

No. 06- 06 - 211 2006

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

JOHN GILMORE,
Petitioner,

v.

ALBERTO GONZALES, ATTORNEY GENERAL, ET AL.,
Respondents.

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

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

The Transportation Security Agency (TSA) uses a directive that it claims requires airline passengers, as a prerequisite to boarding a flight, to show identification or undergo further security screening. This directive affects millions of airline passengers each year. The government acknowledges not only the directive's existence, but also its purported contents. TSA nonetheless refuses to actually disclose the directive.

The Question Presented is:

May the government keep secret a directive that is generally applicable to millions of passengers every day notwithstanding that it (i) has acknowledged both the directive's existence and its contents, and moreover (ii) has identified no special circumstance that nonetheless justifies secrecy.

Supreme Court, U.S.
FILED

06-212 AUG 9 - 2006

No. OFFICE OF THE CLERK

IN THE
Supreme Court of the United States

MANUEL A. MIRANDA,
Petitioner,

v.

ALBERTO GONZALES, *et al.,*
Respondents.

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

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether a person under threat of indictment may invoke the protections of the Speech or Debate Clause by bringing a declaratory judgment action rather than awaiting issuance of an indictment.
2. Whether a lower court, in considering requests for both declaratory and injunctive relief, has the duty to adjudicate the respective merits of both claims separately.

No. 06-213

OFFICE OF THE CLERK

IN THE

Supreme Court of the United States

LEWIS PERDUE,

Petitioner,

—v.—

DAN BROWN and RANDOM HOUSE, INC., IMAGINE FILMS ENTERTAINMENT, LLC, SONY PICTURES RELEASING CORPORATION, SONY PICTURES ENTERTAINMENT, INC. and COLUMBIA PICTURES INDUSTRIES, INC.,

Respondents.

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

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

When deciding whether part of a literary work is "substantially similar" to protected expression in a previously copyrighted literary work, should a court look to the two works alone, or should it also consider expert affidavits?

Supreme Court, U.S.
FILED

No. _____ 06-214 AUG 8 - 2005

OFFICE OF THE CLERK

In the
Supreme Court of the United States

Gregory Winskowski,

Petitioner,

v.

City of Stephen, a municipal corporation,

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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QUESTIONS PRESENTED FOR REVIEW

1. Did the Court of Appeals err in holding that an employee must expressly request a post-termination name-clearing hearing, even when not informed of the right, and when the policies and practices of the City do not allow a name-clearing hearing.
2. Did the Court err in reversing a jury verdict on an issue that was not raised, briefed or argued in the trial court or on appeal?

Supreme Court, U.S.
FILED

No. 06-

06-215 AUG 9 - 2006

OFFICE OF THE CLERK

IN THE

Supreme Court of the United States

AMIEL CUETO,

Petitioner,

v.

E. A. STEPP, Warden,

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 FOR REVIEW

There is a conflict between the circuits on the important question of whether the rule of *Crawford v. Washington*, 541 U.S. 36 (2004), is retroactive to cases on collateral review. The Seventh Circuit, joined by the Second and Tenth, holds that it is not. The Ninth Circuit holds that it is. In the case at bar, the federal prisoner Amiel Cueto was convicted of obstruction of justice (18 U.S.C. § 1503), and conspiracy to obstruct (18 U.S.C. § 371), on the basis of uncontroverted grand-jury testimony from a co-defendant who had pleaded guilty before trial; and also on the basis of two tape-recordings of the uncontroverted testimony of a law enforcement agent. (The prisoner Amiel Cueto was not recorded on either tape, nor was he even present when the tapes were made.) The prosecution was free to call the co-defendant and the agent, but it chose not to. The defense sought to call them, but was barred from doing so.

This case also presents an important question of jurisdiction for a federal prisoner under 28 U.S.C. § 2241. There is no doubt about the fact that Amiel Cueto is actually innocent and that his remedy under 28 U.S.C. § 2255 is inadequate to test the legality of his detention.

Supreme Court, U.S.
OFFICE OF THE CLERK

No. _____ 06-217 JUN 27 2006

In The
Supreme Court of the United States

URBAN INVESTMENT TRUST, INC.
and JOHN TERZAKIS,

Petitioners,

vs.

ANDERSON-DUNDEE 53, L.L.C., *et al.*,

Respondents.

**On Petition For Writ Of *Certiorari*
To The Illinois Appellate Court, First District**

PETITION FOR WRIT OF *CERTIORARI*

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QUESTIONS PRESENTED FOR REVIEW

1. Can a trial court, consistent with the Due Process Clause of the fourteenth amendment, which has failed to assert *in rem* jurisdiction over an identified *res*, hold a corporation or its corporate officer in contempt of court for the failure of the corporation to turn over millions of dollars in the face of uncontradicted evidence that neither the corporation nor the corporate officer possessed or controlled the money and thus could not comply with the turnover order?

2. Can a corporation or its officer, consistent with the Due Process Clause of the fourteenth amendment and the Excessive Fines Clause of the eighth amendment, be fined \$2,500 per day for failure of the corporation to comply with a turnover order when more than 160 days of the 229-day period for which contempt fines were levied occurred solely as a result of the trial court's failure or refusal to hear the matter more speedily?

3. Can a corporate officer, consistent with the Due Process Clause of the fourteenth amendment, personally be liable for a judgment against the corporation prior to the time the corporate officer is named in a complaint and service of process is had upon him, or prior to the time a trial is had against the corporation?

06-218 AUG 8 - 2006

No. OFFICE OF THE CLERK

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In the
Supreme Court of the United States

THE NAVELLIER SERIES FUND, a Delaware Business Trust; THE AGGRESSIVE SMALL CAP EQUITY PORTFOLIO OF THE NAVELLIER PERFORMANCE FUND, a Delaware Business Trust,
Petitioners,

v.

KENNETH SLETTEN, an individual and former Trustee of The Navellier Series Fund,
Respondent.

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

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

Whether trustees of federally regulated mutual funds can be indemnified by the mutual funds they serve for amounts they did not actually lose, through the assertion of state “collateral source” rules (which allow insurance proceeds to be excluded from the calculation of damages), or do §§1(b)(2), 17(h), 36, 37 and 47(b)(1) of the Investment Company Act [15 U.S.C. §§80a-1(b)(2), 17(h), 35, 36 and 46(b)(1)] (which prohibit mutual fund trustees from benefitting at the expense of the mutual fund) preempt and prevent mutual fund trustees from obtaining double recoveries from their mutual funds.

Supreme Court, U.S.
FILED

06-219 AUG 11 2006

No. OFFICE OF THE CLERK

In the Supreme Court of the United States

CHARLES WILKIE, ET AL., PETITIONERS

v.

HARVEY FRANK ROBBINS

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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QUESTION PRESENTED

This case involves a damages action brought against officials of the Bureau of Land Management in their individual capacities based on alleged actions taken within the individuals' official regulatory responsibilities in attempting to obtain a reciprocal right-of-way across private property intermingled with public lands. The following questions are presented:

1. Whether government officials acting pursuant to their regulatory authority can be guilty under the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. 1961 *et seq.*, of the predicate act of extortion under color of official right for attempting to obtain property for the sole benefit of the government and, if so, whether that statutory prohibition was clearly established.

2. Whether respondent's *Bivens* claim based on the exercise of his alleged Fifth Amendment rights is precluded by the availability of judicial review under the Administrative Procedure Act, 5 U.S.C. 701 *et seq.*, or other statutes for the kind of administrative actions on which his claim is based.

3. Whether the Fifth Amendment protects against retaliation for exercising a "right to exclude" the government from one's property outside the eminent domain process and, if so, whether that Fifth Amendment right was clearly established.