus are denied.

MANDAMUS DENIED

19-359 IN RE THE LAW OFFICES OF NINA RINGGOLD, ET AL.

19-410 IN RE RICHARD J. FIELDS

19-481 IN RE R. C. LUSSY

19-5721 IN RE CRAIG M. SCHAFER

19-6112 IN RE LARRY POUNCY

The petitions for writs of mandamus are denied.

REHEARINGS DENIED

18-9014 McNEIL, JAMAAL A. V. NEBRASKA, ET AL.

18-9017 MYLES, RONALD R. V. UNITED STATES

18-9090 HOWARD, VIRGINIA V. SAN DIEGO COUNTY COUNSEL, ET AL.

18-9190 SMITH, PARNELL V. INCH, SEC., FL DOC, ET AL.

18-9209 H. F. V. BD. OF ED. OF TEANECK

18-9254 RUBIN, LARRY B. V. SANCHEZ, HECTOR, ET AL.

18-9283 RUSSELL, CONSTANCE F. V. FIRST RESOLUTION INVESTMENT

18-9354 REDDICK, DONALD V. UNITED STATES

18-9374 WALTON, BRUCE D. V. RAY, WARDEN

18-9390 ARANOFF, GERALD V. ARANOFF, SUSAN

18-9426 DURISO, PAUL V. WEST GULF MARITIME ASSOCIATION

18-9631 CAMPBELL, ERICKSON M. V. UNITED STATES

18-9709 WALKER, ANGIE V. UNITED STATES

18-9713 BRENDE, STEVEN A. V. YOUNG, WARDEN, ET AL.

18-9800 ADAMS, BARTON J. V. UNITED STATES

19-163 NORTON, MARGARET A. V. COLGATE PALMOLIVE CO.

19-174 RICH, JERI L. V. PALKO, MICHAEL, ET AL.

19-215 NEVELS, DARREL C. V. PIGGLY WIGGLY CORP., ET AL.

19-261 WALTNER, STEVEN T., ET UX. V. CIR

19-262 YU, XIAO-YING V. NEALL, ROBERT R., ET AL.

19-323 SCHNEIDER, CHARLES V. V. CIR

19-5040 LU, JENNIFER V. STANFORD UNIVERSITY

19-5047 TOOLE, CATHY L. V. WILKIE, SEC. OF VA, ET AL.

19-5059 VIERA, PAUL A. V. FLORIDA

19-5066 DONGARRA, JORDON L. V. UNITED STATES

19-5072 BRIDGES, TROY L. V. DAVIS, DIR., TX DCJ

19-5090 JU, FRANCES D. V. WASHINGTON, ET AL.

19-5156 LOGAN, THERESA A. V. WINDSOR, NY
19-5179 PATTISHALL, SUSAN E. V. CERF, VINTON G., ET AL.
19-5190 WILLIAMS, STEVEN V. NAT. R. PASSENGER CORP., ET AL.
19-5200 IN RE ISIDRO ROMAN
19-5211 ANYANWU, ANYIAM V. BARR, ATT'Y GEN.
19-5225 IN RE JONATHAN E. BRUNSON
19-5265 SCHREIBER, BENJAMIN E. V. LUDWICK, NICK, ET AL.
19-5313 KAHLOW, THOMAS A. V. FLORIDA
19-5413 ROONEY, JOHN T. V. GEORGIA
19-5510 FORTUNE, MAURICE P. V. VIRGINIA
19-5587 IN RE LEVAR L. SPENCE
19-5657 ROGERO, HEATHER, ET VIR V. AZAR, SEC. OF H&HS
19-5664 SHEPPARD, CURTIS L. V. TEXAS
19-5756 IN RE JAMES BRYANT
19-5816 MAALOUF, GABRIEL A. V. PRAETORIAN INS. CO.
19-5822 TUTTLE, RONALD V. UNITED STATES
19-5931 ALLEN, DARRYL V. PENNSYLVANIA

The petitions for rehearing are denied.

ATTORNEY DISCIPLINE

D-3051 IN THE MATTER OF DISBARMENT OF STEVEN ANTHONY LANG

Steven Anthony Lang, of Chicago, Illinois, having been suspended from the practice of law in this Court by order of August 5, 2019; 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 Steven Anthony Lang is disbarred from the practice of law in this Court.

Statement of SOTOMAYOR, J.

SUPREME COURT OF THE UNITED STATES

LOUIE M. SCHEXNAYDER, JR. *v.* DARREL VANNOY,
WARDEN

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

No. 18–8341. Decided December 9, 2019

The petition for a writ of certiorari is denied.

Statement of JUSTICE SOTOMAYOR respecting the denial
of certiorari.

In 2007, a former employee of Louisiana’s Fifth Circuit Court of Appeal shot himself in his courthouse office. The employee left a suicide note claiming that he had been tormented by his involvement in that Court of Appeal’s secret, 13–year policy of summarily denying *pro se* appeals. *Purpura, Fifth Circuit Ordered To Review Appeals; Due Process Denied, Supreme Court Says, New Orleans, La., Times-Picayune, Oct. 7, 2008, p. 1.* The note reportedly stated that no judge had reviewed a habeas application filed by a *pro se* inmate during that time; instead, courthouse staff prepared rulings that judges signed “without so much as a glance” at the underlying petitions or any review of the applications’ merits. *Johnson v. Parish of Jefferson, 2009 WL 1808718, *4 (ED La., June 19, 2009).*

In response to this revelation, the Louisiana Supreme Court approved a procedure whereby a three-judge panel—drawn from the same pool of Court of Appeal judges who had allegedly summarily rejected *pro se* filings—would re-review hundreds of *pro se* submissions that had been dismissed without consideration. *State v. Cordero, 2008–1717 (La. 10/3/08), 993 So. 2d 203.* Justice John L. Weimer dissented from that decision, arguing that the cases should be assigned to judges sitting on other courts of appeal to “avoid any appearance of impropriety.” *Id.*, at 214.

Statement of SOTOMAYOR, J.

Petitioner's case, which primarily challenges the effectiveness of his counsel and various trial errors, was one of the many matters swept up in the Louisiana Court of Appeal's original review process and the re-review remedy ordered by the Louisiana Supreme Court. After the state courts dismissed his claims, petitioner filed for federal habeas relief. He argued that the Louisiana courts did not fairly review his filings on the merits—either originally or through the re-review process—and so he was entitled to *de novo* federal review without any of the deference ordinarily afforded to state-court rulings under the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA). The Magistrate Judge dismissed the habeas petition after applying AEDPA deference.

Petitioner, who was *pro se* during various stages of the lower court proceedings, did not clearly set forth his claim that he was entitled to habeas review without AEDPA deference when he sought a certificate of appealability from the District Court and, later, the United States Court of Appeals for the Fifth Circuit. Accordingly, the Court of Appeals was not fairly presented with the opportunity to resolve the issue that petitioner now presents to this Court. For this reason, I do not dissent from this Court's denial of certiorari. The re-review procedure adopted by the Louisiana courts, however, raises serious due process concerns. I expect that lower federal courts will examine the issue of what deference is due to these decisions when it is properly raised.

Statement of SOTOMAYOR, J.

SUPREME COURT OF THE UNITED STATES

CALMER COTTIER v. UNITED STATES

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

No. 18–9261. Decided December 9, 2019

The petition for a writ of certiorari is denied.

Statement of JUSTICE SOTOMAYOR respecting the denial of certiorari.

For his alleged role in a group beating, petitioner Calmer Cottier was charged with, among other things, second-degree murder by an Indian in Indian country. Two other participants accepted plea deals with the Government; as part of their pleas, the participants signed statements—known as factual-basis statements—that implicated Cottier in the murder. A federal prosecutor also signed those inculpatory statements to vouch for their veracity. Then, that same prosecutor offered those same incriminating statements as evidence at Cottier’s trial.

On appeal, the Court of Appeals for the Eighth Circuit observed that the court in which Cottier was prosecuted “routinely” sends unredacted factual-basis statements into the jury room. 908 F.3d 1141, 1149 (2018). I agree with the Eighth Circuit that this practice is “troubling.” *Ibid.* By presenting the jury with a factual-basis statement signed by the Government, the prosecution improperly expresses its “‘personal belief’” in the truth of the witness’ statements—a stamp of approval, an assurance from the Government itself, that the witness is to be believed. *United States v. Young*, 470 U. S. 1, 7–8 (1985). In this case, however, Cottier’s attorney did not object to the statements’

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admission and used them as part of Cottier's defense. For that reason and others expressed by the Eighth Circuit in affirming Cottier's convictions, I do not dissent from the denial of certiorari but instead echo its admonition that the admission of such statements "is not a favored practice." 908 F. 3d, at 1149.