

(ORDER LIST: 545 U.S.)

MONDAY, JUNE 13, 2005

CERTIORARI -- SUMMARY DISPOSITIONS

04-585 KLINGLER, CHARLOTTE, ET AL. V. DIR., DEPT. OF REVENUE, MO

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 Eighth Circuit for further consideration in light of *Tennessee v. Lane*, 541 U.S. 509 (2004), and *Gonzales v. Raich*, 545 U.S. ____ (2005).

04-617 UNITED STATES V. STEWART, ROBERT W.

The motion of respondent for leave to proceed *in forma pauperis* is granted. 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 *Gonzales v. Raich*, 545 U.S. ____ (2005).

04-1210 HEMBREE, GREGORY W. V. UNITED STATES

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 Eleventh Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-1362 HALE, FRANKLIN, ET UX. V. UNITED STATES

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 Sixth Circuit for further

consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-10018 DOCK, TROY P. 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 Fifth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-10036 LUBOWA, DANIEL 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 Sixth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-10141 TORRES, DAMON J. 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 Eighth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-10173 ALEXIS, LESLY 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. Booker*, 543 U.S. ____ (2005).

ORDERS IN PENDING CASES

04A930 NIZNIK, CAROL A. V. STORE-TO-DOOR, CORP., ET AL.

The application for a temporary restraining order addressed to Justice Breyer and referred to the Court is denied.

03-10198 HALBERT, ANTONIO D. V. MICHIGAN

The motion of petitioner for leave to file a supplemental brief after argument is denied.

04-848 DOLAN, BARBARA V. USPS, ET AL.

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

04-9020 YOWEL, HABAKKUK E. BEN V. JOHNSON, DIR., VA DOC, ET AL.

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

04-9737 ROGERS, MICHAEL S. V. HUNTLEY PROJECT SCHOOL DIST.

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until July 5, 2005, 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 GRANTED

04-1186 WACHOVIA BANK, NAT. ASSN. V. SCHMIDT, DANIEL G., ET AL.

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

CERTIORARI DENIED

03-1619 GDF REALTY INVESTMENTS, ET AL. V. NORTON, SEC. OF INTERIOR

04-969 SAUNDERS, BILLIE J., ET AL. V. UNITED STATES

04-1041 KAHAWAIOLAA, PATRICK L., ET AL. V. NORTON, SEC. OF INTERIOR

04-1138 TARIQ-SHUAIB, SYED M. V. NY CITY HOUS. AUTH.

04-1191 MORGAN, JOYCE, ET AL. V. SKF USA, INC.

04-1208 MOSTOLLER, ANN V. CW CAPITAL, LLC

04-1218 NAT'L HERITAGE INS. CO. V. U.S., ex rel. BARRON, ET AL.

04-1219 NEWTON, JAMES W. V. DIAMOND, MICHAEL, ET AL.

04-1240 ROYAL CARIBBEAN CRUISES LTD. V. HALL, LAWRENCE W.

04-1334 CROSBY, SEC., FL DOC, ET AL. V. NIX, TONY L.

04-1340 CATERPILLAR INC. V. STURMAN INDUSTRIES, INC., ET AL.

04-1353 MOORE, LAWRENCE V. IBEW, LOCAL 8, ET AL.

04-1354 KINNEY, DARRYL V. HAMILTON PARTNERS

04-1358 WHITE, AUSTA M., ET VIR V. TSCHERTER, STEVEN A., ET AL.

04-1359 MARTINGALE, LLC V. LOUISVILLE, KY, ET AL.

04-1377 BERKE, ROGER A. V. KENTUCKY

04-1379 IVANOVA, MARIO M. V. COLUMBIA PICTURES INDUSTRIES

04-1401 VAnGUILDER, EDWARD V. UNITED STATES

04-1402 ESTATE OF MORELAND, ET AL. V. SPEYBROECK, JOSEPH

04-1420 SATALICH, MIRO J. V. LOS ANGELES, CA

04-1428 CREDEUR, GERALD, ET UX. V. M J OIL, INC., ET AL.

04-1431 BENETIC, NICHOLAS J., ET UX. V. M/Y ATHENA ALEXANDER

04-1433 BAJBOR, ZIGGY V. OFFICE OF COMPLIANCE, ET AL.

04-1435 ROBERTI, RONALD W. V. FLORIDA

04-1439 KEPPEL, FRANCIS E. V. NEW HAMPSHIRE

04-1449 LIZZI, CHRISTOPHER T. V. WMATA, ET AL.

04-1453 SLIP TRACK SYSTEMS, INC. V. METAL-LITE, INC.

04-1456 BOND, FREDERICK O. V. COMM'R OF REVENUE OF MN

04-1484 NANCE, WENDELL V. UNITED STATES

04-1494 WHITE, YANCEY L. V. HOBART, WARDEN
04-1503 CRANK, ERNEST C. V. UNITED STATES
04-1515 EMR NETWORK V. FCC, ET AL.
04-8743 THORNLAD, JOSEPH D. V. ANDERSON, LINDA, ET AL.
04-9012 VALENTINE, JERRY L. V. UNITED STATES
04-9085 HORNER, STEVEN R. V. TEXAS
04-9094 LAILA, ISSAM AHMAD S. V. UNITED STATES
04-9097 RODRIGUEZ, CHARLES V. DISTRICT COURT OF NV, ET AL.
04-9102 NEWMAN, LEE A. V. UNITED STATES
04-9318 MCCARTHY, KIMBERLY L. V. TEXAS
04-9533 WICKEM, SHAWN V. CAIN, WARDEN
04-9541 STRADER, DANIEL D. V. CROSBY, SEC., FL DOC, ET AL.
04-9542 THOMAS, DAVE A. V. VIRGINIA
04-9543 SCOTT, VRAIN V. CROSBY, SEC., FL DOC
04-9553 STEPHENS, JABARI V. CRIST, ATT'Y GEN. OF FL, ET AL.
04-9557 ASHWORTH, BRYAN V. OKLAHOMA
04-9560 ARKOW, JACOB V. CROSBY, SEC., FL DOC
04-9567 FASSLER, LAWRENCE A. V. PENDLETON, WARDEN
04-9570 HARRIS, JIMMY V. MISSISSIPPI, ET AL.
04-9573 CARTER, CHARLES R. V. MITCHELL, SHERIFF, ET AL.
04-9574 CRAYTON, STEVEN V. CONWAY, SUPT., ATTICA
04-9575 CHILDS, TAWAN R. V. ANDERSON, WARDEN
04-9578 McLITTLE, AIJALON W. V. THOMPSON, JAMES K., ET AL.
04-9583 OWENS, GEORGE V. FRANK, SEC., WI DOC
04-9584 RICHARDSON, ERWIN V. BOCK, WARDEN
04-9589 DISCH, MICHAEL F. V. O'DONNELL, WARDEN, ET AL.
04-9590 DAVENPORT, RODNEY V. WOODFORD, DIR., CA DOC
04-9591 RIVERS, DOYLAN V. V. WILSON, WARDEN

04-9593 DOLENZ, BERNARD J. V. VAIL, NANCY
04-9594 BAILEY, PAULA V. YUKINS, WARDEN
04-9598 MIMS, ALTON V. MICHIGAN
04-9599 DEAN, REGINALD V. TEXAS
04-9602 TODD, DAVID J. V. TODD, REBECCA J.
04-9605 PETERKA, DANIEL V. CROSBY, SEC., FL DOC
04-9613 DI NARDO, ANNA, ET AL. V. BIELUCH, SHERIFF
04-9614 CRITTENDEN, JAMES E. V. CALDERON, WARDEN
04-9615 DIXON, CLEO V. CACIOPPO, DINO T., ET AL.
04-9625 BENIGNI, KENNETH S. V. SMITH, CHRISTOPHER, ET AL.
04-9630 CALDWELL, JOHNNY R. V. USUT
04-9634 SANTANA, FLORENTINO R. V. ARIZONA
04-9637 MILLER, CHARLES L. V. GEORGIA
04-9638 PETSCHL, SHANE M. V. MINNESOTA
04-9639 STROUT, NOREEN-EVELYN V. CERTAIN REAL PROPERTY, ET AL.
04-9643 TAYLOR, NIMROD B. B. V. RYAN, ACTING WARDEN
04-9645 MARINO, ACHIM J. V. TEXAS
04-9647 NASH, NEHEMIAH V. NEW YORK
04-9651 WAULS, SAMUEL L. V. YARBOROUGH, WARDEN
04-9653 SORIA, BENITO A. V. GIURBINO, WARDEN
04-9691 PETERSEN, GEORGE V. V. BERGHUIS, WARDEN
04-9708 CUMBERBATCH, LENA V. FLORIDA
04-9714 MENDOZA-GAUNA, JOSE R. V. FED. BUREAU OF PRISONS, ET AL.
04-9721 LESLIE, ROBERT A. V. SUPERIOR COURT OF CA
04-9722 JONES, CHIEVY V. CROSBY, SEC., FL DOC, ET AL.
04-9736 LAKE, KORI L. V. WASHINGTON
04-9743 DiBARTOLO, THOMAS A. V. LEHMAN, SEC., WA DOC, ET AL.
04-9759 STROPE, MICHAEL L. V. McKUNE, DAVID R., ET AL.

04-9779 JOHNSON, ELFRIDA V. PONDER, MIKE, ET AL.

04-9784 RODRIGUEZ, MARCELO V. CUNNINGHAM, SUPT., WOODBOURNE

04-9804 GIBSON, JAMES V. MOTE, WARDEN

04-9809 LIGHTBOURNE, IAN D. V. CROSBY, SEC., FL DOC

04-9843 JOHNSON, TIMOTHY H. V. CRAWFORD, DIR., NV DOC, ET AL.

04-9853 WILLIAMS, FLOYD V. RYAN, ACTING WARDEN

04-9874 MOODY, PAULINE V. DELRAY BEACH POLICE, ET AL.

04-9875 SPOONER, MICHAEL V. JACKSON, WARDEN

04-9887 STEPHENS, GREGORY L. V. FLORIDA

04-9901 McDUFFIE, ROBERT V. NEELY, KAREN, ET AL.

04-9902 WEBB, CHARLES D. V. CASON, WARDEN

04-9950 PAYNE, JOHN V. DiGUGLIELMO, SUPT., GRATERFORD

04-10013 HILDERBRAND, KEITH A. V. UNITED STATES

04-10034 ROCHA, GUILLERMO V. HOLDER, WARDEN

04-10038 SMART, KENNY E. V. UNITED STATES

04-10039 DIXON, AHMAD Y. V. UNITED STATES

04-10044 QUINN, JIMMY V. UNITED STATES

04-10048 FLEISCHER, MARK H. V. UNITED STATES

04-10049 FOSTER, MAURICE V. UNITED STATES

04-10051 THOMAS, RANDY B. V. UNITED STATES

04-10059 STOKES, CHARLES E. V. UNITED STATES

04-10060 SMALLS, MITCHELL V. UNITED STATES

04-10061 SAVAGE, ABRAHAM V. UNITED STATES

04-10062 BELL, DENNIS R. V. UNITED STATES

04-10067 JONES, EARL C. V. PENNSYLVANIA

04-10071 SUKUP, THOMAS M. V. UNITED STATES

04-10073 BRADLEY, LARRY R. V. UNITED STATES

04-10076 TRUESDALE, ALVIN B. V. SMITH, WARDEN, ET AL.

04-10078 WILLIAMS, ERICK D. V. UNITED STATES
04-10079 TOOLASPRASHAD, LATCHMIE V. DeROSA, WARDEN, ET AL.
04-10086 MARMOL, ARMANDO V. UNITED STATES
04-10090 BRIONES, ERIBERTO M. V. UNITED STATES
04-10092 OUNOUSIAN, SOUSANA V. UNITED STATES
04-10102 LEDFORD, JAMES A. V. UNITED STATES
04-10106 ROMAIN, CARL S. V. UNITED STATES
04-10133 SMITH, DENNIS D. V. UNITED STATES
04-10135 DANCY, KHASAN V. UNITED STATES
04-10137 BASS, EDWARD M. V. UNITED STATES
04-10143 GOMEZ, JOHN J. V. UNITED STATES
04-10145 HOWARD, CEDRIC V. UNITED STATES
04-10152 TORRES, JOHNNY V. UNITED STATES
04-10159 WILSON, ERNEST V. UNITED STATES
04-10161 GOIST, PAUL B. V. UNITED STATES
04-10171 JONES, COREY V. UNITED STATES
04-10174 BELL, CLIFFORD V. UNITED STATES
04-10175 ASHE, TURNER V. UNITED STATES
04-10179 PALACIOS, DIOGENES V. UNITED STATES
04-10180 BROWN, VERNON V. CRAWFORD, DIR., MO DOC, ET AL.

The petitions for writs of certiorari are denied.

04-1020) MEDIA GENERAL, INC. V. FCC, ET AL.
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04-1033) NAT'L ASS'N OF BROADCASTERS V. FCC, ET AL.
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04-1036) TRIBUNE CO., ET AL. V. FCC, ET AL.
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04-1045) NEWSPAPER ASS'N OF AM., ET AL. V. FCC, ET AL.
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04-1168) FCC, ET AL. V. PROMETHEUS RADIO PROJECT, ET AL.
))
04-1177) SINCLAIR BROADCAST GROUP, INC. V. FCC, ET AL.

The petitions for writs of certiorari are denied. Justice

Breyer took no part in the consideration or decision of these petitions.

04-1342 PADILLA, JOSE V. HANFT, C. T.

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

04-1367 CINTRON PARRILLA, KENIA, ET VIR V. ELI LILLY INDUS., INC.

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

04-1469 CHIECO, VINNIE V. WILLIS & GEIGER, ET AL.

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

04-9559 BROWN, THEODIS V. O'KEFFE, KEVIN, 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.

04-9612 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. 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.

04-9906 KOGER, TODD E. V. KAPLAN, INC., ET AL.

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

HABEAS CORPUS DENIED

04-10181 IN RE ROBERT J. SERAFIN

04-10182 IN RE DARYL W. SLOAN

04-10251 IN RE ANTHONY L. GREENHILL

The petitions for writs of habeas corpus are denied.

MANDAMUS DENIED

04-9119 IN RE AMESHEO D. CANNON

04-9621 IN RE MARZUQ AL-HAKIM

04-9652 IN RE DANNY BELL

The petitions for writs of mandamus are denied.

REHEARINGS DENIED

04-1079 IN RE GARY R. WALL

04-1091 AMAECHI, CHRISTOPHER N. V. UNIV. OF KENTUCKY, ET AL.

04-1101 ZURLA, DANIEL E. V. DAYTONA BEACH, FL, ET AL.

04-1204 U. S., ex rel. GRAVES, ET AL. V. ITT EDUCATIONAL SERVICES

04-7698 GUZEK, RANDY L. V. OREGON

04-8302 AHMED, NAWAZ V. OHIO

04-8417 FARR, THOMAS W. V. TENNESSEE

04-8475 KELLEY, MICHAEL A. V. WILKINSON, DIR., OH DOC, ET AL.

04-8511 TREECE, CHARLES A. V. ORLEANS PARISH JUDICIAL BRANCH

04-8778 ELLIS, WILLIAM S. V. EMERY, RICHARD, ET AL.

04-8832 SCOTT, OMAR Y. V. UNITED STATES

04-8864 WIDNER, JAMES V. CROSBY, SEC., FL DOC

04-8940 IN RE FLORENCE W. NZONGOLA

04-9257 BOWERS, VANCE V. UNITED STATES

The petitions for rehearing are denied.

RECESS ORDER

The Court will take a recess from Monday, June 13, 2005,
until Monday, June 20, 2005.