

Supreme Court, U.S.  
FILED

06-40 JUL 7 - 2006

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

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

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EUGENE EVANS,

*Petitioner.*

v.

CITY OF BERKELEY,

*Respondent.*

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**On Petition for Writ of  
Certiorari to the California Supreme Court**

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**PETITION FOR WRIT OF CERTIORARI**

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### QUESTIONS PRESENTED

The City of Berkeley has disqualified the Berkeley Sea Scouts from the city's program allowing free berthing at the Berkeley Marina for community-oriented nonprofit organizations necessitating that Petitioner Evans personally pay the berth fees. The Sea Scouts have been excluded because of their affiliation with the Boy Scouts of America, and because the City contends that the Boy Scouts' belief-based membership policies conflict with city anti-discrimination rules.

1. Does refusing access to a generally available government program, facility, or benefit, on the basis of an applicant's philosophically based viewpoints or associations (and actual adherence to those viewpoints and associations), violate the First Amendment freedom of belief and association?

2. Does refusing access to a generally available government program, facility, or benefit, on the basis of an applicant's philosophically based viewpoint or associations (and actual adherence to those viewpoints and associations), violate equal protection of the laws under the Fourteenth Amendment and the principle that government must be viewpoint neutral in allocating benefits and making public facilities available?

SUPREME COURT, U.S.  
FILED

06-41 JUL 3 2006

OFFICE OF THE CLERK

No.

SUPREME COURT OF THE UNITED STATES

GERALDINE MILLS, M. D.

Appellant,

v.

PARA-CHEM, d/b/a/ PARA-CHEM SOUTHERN, INC.,

Appellee

On Petition For Writ Of Certiorari  
To The United States Court of Appeals  
for The First Circuit

PETITION FOR A WRIT OF CERTIORARI

July 6, 2006

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QUESTIONS

Are there substantial due process questions as to render it unconstitutional under the Due Process and Equal Protection Clause of the Fourteenth Amendment under 28 U.S.C. 1257

Is Due Process denied when the record below is totally devoid of evidence necessary to determine the facts on the record.

When does statute of limitations begin to accrue in instant case  
1) when "injury" took place not just on July 19, 1996 but every day after that date until physician informs her of "residual vapors" 2) with immediate symptoms dizziness, headache or later chemical induced abdominal porphyria, loss of libido or even later chronic latent separate and distinct injury of immune disregulation and TILT (toxicant induced lowered tolerance) to items as certain perfumes, fabric softeners, room and car deodorizers 3) does it accrue from July 19, 1996 with mere speculation as to what "yellow substance was

Does the "discovery rule" well established in Rhode Island law apply here when

1) plaintiff did not know for fact she was injured on July 19, 1996 or would never have reentered the office; did not know of chronic injury until some time in 2001 staying in next office, 2) plaintiff did not know of the injury-causing wrongful conduct (exercising all reasonable diligence by a) asking outright was glue used, requesting answer to this question in interrogatories, in testimonial) until September 5-6, 2001, 3) as in Wilkinson and Lee "opportunity to become cognizant of injury and cause"

Does the fact "discovery rule" has only been applied to cases of medical malpractice, real estate, and drug product liability cases in Rhode Island mandate that this rule cannot be applied

06 - 4 2 JUL 7 2006

No. OFFICE OF THE CLERK

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

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FLOYD STRICKLAND,  
*Petitioner,*

v.

SCOTT ABBOTT, WARDEN,  
*Respondent.*

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

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**PETITION FOR WRIT OF CERTIORARI**

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**I. Issues Presented for Review**

- A. Whether the district court erred in finding that Strickland's Fifth Amendment right against double jeopardy was not violated.
- B. Whether the district court erred in finding that Strickland's Fourth Amendment rights protecting him from unreasonable searches and seizures was not violated?
- C. Whether the district court erred in finding that Strickland's Sixth Amendment right to effective assistance of counsel was not violated.
- D. Whether the district court erred in finding that Strickland's rights to a fair trial as guaranteed by the Sixth Amendment and to due process of law as guaranteed by the Fifth and Fourteenth Amendments were not violated when he was when the prosecution engaged in misconduct.
- E. Whether Strickland Made a Substantial Showing of the Denial of His Rights under the Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution Requiring That a Certificate of Appealability Be Issued on Each of the Issues Above.

No. 06-

06-43 JUL 7 - 2006

OFFICE OF THE CLERK

IN THE  
**Supreme Court of the United States**

STONERIDGE INVESTMENT PARTNERS, LLC,

*Petitioner,*

v.

SCIENTIFIC-ATLANTA, INC. and MOTOROLA, INC.,

*Respondents.*

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

**PETITION FOR A WRIT OF CERTIORARI**

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*i*

### QUESTION PRESENTED

Whether this Court's decision in *Central Bank, N.A. v. First Interstate Bank, N.A.*, 511 U.S. 164 (1994), forecloses claims for deceptive conduct under § 10(b) of the Securities Exchange Act of 1934, 15 U.S.C. § 78j(b), and Rule 10b-5(a) and (c), 17 C.F.R. 240.10b-5(a) and (c), where Respondents engaged in transactions with a public corporation with no legitimate business or economic purpose except to inflate artificially the public corporation's financial statements, but where Respondents themselves made no public statements concerning those transactions.



FILED

06-44 JUL 11 2006

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

OFFICE OF THE CLERK

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IN THE  
**Supreme Court of the United States**

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TIMKEN U.S. CORPORATION AND  
TIMKEN NADELLAGER, GMBH,  
*Petitioners,*

*v.*

UNITED STATES,  
*Respondent.*

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

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**PETITION FOR A WRIT OF CERTIORARI**

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## QUESTIONS PRESENTED

Whether, under general principles of administrative law, an administrative agency that is charged with an investigatory duty to collect all the facts that are required for a calculation that is as accurate as possible, may lawfully decline to use corrected information that was offered by the party that provided the original information, when the agency had adequate time to take the information into account and when the corrected information was supported by documentary evidence which exceeded the level of evidence ordinarily required by the agency?

Whether, under general principles of administrative law, an investigative agency's decision *not* to use corrected data may be upheld, if the corrected data was supported by documentary evidence, and the agency's doubts regarding the evidence, if any, could have been addressed by additional information requests, but were not?

Whether the affirmance of the agency's decision by the United States Court of Appeals for the Federal Circuit, which was based on a review of the evidence, is contrary to the principle (sanctioned by this Court) that once the proponent of a fact establishes a *prima facie* case, supported by credible evidence, the fact must either be rebutted or accepted as true?

06 - 4 5 JUN 2 8 2006

No. **OFFICE OF THE CLERK**

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IN THE  
**Supreme Court of the United States**

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Paul Christopher Penley, PETITIONER

*v.*

Collin County, Texas; Charles Sandoval, Judge of the  
380th District Court of Collin County, Texas; Tom  
O'Connell; Lisa Renfro, Court Reporter of the 380th  
District Court; John Roach, District Attorney of Collin  
County, Texas,

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*PETITION FOR A 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

Whether a suit for damages under 42 U.S.C. § 1983 for alleged intentional, bad faith destruction of DNA evidence, precluding post-conviction DNA testing under Texas State law, “*necessarily implies*” that the Petitioner’s conviction was unlawful, under this Court’s holding in *Heck v. Humphrey*, 512 U.S. 477 (1994)?

Whether the Court of Appeals’ decision is contrary to this Court’s holding in *Heck v. Humphrey*, 512 U.S. 477 (1994)?

Whether the Court of Appeals improperly applied the holding in *Heck v. Humphrey*, 512 U.S. 477 (1994) to Petitioner’s claims for damages under 42 U.S.C. § 1983, for alleged intentional, bad faith destruction of DNA evidence, precluding post-conviction DNA testing under Texas State law?

Whether Petitioner’s claims for damages resulting from post-conviction destruction of DNA evidence, in violation of a Texas state statute allowing post-conviction DNA testing, are cognizable under 42 U.S.C. § 1983?

Whether the Court of Appeals decision should be reversed and remanded for reconsideration in light of this Court’s decision in *Hill v. McDonough*, 546 U.S. \_\_\_\_\_, 126 S.Ct. 2096 (decided June 12, 2006)?

FILED

06-47 MAY 10 2006

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

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IN THE  
SUPREME COURT OF THE UNITED STATES

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JAMES MARKHAM

PETITIONER

vs.

THE UNITED STATES OF AMERICA

ELAINE L. CHAO, as Secretary of Labor,  
UNITED STATES DEPARTMENT OF LABOR,  
JANE DOE, JOHN DOE 2 TO 10, DOE PARTNERSHIP  
1 TO 10, and DOE ENTITY 1 TO 10,

RESPONDENTS

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**On Petition For A Writ Certiorari  
To The Supreme Court of the United States**

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**PETITION FOR WRIT OF CERTIORARI**

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Attorney for Petitioner  
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## QUESTIONS PRESENTED FOR REVIEW

I. Whether the question of the Ninth Circuit's ad hoc doctrine of "transitory denial" of constitutional rights; here, to notices tailored to the capacities and circumstances of Petitioner, is an important question of Federal law which should be settled by this Court?

II. Whether creation of the defense of transitory denial, for executive agencies, on the facts at Bench, has so far departed from the accepted and usual course of judicial proceedings, as to call for an exercise of this Court's supervisory power?

III. Whether the Ninth Circuit and the District Court condoned future violations, by a persistent constitutional violator, of a putative class' rights under the Due Process Clause of the Fifth Amendment To The United States Constitution?

IV. Whether this Court should judicially notice that Respondent OWCP is a persistent and long-term violator of the Constitution? Cf. Kendall v. Brock 689 F. Supp. 354, 368 (D. Vt. 1987)

## PARTIES TO THE PROCEEDING

All parties appear in the caption of this case, on the cover page.

No. \_\_\_\_\_ 06-48 MAR 26 2006

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

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SOO KYANG KIM,

*Petitioner,*

v.

ALBERTO R. GONZALES,

*Respondent.*

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

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PETITION FOR WRIT OF CERTIORARI  
WITH APPENDIX

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**Questions Presented**

- I. WHETHER INEFFECTIVE COUNSEL CAN CONSTITUTE EXTRAORDINARY CIRCUMSTANCES, GIVEN THE VARIOUS CONFLICTING GUIDELINES BY CIRCUIT COURT DECISIONS, AND AS SUCH ARE GROUNDS FOR REOPENING REMOVAL PROCEEDINGS UNDER THE IMMIGRATION AND NATIONALITY ACT, SECTION 240(b)(5)(C) OF 8 U.S.C.A. 1229(b)(5)(C).

WHETHER PETITIONER'S LACK OF NOTICE IS SUFFICIENT REASON TO REOPEN REMOVAL PROCEEDINGS, UNDER 8 U.S.C.A. 1229(b)(5)(C), OR IT VIOLATES HER DUE PROCESS RIGHTS UNDER THE 5<sup>TH</sup> AMDENDMENT



Supreme Court, U.S.  
FILED

No. 06-\_\_\_\_\_ 06-49 JUL 10 2006

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

JOHN HANCOCK LIFE INSURANCE COMPANY;  
SIGNATOR INVESTORS, INC.; SIGNATOR  
INSURANCE AGENCY, INC.,

*Petitioners,*

vs.

RALPH F. PATTEN, JR.,

*Respondent.*

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

**PETITION FOR WRIT OF CERTIORARI**

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**QUESTIONS PRESENTED**

1. Whether (in conflict with the decisions of ten other federal courts of appeals) a court may vacate an arbitrator's award for "manifest disregard of the law" on the ground that the arbitrator construed an "unambiguous" contract in a way that is "not reasonable"?
2. Whether (in conflict with the decisions of at least eight other federal courts of appeals) a court may vacate an arbitrator's award for not "drawing its essence from the agreement" on the ground that the arbitrator construed an "unambiguous" contract in a way that is "not reasonable"?
3. Whether (in conflict with the decision of at least one other federal court of appeals) an arbitrator's award may be vacated on the ground that it does not "draw its essence from the agreement," even though the award was rendered under a private agreement subject to the Federal Arbitration Act rather than a collective bargaining agreement governed by the Labor-Management Relations Act?
4. Whether an arbitral award may be vacated on non-statutory, merits-based grounds – such as that the arbitrator manifestly disregarded the law or that the award did not draw its essence from the agreement – despite the explicit requirement of 9 U.S.C. § 9 that a court "must" confirm an arbitral award unless the award is vacated or corrected as provided in 9 U.S.C. §§ 10 and 11?