

No. 06- 06 - 201 AUG 4 - 2006

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

EL PASO TENNESSEE PIPELINE CO.,
Petitioner,

v.

GLADYS YOLTON *et al.*,
Respondents.

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

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether collectively-bargained retiree health-care benefits are “vested” for the life of the retiree when the collective bargaining agreement contains neither a “clear statement” that such benefits are for life nor any language that might be “reasonably construed” to provide lifetime benefits, and includes a clause limiting the insurance agreement – the only source of the retiree health-care benefits – to the term of the collective bargaining agreement.

Supreme Court, U.S.

06 - 202 AUG 5 - 2006

No. OFFICE OF THE CLERK

IN THE

Supreme Court of the United States

MICHAEL TIMLEY,
Petitioner

v.

UNITED STATES OF AMERICA
Respondent

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

PETITION FOR WRIT OF CERTIORARI

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i QUESTIONS PRESENTED

Summary. A police detective conducted an unofficial investigation of his neighbor, the petitioner. The detective conducted two trash pulls, recovering marijuana residue and a small quantity of marijuana stems and seeds. Another detective applied for and received a search warrant. The affidavit in support of the search contained false and misleading information. The affidavit and search warrant also contained six categories of items to be seized, as it is the policy of the police to include the same six categories in all narcotics search warrants. Marijuana was found during the search.

1. Can a police department create a criminal category exception to the Fourth Amendment requirements of probable cause and particularity, by applying for and receiving thousands of narcotics search warrants that contain the same six boilerplate, general categories of items to be seized, without probable cause?

2. Whether the assumption of *Leon*, that “some magistrates become rubber stamps for the police” but “we are not convinced that this is a problem of major proportions” should be revisited when thousands of narcotics related search warrants prepared by the Kansas City, Missouri Police Department authorized the seizure of the same six boilerplate, general categories of items to be seized, without probable cause?

3. Whether the lower court’s have overruled *Franks v. Delaware*, 438 U.S. 154, 98 S.Ct. 2674 (1978) by rewarding police officers who knowingly present false information in an application if a reviewing court can find any basis for the search, and how is such police misconduct deterred without suppression?

No. 06- 06 - 204 AUG. 7 - 2006

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

AMADEO BIANCHI,

Petitioner,

v.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
CHAUFFEURS AND WAREHOUSEMEN, LOCAL 390
and ROADWAY EXPRESS, INC.,

Respondents.

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

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED FOR REVIEW

This case presents an issue of first impression in which the United States Court of Appeals for the Eleventh Circuit, admittedly not finding any precedent in the Eleventh or any other Circuit Court of Appeals for doing so, reversed a jury verdict in favor of Petitioner in this hybrid § 301/ breach of duty of fair representation case on the grounds that Petitioner had waived his right to bring a claim for breach of his Union's duty of fair representation by failing to complain about the arbitrary, capricious and bad faith representation by his appointed Union representative during the contractual grievance proceedings. Neither the Union nor the Employer presented any evidence that Petitioner could have asked for, or been given, alternative representation, or that there was any means by which he could do so; all of the record evidence on this point demonstrates to the contrary. Thus, the Question Presented for Review is as follows:

Whether a union member, who is bound by a collective bargaining agreement to utilize the grievance procedure therein concerning a breach of that agreement by the employer, and to be represented by the union in so doing, can be found as a matter of law to have waived his right to claim that his union breached its duty of fair representation to him when the union representative acts arbitrarily, discriminatorily or in bad faith and the union member fails to raise the representative's misconduct during the grievance procedure, when the party claiming waiver has produced no evidence that there was a method by which the grievant could so complain or that the union member had any right to alternative representation.

Supreme Court, U.S.
FILED

No. 06- 06 - 205 AUG 7 - 2006

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

ABDUL KARIM ALHALABI,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**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 the United States Court of Appeals for the Seventh Circuit erred in holding that payments to retailers participating in the Food Stamp Program in essence constitute food stamp benefits and are cognizable under the Food Stamp Fraud statute, 7 U.S.C. § 2024?

2. Whether the United States Court of Appeals for the Seventh Circuit erred by holding that the Indictment was not constructively amended where (a) the Indictment charged that payments to a retailer participating in the Food Stamp Program constituted the “presentation” of food stamp benefits “for payment or redemption” (in violation of 18 U.S.C. § 1343) and the “acquisition, transfer and possession” of food stamp benefits (in violation of 18 U.S.C. § 2024(b)) but (b) the government’s trial evidence and arguments portrayed the retailer payments as payments of money to the retailer — not food stamp benefits or activities therewith — and the government offered evidence of actual food stamp transactions that were not charged in the Indictment?

Supreme Court, LLC
FILED

No. _____
06-207 AUG 7 - 2006

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

—◆—
ALFONZO INGRAM,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

—◆—
**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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QUESTION PRESENTED

Whether payment of money to an informant conditioned upon the defendant's conviction violates due process of law?

Supreme Court, U.S.
FILED

No. _____ 06-208 AUG 7 - 2006

OFFICE OF THE CLERK

In The
Supreme Court of the United States

LADEL BAPTISTE HARRISON,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

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

PETITION FOR A WRIT OF CERTIORARI

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**STATEMENT OF THE QUESTIONS
PRESENTED FOR REVIEW**

1. Whether 18 U.S.C. § 922(g)(1), properly construed in light of the constitutional limits on Congress's commerce power, requires proof that the defendant's receipt or possession of a firearm has a direct and substantial nexus with interstate commerce, such that mere evidence that the firearm once crossed state lines some unknown amount of years prior to its possession by the defendant is insufficient to convict?

2. Whether a defendant is entitled, under the Sixth Amendment, to a jury trial on the fact and nature of his prior convictions, where a prior felony conviction is an element of the offense, and where a minimum sentence of fifteen years is mandatory under 18 U.S.C. § 924(e) in cases of defendants having three or more "violent felon[ies]" or "serious drug offense[s]"?

Supreme Court, U.S.

06-209 (2006) - 2006

NO. OFFICE OF THE CLERK

IN THE
Supreme Court of the United States

JOANNA HERNANDEZ,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

Can a law enforcement officer who has stopped a motorist for a traffic law violation use selective prosecution and ask the motorist questions designed to help the law enforcement officer develop a hunch that the motorist is involved in criminal activity into articulable reasonable suspicion which can be used to justify prolonging the detention of the motorist beyond the time necessary to complete the traffic stop violating the motorist's rights under the Fourth and Fourteenth Amendments thus excluding all evidence obtained from the stop as "fruits of a poisonous tree"?