

Supreme Court, U.S.  
FILED

No. \_\_\_\_\_

06-191 AUG 3 - 2006

OFFICE OF THE CLERK

In The

**Supreme Court of the United States**

W. DOW HAMM III AND  
W. DOW HAMM III CORPORATION,

*Petitioners,*

v.

MILLENNIUM INCOME FUND, L.L.C.,

*Respondent.*

**On Petition For A Writ Of Certiorari To The  
Court Of Appeals Of Texas, First District**

**PETITION FOR A WRIT OF CERTIORARI**

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**QUESTION PRESENTED**

Whether Section 12 of the Federal Arbitration Act, which sets a three-month deadline for motions to vacate an arbitration award, should be harmonized with Section 9 of the Act, which allows for immediate confirmation of an award, so that a party's right to judicial review is preserved, or whether, as the Texas Court of Appeals held, the statutes should be construed in a manner that defeats the right to judicial review.

Supreme Court, U.S.  
FILED

No. 06-192403 8-2006

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

RODNEY HARRELL,

*Petitioner,*

*v.*

UNITED STATES POSTAL SERVICE,

*Respondent.*

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

**PETITION FOR WRIT OF CERTIORARI  
OF PETITIONER RODNEY HARRELL**

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### QUESTIONS PRESENTED

1. Whether the United States Postal Service may rely upon return-to-work rules in a valid collective bargaining agreement to impose medical information requirements on employees returning from Family and Medical Leave Act leave that are more burdensome than the mere certification of fitness requirement permitted by § 2614(a)(4) of the Act.
2. Whether the union's passive incorporation by reference of the employer's unilateral return-to-duty requirements is a clear and unmistakable waiver of postal employees' statutory right to be reinstated to employment without having to provide additional personal health information.

Supreme Court, U.S.  
FILED

06-194 0011 - 2006

OFFICE OF THE CLERK  
No. \_\_\_\_\_

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**In The  
Supreme Court of the United States**

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DERRICK K.H. WONG,

*Petitioner,*

v.

CHRISTINE M. WONG,

*Respondent.*

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**On Petition For Writ Of Certiorari  
To The Hawaii Supreme Court  
Intermediate Court Of Appeals  
Of The State of Hawaii**

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**PETITION FOR WRIT OF CERTIORARI**

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QUESTION PRESENTED FOR REVIEW

Whether the Family Court violated a divorced Father's due process rights when it made a variety of evidentiary rulings, which both systematically manifested an anti-male bias and enabled it to avoid finding that: (1) the divorced Mother had violated an amended divorce decree which specified Father's visitation, contact and information rights and, (2) said Mother was both in contempt and/or stood to have her custody rights significantly modified.

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IN THE OFFICE OF THE CLERK  
**Supreme Court of the United States**

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SAINT MATTHEW'S CHURCHES, INC., *et al.*,

*Petitioners,*

v.

UNITED STATES DISTRICT COURT FOR THE CENTRAL  
DISTRICT OF CALIFORNIA and VALERIJA KACHAVOS,

*Respondents.*

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

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**PETITION FOR A WRIT OF CERTIORARI**

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**QUESTIONS PRESENTED FOR REVIEW**

1. Under the First Amendment, as interpreted by this Court in *United States v. Ballard*, 322 U.S. 78, 64 S.Ct. 882, 88 L.Ed. 1148 (1944), does a federal district court lack jurisdiction to adjudicate a claim, where the claim depends on proof of the truth or falsity of religious beliefs?
2. Does a federal District Court lack jurisdiction to entertain an action under the Racketeer Influenced and Corrupt Organizations Act (RICO), where the plaintiff's claim requires proof of the truth or falsity of religious beliefs and where there is no allegation of financial loss on the part of the plaintiff caused by the defendant's conduct?
3. Where the assertion of jurisdiction by a federal District Court infringes upon freedom of religion, does the resulting irreparable injury nullify the discretion that would ordinarily exist in a United States Circuit Court of Appeals to deny summarily a petition for a writ of mandamus?



Supreme Court, U.S.  
FILED

06-195003-2006

No. OFFICE OF THE CLERK

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In the  
**Supreme Court of the United States**  
**October Term, 2005**

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**MICHAEL SPANO, SR., EMIL SCHULLO,  
AND JAMES INENDINO,**

*Petitioners,*

v.

**UNITED STATES OF AMERICA,**

*Respondent.*

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

**PETITION FOR WRIT OF CERTIORARI**

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**QUESTIONS PRESENTED**

1. Whether Petitioners' Title 18, Section 666 convictions were unconstitutional as applied, where the prosecutions, which were based on the alleged bribe of a local police chief to obtain a contract to investigate whether local police were in compliance with a local residency ordinance, were unrelated to any federal interest in a national program or project, thus upsetting the proper balance between the prosecutorial power of the State and federal governments as protected by the Tenth Amendment and Separation of Powers embodied in Article I of the Constitution.
  
2. Whether the decision of the Seventh Circuit Court of Appeals in this case, holding that the opinion in *Sabri v. United States*, 541 U.S. 600 (2004), foreclosed an as-applied constitutional inquiry in Title 18 U.S.C. § 666 cases is in conflict with the decision of this Court in *Sabri* and *Fischer v. United States*, 529 U.S. 667 (2000), and those of other circuit courts of appeal.

Supreme Court of the U.S.

No. 06-06-1971068-2006

IN THE OFFICE OF THE CLERK

**Supreme Court of the United States**

McGLADREY & PULLEN, LLP,

*Petitioner,*

v.

NORTH CAROLINA STATE BOARD OF CERTIFIED PUBLIC  
ACCOUNTANT EXAMINERS,

*Respondent.*

**On Petition for a Writ of Certiorari  
to the Supreme Court of North Carolina**

**PETITION FOR A WRIT OF CERTIORARI**

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August 4, 2006

\* Counsel of Record

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**QUESTION PRESENTED**

Whether a court reviewing a state professional regulatory board's decision that prohibits allegedly misleading commercial speech should review the record *de novo* to determine whether the speech is misleading and the prohibition is constitutional.

Supreme Court U.S.  
FILED

06-198 AUG 8 - 2006

No. \_\_\_\_\_

OFFICE OF THE CLERK

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IN THE

**Supreme Court of the United States**

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**EMMETTE J. JACOB, JR.  
AND LE VIDEO STORE, INC.,**

*Petitioners*

v.

**STATE OF LOUISIANA**

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On Petition for Writ of Certiorari to the  
Supreme Court of Louisiana

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**PETITION FOR WRIT OF CERTIORARI**

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## QUESTIONS PRESENTED

The State of Louisiana has charged the Petitioners with three counts each of Obscenity alleging that they sold two legally obscene videotapes and a legally obscene magazine. The State has not alleged, however, that the Petitioners ever sold or exposed any legally obscene expression to minors or to unwilling adults.

1. Whether the Petitioners have a constitutional right to supply, through discrete commercial channels, obscene expression to consenting adults for their private possession and use?
2. Whether the government may regulate obscenity for reasons other than preventing its exposure to children or to unwilling adults?
3. Whether Louisiana may try the Petitioners for Obscenity in light of its confusion over the scope of the community whose standards govern the determination of obscenity *vel non*?

Supreme Court, U.S.  
FILED

No. 06-199 AUG 8 - 2006

OFFICE OF THE CLERK

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In The  
SUPREME COURT of the UNITED STATES

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CARLOS PACHECO  
*Petitioner*

v.

MARIA CINO, Acting Secretary of Transportation,  
DEPARTMENT OF TRANSPORTATION, Federal Aviation  
Administration

*Respondent*

On Petition for Writ of Certiorari  
To the United States Court of Appeals for the Fifth Circuit

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**PETITION FOR WRIT OF CERTIORARI**

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## QUESTIONS PRESENTED FOR REVIEW

### Introductory Statement

Petitioner Carlos Pacheco is an air traffic controller employed by Respondent in Corpus Christi, Texas. He filed a charge of discrimination with the EEO office after he was not selected for a promotional position. In his EEO charge of discrimination, Pacheco charged in part "...once again the "good old boy" was selected even though I was more qualified..." Pacheco then filed suit in district court alleging discrimination under both disparate treatment and disparate impact theories. The district court dismissed Pacheco's disparate impact claim pursuant to Fed. R. Civ. Proc. 12(b)(1) finding it lacked jurisdiction because he had failed to exhaust his administrative remedies with respect to that theory.

The Fifth Circuit court of appeals affirmed dismissal under Fed. R. Civ. Proc. 12(b)(1) finding that a disparate impact claim could not reasonably be said to grow out of Pacheco's charge of discrimination based on his description of the charged discrimination as primarily intentional and failure to identify a neutral employment practice.

#### Question No. 1

Does an EEO charge which alleges discrimination under Title VII encompass both disparate treatment and disparate impact theories, or is a charging party required to identify the employment policy or practice in the charge of discrimination?

#### Question No.2

Is filing a charge of discrimination under Title VII a jurisdictional prerequisite or a condition precedent subject to waiver, estoppel and equitable tolling?