

(ORDER LIST: 545 U.S.)

MONDAY, JUNE 27, 2005

CERTIORARI -- SUMMARY DISPOSITIONS

04-1532 RICE, RODNEY 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).

04-6530 SNYDER, ALLEN V. LOUISIANA

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 Supreme Court of Louisiana for further consideration in light of *Miller-E1 v. Dretke*, 545 U.S. \_\_\_\_ (2005).

04-9879 KANDIES, JEFFREY C. V. POLK, WARDEN

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 *Miller-E1 v. Dretke*, 545 U.S. \_\_\_\_ (2005).

04-10245 TORRES-AMADOR, RICARDO V. UNITED STATES

04-10259 HARRISON, WILLIAM H. V. UNITED STATES

The motions of petitioners for leave to proceed *in forma pauperis* and the petitions for writs of certiorari are granted.

The judgments are vacated and the cases are 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).

04-10274 BAUSSAN, NICK A. 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

04M75 TORNS, CHARLES V. MISSISSIPPI, ET AL.

04M76 McMORRIS, SONIA M. V. CARSEY WERNER, ET AL.

04M77 SMITH, PAUL, ET UX. V. MENDON, NY, ET AL.

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

04-373 MARYLAND V. BLAKE, LEEANDER J.

The motion of Criminal Justice Legal Foundation for leave to file a brief as *amicus curiae* out-of-time is granted.

04-944 ARBAUGH, JENIFER V. Y & H CORP.

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

04-10351 SPIELVOGEL, MICHAEL V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until July 18, 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**

03-1559 BANK OF CHINA, NY BRANCH V. NBM L.L.C., ET AL.

The petition for a writ of certiorari is granted limited to the following Question: Did the Court of Appeals for the Second Circuit err when it held that civil RICO plaintiffs alleging mail and wire fraud as predicate acts must establish "reasonable reliance" under 18 U.S.C. §1964(c)?

04-1131 WHITMAN, TERRY L. V. DEPT. OF TRANSPORTATION, ET AL.

04-1360 HUDSON, BOOKER T. V. MICHIGAN

The petitions for writs of certiorari are granted.

04-1495 HARTMAN, MICHAEL, ET AL. V. MOORE, WILLIAM G.

The petition for a writ of certiorari is granted limited to Question 1 presented by the petition.

04-805 ) TEXACO, INC. V. DAGHER, FOUAD N., ET AL.

) SHELL OIL COMPANY V. DAGHER, FOUAD N., ET AL.  
04-814 )

The motion of Washington Legal Foundation for leave to file a brief as *amicus curiae* is granted. The motion of Visa U.S.A. Inc., et al. for leave to file a brief as *amici curiae* is granted. The motion of Chamber of Commerce of the United States, et al. for leave to file a brief as *amici curiae* is granted. The motion of Antitrust Scholars for leave to file a brief as *amici curiae* is granted. The petitions for writs of certiorari are granted. The cases are consolidated and a total of one hour is allotted for oral argument.

**CERTIORARI DENIED**

03-1202 HEWLETT-PACKARD CO. V. JEBIAN, DONALD  
04-31 McFARLING, HOMAN V. MONSANTO COMPANY  
04-165 COMSTOCK RESOURCES, INC., ET AL. V. KENNARD, DON C., ET AL.  
04-983 ARPAIO, SHERIFF V. DEMERY, JAMIE, ET AL.  
04-1252 AM. PELAGIC FISHING CO., L.P. V. UNITED STATES  
04-1291 EL-SHIFA PHARMACEUTICAL INDUS. V. UNITED STATES  
04-1297 VERANDA BEACH, LLC V. RLI INS. CO.  
04-1314 OLSON, RANDOLPH A. V. TEAMSTERS LOCAL No. 70, ET AL.  
04-1363 U. S., ex rel. GRYNBERG V. PRAXAIR, INC., ET AL.  
04-1372 SICROFF, SETH E. V. JETT, STEPHEN C.  
04-1419 COGGER, DARWIN, ET UX. V. BECKER COUNTY, MN  
04-1426 BAUR, MARY C. V. PA STATE CIVIL SERV. COMM'N  
04-1429 WEIR, MARK V. KELLY, COMM'R, NYC POLICE DEPT.  
04-1432 BROWN, S. J. V. MONTGOMERY CTY, ET AL.  
04-1442 PIPPINS, JANET V. TANGIPAHOA PARISH COUNCIL, ET AL.  
04-1447 SIMMONS, TAMELA Q. V. NV LANDING PARTNERSHIP, ET AL.  
04-1451 KINNARD, CURTIS V. RUTHERFORD CTY. BOARD OF ED.  
04-1479 FORNARO, REX V. GANNON, WILLIAM S., ET AL.  
04-1489 STROBEL, CRYSTAL M. V. NORTH CAROLINA  
04-1504 CARPENTER, MELVYN V. CALIFORNIA  
04-1505 DAVIS, MARYBETH V. WEST VIRGINIA  
04-1514 WH-T.V. BROADCASTING CORP. V. ZENITH ELEC. CORP., ET AL.  
04-1516 CROTTS, STEVEN V. OHIO  
04-1531 STEINER, VICKI V. POTTER, POSTMASTER GEN.  
04-1537 JERNIGAN, DEWEY E. V. TULSA, OK, ex rel. PALMER  
04-1545 JOHNSON, TERRELL B. V. FOLINO, SUPT., GREENE, ET AL.  
04-1546 BOSCH, MITCHELL V. BISMARCK, ND

04-1559 RATES TECHNOLOGY INC. V. NORTEL NETWORKS CORP.  
04-1562 MANGO, ANTHONY H. V. UNITED STATES  
04-1567 MOSKOWITZ, RONALD V. UNITED STATES  
04-1570 SUBRAMANIAN, MANI V. QAD INC., ET AL.  
04-1584 FRYE, CECIL R. V. UNITED STATES  
04-5659 FEARS, LEROY V. PENNSYLVANIA  
04-5960 ASH, HIRAM V. ASH, TRUDE L., ET AL.  
04-8306 ROOT, JOSEPH V. PAYNE, SUPT., McNEIL ISLAND  
04-8459 CURRIE, JOHN F. V. CORSINI, SUPT., BAY STATE  
04-8762 HALL, MICHAEL W. V. TEXAS  
04-8773 LEE, DANIEL L. V. UNITED STATES  
04-8982 DYSON, DARNELL V. UNITED STATES  
04-9098 LAGES, ANTHONY G. V. CROSBY, SEC., FL DOC, ET AL.  
04-9274 HARRIS, CURTIS V. WALSH, SUPT., SULLIVAN  
04-9282 RIVERA-MARTINEZ, ANGEL Y. V. GONZALES, ATT'Y GEN., ET AL.  
04-9286 LACKEY, SHAY D. V. UNITED STATES  
04-9413 PEOPLES, JOHN W. V. CAMPBELL, COMM'R, AL DOC, ET AL.  
04-9745 NERO, LEROY V. HURLEY, WARDEN  
04-9746 MARIAN, TEODOR V. SUPERIOR COURT OF CA  
04-9762 CRUZ, ANDREW V. HERNANDEZ, WARDEN  
04-9768 MARCICKY, KIRK V. RENICO, WARDEN  
04-9770 BECK, REVEREND V. MINNESOTA  
04-9772 THOMPSON, WILLIAM E. V. KENTUCKY  
04-9773 ENGRAM, ANDREW R. V. ARKANSAS  
04-9778 MCKAY, ERNEST V. FLORIDA  
04-9785 SOSA, THOMAS V. DRETKE, DIR., TX DCJ  
04-9788 BARKER, TREMAIN L. V. CASTRO, WARDEN  
04-9790 HILL, DENNIS L. V. DRETKE, DIR., TX DCJ

04-9791 FIELDS, VALERIE V. SOUTHWEST AIRLINES CO.  
04-9792 GRAY, PAUL V. LOUISIANA  
04-9794 GESFORD, ROBERT C. V. JOHNSON, DIR., VA DOC  
04-9796 HARDISTY, DELORES K. V. YMCA OF GREATER SEATTLE, ET AL.  
04-9798 HERNANDEZ, ALVARO L. V. DRETKE, DIR., TX DCJ  
04-9801 PORTER, GEORGE J. V. IDAHO  
04-9802 GARRETT, MICHAEL L. V. DRETKE, DIR., TX DCJ  
04-9805 FIGEL, GREGORY A. V. MONROE, SANDRA, ET AL.  
04-9806 GARRETT, MICHAEL L. V. DRETKE, DIR., TX DCJ  
04-9808 MITLEIDER, FLOYD A. V. HALL, WARDEN, ET AL.  
04-9812 LOVE, ALFREDRICK V. RYAN, ACTING WARDEN  
04-9813 CARRANZA, JAIME G. V. SMITH, WARDEN, ET AL.  
04-9820 TURNER, RODNEY V. McGRATH, WARDEN  
04-9821 WRIGHT, STEVEN V. MISSOURI  
04-9822 WILSON, EDWARD L. V. CROSBY, SEC., FL DOC, ET AL.  
04-9823 McMILLEN, STEVEN A. V. DORMIRE, SUPT., MO  
04-9824 LOCKHART, THADDEUS M. V. SOUTH CAROLINA, ET AL.  
04-9825 ZORUMSKI, JOSEPH K. V. BRAXTON, WARDEN  
04-9826 DRAUGHN, CARNELL V. JOHNSON, DIR., VA DOC  
04-9830 STARCHER, RODNEY E. V. DRETKE, DIR., TX DCJ  
04-9832 ROSE, JASON W. V. BELLEQUE, SUPT., OR  
04-9837 STERLING, FRANK V. WEST, SUPT., ELMIRA  
04-9838 JOHNSON, KENNETH V. FLORIDA  
04-9840 ORTEGA, ANA M. V. CALIFORNIA, ET AL.  
04-9841 SKINNER, RODNEY S. V. PETTUS, MARVIN K.  
04-9847 DENBOW, PHILLIP D. V. TEXAS  
04-9851 MULDROW, TIMOTHY V. CONWAY, SUPT., ATTICA  
04-9854 LEONARD, KENNETH F. V. FLORIDA

04-9857 LAUER, DAVID D. V. TEXAS  
04-9859 McCRAY, LORENZO V. McKEE, WARDEN  
04-9860 MORRIS, ALEXANDER V. McKEE, WARDEN  
04-9863 RUDDICK, GERMAINE R. V. USDC MD FL  
04-9869 ROBINSON, JOSEPH E. V. MICHIGAN  
04-9870 HARRIS, AMBROSE A. V. NEW JERSEY  
04-9871 DANIEL, THADDEUS D. V. MILLS, WARDEN  
04-9876 CONRAD, BENJAMIN E. V. DRETKE, DIR., TX DCJ  
04-9883 COLIDA, TONY V. SHARP ELECTRONICS CORP., ET AL.  
04-9894 BUCHANAN, CRAIG P. V. YARBOROUGH, WARDEN  
04-9914 STALEY, STEVEN K. V. TEXAS  
04-9940 KHOTESOUVAN, KADING, ET AL. V. CLARK, FIELD OFFICE DIR., ET AL.  
04-9948 PURKERSON, STEVEN J. V. SCHRIRO, DIR., AZ DOC, ET AL.  
04-9978 BLACKERT, MATTHEW V. FLORIDA  
04-9979 CASEY, JOHN H. V. MOORE, ROBERT  
04-9984 SAIZ, PEGGY S. V. ORTIZ, EXEC. DIR., CO DOC  
04-10003 HOOD, CHARLES D. V. TEXAS  
04-10007 HUANG, QIANG V. GIURBINO, WARDEN  
04-10037 KIRBY, KEVIN L. V. INDIANA  
04-10065 CARTER, TIMOTHY L. V. TX DEPT. OF HEALTH, ET AL.  
04-10097 PORTER, HOWARD V. PORTER, ANNETTE  
04-10105 MADDEN, EDWIN V. HIRSCH, CHARLES S., ET AL.  
04-10108 DUMAS, DONNIE R. V. DUMOLT, STEPHANIE J., ET AL.  
04-10123 FARMER, GARY G. V. POWERS, K. MENDOZA, ET AL.  
04-10130 HOWARD, JOSEPH E. V. WEST VIRGINIA  
04-10176 AYINGONO, ESTANISLAO V. BEARD, SEC., PA DOC, ET AL.  
04-10178 SALGADO, RAMON P. V. FCI McKEAN, ET AL.  
04-10188 MILLER, THEODORE V. HEDRICK, WARDEN

04-10200 STAFFORD, JOSEPH V. BROWN, GWEN, ET AL.  
04-10227 FLUELLEN, CORY V. UNITED STATES  
04-10238 RAMIREZ-GONZALEZ, EPIMENIO V. UNITED STATES  
04-10262 CRISTOBAL, LUIS V. UNITED STATES  
04-10276 TULLOCH, AINSWORTH V. UNITED STATES  
04-10277 SHIMEK, ROBERT M. V. UNITED STATES  
04-10287 MAJID, MOHAMMED A. V. UNITED STATES  
04-10292 PODLOG, DAVID V. UNITED STATES  
04-10293 BARNETT, BERNARD V. BLEDSOE, WARDEN  
04-10314 LARRY, JIMMIE V. UNITED STATES  
04-10322 ABDULLAH, MUSTAFA V. HEDRICK, WARDEN  
04-10324 CHAVARRY, RAFAEL V. UNITED STATES  
04-10327 FALLEN, RONTE V. UNITED STATES  
04-10328 FOY, JOAQUIN V. UNITED STATES  
04-10330 GRIFFIN, AL V. PENNSYLVANIA  
04-10332 HUTMAN, DONALD M. V. UNITED STATES  
04-10333 ISMEL, REGINALD M. V. UNITED STATES  
04-10334 WARE, IVAN L. V. UNITED STATES  
04-10335 WOODRUFF, KEVIN P. V. GONZALES, ATT'Y GEN., ET AL.  
04-10338 MASON, ALFONZO V. UNITED STATES  
04-10343 ADKINS, ASHER V. UNITED STATES  
04-10350 INTROCASO, ALEXANDER M. V. UNITED STATES  
04-10352 HAMILTON, RONALD J. V. UNITED STATES  
04-10365 AGUAYO, JESUS V. UNITED STATES  
04-10368 WARFIELD, EUGENE V. UNITED STATES  
04-10371 BURGOS, FRANCISCO A. V. UNITED STATES  
04-10373 GUSTAVE, PATRICK V. STANSBERRY, WARDEN  
04-10375 GRIMES, REGINALD E. V. WETZEL, WARDEN, ET AL.

04-10377 HOLTON, KENNY M. V. UNITED STATES  
04-10382 SIMMONS, BRUCE V. GRAYER, WARDEN  
04-10385 TYLER, MICHAEL P. V. UNITED STATES  
04-10388 ORTEGA-RAMIREZ, ROBERTO V. UNITED STATES  
04-10393 DE LOS SANTOS-MORA, RICHARDO V. UNITED STATES  
04-10398 KUCERA, JAMES J. V. UNITED STATES  
04-10399 JIMENEZ-MUCHACA, JOSE A. V. UNITED STATES

The petitions for writs of certiorari are denied.

03-10777 KEUP, ALTHEA M. V. WI DEPT. OF HEALTH, ET AL.

The motion of Heidi Senger, Personal Representative of the Estate of Althea Keup, for substitution as petitioner in place of Althea Keup, deceased, is granted. The petition for a writ of certiorari is denied.

04-621 PUBL. UTILITY DIST. NO. 1 V. DYNEGY POWER MARKETING, ET AL.

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

04-994 LUCENT TECHNOLOGIES, INC. V. FELIX, AARON, ET AL.

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

04-1196 KELLEY, WILLIAM H. V. CROSBY, SEC., FL DOC

The motion of Honorable J. Gibbons, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

04-1430 JACKSON, ALBERT V. DELAWARE RIVER & BAY AUTH.

The motion of petitioner for leave to proceed as a seaman is granted. The petition for a writ of certiorari is denied.

04-1441 PATRICK, SUPT., HOUTZDALE V. DeFOY, ROBERT

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

04-1499 FLORIDA V. BUSBY, ANDREW D.

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

04-1507 ) MILLER, JUDITH V. UNITED STATES

)  
04-1508 ) COOPER, MATTHEW, ET AL. V. UNITED STATES

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

04-9498 BLANKENSHIP, ROY W. V. HEAD, WARDEN

The petition for a writ of certiorari is denied. Justice Breyer would grant the petition for a writ of certiorari.

04-9807 GARRETT, MICHAEL L. V. DRETKE, DIR., TX DCJ

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.

04-10255 WALLACE, CLARENCE V. UNITED STATES

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

04-10387 OKPALA, OKEY G. V. UNITED STATES

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.

**MANDAMUS DENIED**

04-1410 IN RE PAUL R. JONES

04-1413 IN RE MOSTAFA REYAD

The petitions for writs of mandamus are denied.

**REHEARINGS DENIED**

04-294 FOUNTAIN, JOHN V. UNITED STATES

04-8034 OSTER, FLOYD D. V. SUTTON, MARY K.

04-8477 MORALES, LEONARDO T. V. CROSBY, SEC., FL DOC

04-8651 PRICE, RAYMOND A. V. REID, SUPT., CENTENNIAL, ET AL.

04-8784 MORRIS, JOHN L. V. COURT OF APPEALS OF NC, ET AL.

04-8802 JUSTICE, JOHNNIE L. V. JOHNSON, DIR., VA DOC

04-8858 YOUNG, GREGORY L. V. SULLIVAN, WARDEN

04-8910 APPLEBY, RICHARD A. V. BUTLER, WARDEN

04-8999 PEREA, GUY R. V. BUSH, PRESIDENT OF U.S., ET AL.

04-9041 CHRISTAKIS, NICHOLAS V. McMAHON, GERALD

04-9144 PARKS, JAMES E. V. UNITED STATES

04-9443 SAID, ALBER I., ET UX. V. CIR

The petitions for rehearing are denied.

04-8498 CARY, JERRY L. V. SUPREME COURT OF VA

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