

Supreme Court, U.S.
FILED

06-130 JUL 24 2006

No. OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

BEN VARNER, SUPERINTENDENT OF SCI
SMITHFIELD; THE DISTRICT ATTORNEY OF THE
COUNTY OF PHILADELPHIA; THE ATTORNEY
GENERAL OF THE STATE OF PENNSYLVANIA,
Petitioners

v.

CLAYTON THOMAS

On Petition for Writ of Certiorari to the
United States Court of Appeals for the Third Circuit

PETITION FOR WRIT OF CERTIORARI
AND APPENDIX

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QUESTIONS PRESENTED

1. Where counsel's action at trial is objectively reasonable, may the conviction nonetheless be reversed on the ground that counsel's subjective thought process is found deficient?

(Answered in the affirmative by the United States Court of Appeals for the Third Circuit, in conflict with other circuits.)

2. Where a state court has clearly adjudicated the merits of an ineffective assistance of counsel claim, may a federal court avoid AEDPA deference and invoke de novo review as to any aspect of the claim that, in the federal court's view, has not adequately been addressed in the state court's legal analysis?

(Answered in the affirmative by the United States Court of Appeals for the Third Circuit.)

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QUESTION PRESENTED

Does a State violate the Fourth Amendment when it forcibly collects and analyzes blood and DNA from individuals without a warrant or any individualized suspicion of criminal wrongdoing, where such collection and analysis is solely for the purpose of creating a DNA database for use in solving crimes?

No. _____ 06-132 JUL 25 2006

In The OFFICE OF THE CLERK
Supreme Court of the United States

—◆—
KEVIN AND JULIA ANDERSON, DALE AND
BETHANY DANIELS, LIONEL AND JILL GUAY III,
STEPHEN AND SHARON JEROME, CHRISTINE KOZA,
LAWRENCE AND KATHRYN RUGAN,
MICHAEL AND JENNIFER VAN DER WERF,
MICHAEL AND JERILYN WARD,

Petitioners,

v.

DURHAM SCHOOL DEPARTMENT,
SUPERINTENDENT SHANNON WELSH,
MINOT SCHOOL DEPARTMENT, SUPERINTENDENT
ROBERT WALL, RAYMOND SCHOOL DEPARTMENT,
SUPERINTENDENT SANDRA CALDWELL,
MAINE DEPARTMENT OF EDUCATION,
COMMISSIONER SUSAN GENDRON,

Respondents.

—◆—
**On Petition For A Writ Of Certiorari
To The Maine Supreme Judicial Court
Sitting As The Law Court**

—◆—
PETITION FOR A WRIT OF CERTIORARI
—◆—

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QUESTIONS PRESENTED

1. *Weinberger v. Wiesenfelder*, 420 U.S. 636 (1975), teaches that when the government's true reason for treating citizens unequally is known, courts should not accept post hoc justifications that were not the goal of the challenged legislation. In light of *Weinberger*, may the state of Maine justify the unequal treatment of religion in a high school education program on grounds that plainly were not an actual goal of legislators who enacted the program?
2. Until 1980, Maine had a long history of including religious options in its high school "tuitioning" program and there is nothing in the state constitution that even arguably requires the exclusion of religious options from that program. Does this Court's decision in *Locke v. Davey*, 540 U.S. 712 (2004), permit Maine to exclude religious options entirely from an otherwise neutral educational aid program based solely on a misinterpretation of the Federal Establishment Clause?

Supreme Court, U.S.
FILED

No. 05-__ 06-133 JUL 25 2006

OFFICE OF THE CLERK

IN THE

Supreme Court of the United States

ATHLETIC ALTERNATIVES, INC.,
Petitioner,

v.

BENETTON TRADING USA, INC.,
Respondent.

**Petition for Writ of Certiorari to the
United States Court of Appeals
for the Federal Circuit**

PETITION FOR WRIT OF CERTIORARI

DANIEL D. MAYNARD *
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QUESTIONS PRESENTED FOR REVIEW

1. Whether Athletic Alternatives, Inc. Was Improperly Denied Its Constitutional Right under the Seventh Amendment to a Civil Jury Trial.

2. Whether a Trial Attorney Substituting His Research, Analysis, and Opinion for that of an Expert Witness Violates Rule 26, Federal Rules of Civil Procedure, or Whether Scripting an Expert's Testimony Verbatim Violates Federal Rules of Evidence 602, 702, and/or 703.

No. _____ 06-134 JUL 25 2006

OFFICE OF THE CLERK
In The
Supreme Court of the United States

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THE PERMANENT MISSION OF INDIA
TO THE UNITED NATIONS AND THE
PERMANENT REPRESENTATIVE OF MONGOLIA
TO THE UNITED NATIONS,

Petitioners,

v.

THE CITY OF NEW YORK,

Respondent.

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**On Petition For A Writ Of Certiorari
To The United States Court Of Appeals
For The Second Circuit**

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PETITION FOR A WRIT OF CERTIORARI

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The Permanent Mission of India to The United Nations
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Mongolia to The United Nations

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QUESTIONS PRESENTED

1. Does the exception to sovereign immunity for cases “in which . . . rights in immovable property situated in the United States are in issue,” 28 U.S.C. § 1605(a)(4), provide jurisdiction for a municipality’s lawsuit seeking to declare the validity of a tax lien on a foreign sovereign’s real property when the municipality does not claim any right to own, use, enter, control or possess the real property at issue?
2. Is it appropriate for U.S. courts to interpret U.S. statutes by relying on international treaties that have not been signed by the U.S. Government and that do not accurately reflect international practice because they have only been signed by a limited number of other nations?

Supreme Court U.S.

06-135 JUN 27 2006

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2006

LINDA PRALUTSKY f/k/a/ LINDA RITZER,

Petitioner,

v.

METROPOLITAN LIFE INSURANCE COMPANY,

Respondent.

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

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Under ERISA, can a claim administrator reasonably deny long-term disability benefits to a claimant based upon a non-existent “objective proof of disability” requirement therefore relying solely on a definition of disability that was never written in the plan or communicated to the claimant prior to final denial?
2. What standard determines when an “objective evidence” requirement may be “read into” a plan by interpretation when that requirement is not found in any plan document?
3. What notice must a plan administrator provide to a plan participant of the objective evidence requirement, when it is not contained in any plan document, to ensure the participant has adequate time to respond to such a request?
4. What role can an unwritten objective evidence requirement play in the face of an entirely subjective disease such as fibromyalgia?

Supreme Court U.S.
FILED

06-136 JUL 18 2006

No. 06- OFFICE OF THE CLERK

IN THE
Supreme Court of the United States

ROGER GRUBBS,

Petitioner,

v.

KEN G. BAILES; MANUEL BALLARD;
HASKELL COUNTY, a duly designated county
of the State of Oklahoma,

Respondents.

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

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED FOR REVIEW

Whether the Court of Appeals for the Tenth Circuit, affirming the order of the United States District Court for the Eastern District of Arkansas, which granted summary judgment for the Respondents on the Petitioner's suit under 42 U.S.C. § 1983 for false arrest, malicious prosecution and violation of the right to equal protection of the law, decided an important federal question in a way that conflicts with this Honorable United States Supreme Court's decisions concerning summary judgment: to wit: *Celotex Corp. v. Cantrett*, 477 U.S. 317, 322, 106 S. Ct. 2548, 91 L. Ed. 2d 265 (1986); *General Electric Co. v. Joiner*, 522 U.S. 136, 118 S. Ct. 512, 139 L. Ed. 2d 508 (1997) and which also conflicts with the decisions of many other circuits concerning summary judgment.

Whether the Court of Appeals for the Tenth Circuit, affirming the order of the United States District Court for the Eastern District of Arkansas, which granted summary judgment for the Respondents on the Petitioner's suit under 42 U.S.C. § 1983 for false arrest, malicious prosecution and violation of the right to equal protection of the law denied the Petitioner's right to a trial by jury under the Seventh Amendment to the United States Constitution in such a way that misapplied the law, which has not been directly addressed by this Honorable United States Supreme Court.

Whether the Court of Appeals for the Tenth Circuit, affirming the order of the United States District Court for the Eastern District of Arkansas, which granted summary judgment for the Respondents on the Petitioner's suit under 42 U.S.C. § 1983 for false arrest, malicious prosecution and violation of the right to equal protection of the law decided

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an important federal question concerning the Petitioner's claim for equal protection that conflicted with a decision of the Court of Appeals for the Seventh Circuit: to wit: *Esmail v. Macrane*, 53 F.3d 176 (7th Cir. 1995).

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Supreme Court, U.S.
FILED

No. _____ 06-137 85 2006

In The ~~COURT OF THE STATE~~
Supreme Court of the United States

—◆—
CRAIG MICHAEL HASKELL,

Petitioner,

v.

PEOPLE OF THE STATE OF MICHIGAN,

Respondent.

—◆—
**On Petition For Writ Of Certiorari
To The Court Of Appeals Of Michigan**

—◆—
PETITION FOR WRIT OF CERTIORARI

—◆—
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QUESTIONS PRESENTED

1. Whether it violates due process and the privilege against self-incrimination for a trial court to use the defendant's continued claim of innocence at sentencing as an indication of a lack of remorse and to impose a greater sentence as a result.

2. Whether it violates due process or the Sixth Amendment rights to trial by jury and proof beyond a reasonable doubt for a judge to increase significantly a defendant's sentence by finding a "continuing pattern of criminal activity" based on events that occurred in one incident over a few minutes.

3. Whether it violates the Sixth Amendment rights to trial by jury and proof beyond a reasonable doubt, as defined by this Court in *Apprendi v. New Jersey*, 530 U.S. 466 (2000), *Blakely v. Washington*, 542 U.S. 961 (2004), and *United States v. Booker*, 543 U.S. 220 (2005), for a trial judge to increase a sentence by finding facts that directly contravene the jury's verdict.

4. Whether it violates the Sixth Amendment for a court to refuse to hold a hearing as to whether there has been ineffective assistance of counsel when the trial lawyer fails to prepare the primary defense, forecloses key areas of impeachment by failing to file timely notice, and through his actions precludes the defendant from being able to have access to potentially crucial evidence.

Supreme Court, U.S.
FILED

06-139 JUL 27 2006

No. OFFICE OF THE CLERK

IN THE
Supreme Court of the United States

SAFWAT H. SHAKIR, PETITIONER

v.

PRAIRIE VIEW A&M UNIVERSITY; TEXAS A&M
UNIVERSITY SYSTEM; STATE OF TEXAS,

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

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

- I. Under a Title VII discrimination case, whether the Fifth Circuit erred in employing the “clearly better qualified” evidentiary and proof standard in determining comparative qualifications?
- II. Whether a state university has the burden to demonstrate that a one-race selection committee is not discriminatory against an applicant?
- III. Whether the Fifth Circuit departed from the accepted and usual course of judicial proceedings by disregarding significant evidence in granting a motion for summary judgment?