

(ORDER LIST: 553 U.S.)

MONDAY, JUNE 9, 2008

CERTIORARI -- SUMMARY DISPOSITIONS

06-1604 NESS, SAMUEL V. UNITED STATES

The petition for a writ of certiorari is granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Second Circuit for further consideration in light of *Regalado Cuellar v. United States*, 553 U.S. ____ (2008).

06-11863 NUNEZ-VIRRAIZABAL, LEONARDO V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Eleventh Circuit for further consideration in light of *Regalado Cuellar v. United States*, 553 U.S. ____ (2008).

07-400 MORENO-GONZALEZ, ROBERTO V. UNITED STATES

The petition for a writ of certiorari is granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Eleventh Circuit for further consideration in light of *Regalado Cuellar v. United States*, 553 U.S. ____ (2008).

07-834 RADIAN GUARANTY, INC. V. WHITFIELD, WHITNEY, ET AL.

The motion of Consumer Mortgage Coalition, et al. for leave to file a brief as *amici curiae* is granted. The motion of Consumer Data Industry Association for leave to file a brief as

amicus curiae is granted. The motion of Washington Legal Foundation, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Third Circuit with instructions to dismiss the case as moot. See *United States v. Munsingwear, Inc.*, 340 U.S. 36 (1950).

07-6082 BALDERAS, SERGIO V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *Regalado Cuellar v. United States*, 553 U.S. ____ (2008).

07-8902 MORALES, ANDRES V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Fourth Circuit for further consideration in light of *Gall v. United States*, 552 U.S. ____ (2007).

ORDERS IN PENDING CASES

07M70 WRIGHT, JAMES V. ASTRUE, COMM'R, SOCIAL SEC.

The motion to direct the Clerk to file a petition for a writ of certiorari out of time is denied.

105, ORIG. KANSAS V. COLORADO

The Exception to the Report of the Special Master is set for oral argument in due course.

07-663 AK STEEL CORP., ET AL. V. WEST, JOHN D.

The Solicitor General is invited to file a brief in this case expressing the views of the United States.

07-10270 SIBLEY, MONTGOMERY B. V. FLORIDA BAR

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until June 30, 2008, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

CERTIORARI GRANTED

07-1125 FITZGERALD, LISA, ET VIR V. BARNSTABLE SCHOOL COMM., ET AL.

The petition for a writ of certiorari is granted.

07-1216 PHILIP MORRIS USA INC. V. WILLIAMS, MAYOLA

The petition for a writ of certiorari is granted limited to Question 1 presented by the petition.

CERTIORARI DENIED

07-910 ANDERSON, LESSIE, ET AL. V. CAGLE'S INC., ET AL.

07-1007 PORTLAND GEN. ELEC. CO., ET AL. V. PUBLIC POWER COUNCIL, ET AL.

07-1014 TYSON FOODS, INC. V. DE ASENCIO, MELANIA F., ET AL.

07-1019 GORMAN, JAMES H., ET AL. V. CONSOLIDATED EDISON, ET AL.

07-1066 FESTO CORP. V. SHOKETSU KINZOKU KOGYO, ET AL.

07-1107 BD. OF TRUSTEES OH CARPENTERS V. BUCCI, CHARLES S.

07-1158 LIVING WATER CHURCH OF GOD V. CHARTER TOWNSHIP OF MERIDIAN

07-1252 ANGINO, RICHARD C., ET AL. V. MIDDLE PAXTON TOWNSHIP, ET AL.

07-1253 FLORANCE, RICHARD J. V. BUCHMEYER, JERRY, ET AL.

07-1264 YOUNG, RUDY V. BANK ONE, N.A.

07-1268 INMAN, JERRY B. V. SOUTH CAROLINA

07-1272 PHILIP MORRIS USA INC., ET AL. V. JACKSON, DEANIA M., ET AL.
07-1296 KILGROE, JOHN F. V. NTSB, ET AL.
07-1302 CARDEN, LISA A., ET AL. V. GENERAL MOTORS CORPORATION
07-1304 PROSTAR COMPUTER, INC., ET AL. V. IpVENTURE, INC.
07-1319 SHANNON, ANDREW V. VA DEPT. OF JUVENILE JUSTICE
07-1374 TRANQUIL PROSPECTS, LTD. V. HOWMEDICA OSTEONICS CORP.
07-1389 UNITED STATES, EX REL. HEATH V. DALLAS-FORT WORTH INT'L AIRPORT
07-1400 DOE, JOHN V. UNITED STATES
07-9351 MITCHELL, LEZMOND C. V. UNITED STATES
07-9429 HURTADO, JAIRO R. V. UNITED STATES
07-9501 CRAIG, BRADLEY D. V. UNITED STATES
07-9765 ROSALES, JAIME F. V. UNITED STATES
07-9887 BENNETT, PAUL L. V. UNITED STATES
07-10210 WOODALL, SHAWN V. CALIFORNIA
07-10211 ZHANG, ZHENLU V. SCIENCE & TECH. CORP., ET AL.
07-10212 COLEMAN, MALCOLM P. V. BUTLER, WARDEN
07-10231 CURLEE, VINCENT V. MISSISSIPPI
07-10236 MILLER, MARION F. V. MENDOZA-POWERS, WARDEN
07-10240 STEWART, JENGHIZ K. V. BOND, BRIAN C.
07-10241 HYCHE, AARON V. IL PRISONER REVIEW BOARD, ET AL.
07-10247 CALLIGAN, EDWIN D. V. WILSON, SUPT., WESTVILLE
07-10248 EDWARDS, NATHANIEL V. MISSISSIPPI
07-10253 JONES, BRIAN D. V. MICHIGAN
07-10254 ZAIDI, AZHAR V. ROSWELL, GA
07-10263 BARRINGTON, BARBARA J. V. LOCKHEED MARTIN, ET AL.
07-10264 STUCKEY, LAWRENCE W. V. WEST VIRGINIA
07-10266 JACKSON, ALVIN B. V. NORRIS, DIR., AR DOC
07-10268 KOHSER, SCOTT A. V. MERTH, LAURIE, ET AL.

07-10272 WILLIAMS, CRAIG V. ARKANSAS
07-10273 WEAVER, MICHAEL T. V. McNEIL, SEC., FL DOC
07-10274 REESE, GREGORY V. CAIN, WARDEN
07-10280 MURPHY, RUDY J. V. EVANS, WARDEN
07-10284 MORALES, RICHARD V. WYNDER, SUPT., DALLAS
07-10285 DAVIS, DEXTER L. V. LOUISIANA
07-10288 DONATO, JUNE V. FLORIDA
07-10290 ORTIZ, MARCOS V. BLEVINS, D., ET AL.
07-10292 CHILDRESS, MICHAEL L. V. KNOWLES, WARDEN, ET AL.
07-10303 STAMBAUGH, ALVIS L. V. CALIFORNIA
07-10304 WILLIAMS, SHERON V. McKEE, WARDEN
07-10307 COUSIN, HERBERT V. ERCOLE, SUPT., GREEN HAVEN
07-10310 WILLIAMS, CLARANCE L. V. ALMAGER, WARDEN
07-10311 WILLIAMS, DAVID M. V. DELAWARE
07-10312 TRAVIS, LANCE V. BELL, WARDEN
07-10316 KURODA, YUTAKA V. BELL, WARDEN
07-10319 JOHNSON, LUCIOUS R. V. SECKLER, JOY, ET AL.
07-10323 MICHOWSKI, DAVID E. V. MATHAI, BENCY, ET AL.
07-10324 BARDWELL, ROY J. V. BARDWELL, JACQUELINE
07-10351 ROBINSON, JARVIS J. V. ARIZONA, ET AL.
07-10377 FLORES, ROSALIA A. V. PEAKE, SEC. OF VA
07-10385 JACK, BRIAN T. V. ROBERTS, WARDEN
07-10437 REYNOLDS, LAWRENCE V. BAGLEY, WARDEN
07-10442 EJEDAWA, PATRICK V. MUKASEY, ATT'Y GEN.
07-10453 CARRION, JOSE V. WILSON, WARDEN
07-10465 DAVIS, CURTIS V. LAWLER, SUPT., HUNTINGDON
07-10466 COHENS, TYESHAWN V. LUNDQUIST, WARDEN
07-10471 PETTIES, THEODORE V. NY CITY HOUSING AUTHORITY

07-10495 NICHOLS, LOYD W. V. CALIFORNIA
07-10518 PELLETIER, RUSSELL A. V. WATSON, WARDEN
07-10575 TAVAREZ, TEOFILO V. MARSHALL, SUPT., SING SING
07-10617 MILLS, GARY L. V. FLORIDA
07-10636 BUNDY, ANTONIO V. BEARD, SEC., PA DOC
07-10655 NEWSOME, ROBERT L. V. WEST VIRGINIA
07-10680 MITCHELL, VERNELL V. WATKINS, WARDEN, ET AL.
07-10683 CALLAHAN, JAMES V. ALLEN, COMM'R, AL DOC, ET AL.
07-10693 CRAWFORD, JOSEP V. ILLINOIS
07-10697 SLEEPER, JOSEPH V. SPENCER, SUPT., NORFOLK, ET AL.
07-10750 McCULLOUGH, GEORGE C. V. UNITED STATES
07-10783 SCHILS, MICHAEL V. WASHTENAW COMMUNITY HEALTH
07-10785 RAMSEY, RICHARD J. V. STANSBERRY, WARDEN, ET AL.
07-10791 ELLIS, WILLIAM S. V. EMERY, RICHARD
07-10796 ARGENTINA, RAY V. UNITED STATES
07-10799 BRAY, JAMES D. V. UNITED STATES
07-10801 LOPEZ-DeLEON, VINICIO C. V. UNITED STATES
07-10803 PENA, JUAN V. UNITED STATES
07-10804 NGUYEN, KHONG V. UNITED STATES
07-10806 TRULY, BILLY J. V. JONES, WARDEN
07-10807 GLAUDE, ROYAL E. V. UNITED STATES
07-10812 GARZA, ROGELIO B. V. UNITED STATES
07-10813 GRASS, NICHOLAS C. V. UNITED STATES
07-10817 GADD, WILLIAM S. V. UNITED STATES
07-10819 JOHNSON, JAMAR V. UNITED STATES
07-10822 FIGUEROA-LOZADA, CHARLIE V. UNITED STATES
07-10823 PLIEGO-DUARTE, ARTURO V. UNITED STATES
07-10826 WILLIAMS, ROBERT LEE V. UNITED STATES

07-10827 RAMIREZ, JULIAN D. V. UNITED STATES
07-10829 SAMUELS, GARRIE L. V. UNITED STATES
07-10832 ALLEN, CHARLES T. V. UNITED STATES
07-10833 BANKS, CLARENCE F. V. UNITED STATES
07-10838 GAUGHAN, ROBERT A. V. UNITED STATES
07-10839 IRVIN, EDUARDO V. UNITED STATES
07-10841) WILLIAMS, CHRIS V. UNITED STATES
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07-10866) CLAVO, JEREL V. UNITED STATES
07-10842 WILLIAMS, PRESTON A. V. UNITED STATES
07-10844 MARTINEZ, EWIN O. V. UNITED STATES
07-10851 RHODES, DEMARCUS L. V. UNITED STATES
07-10855 JIMENEZ, VIRGILIO V. UNITED STATES
07-10856 JOHNSON, HARVEY R. V. UNITED STATES
07-10861 HOPKINS, TONY C. V. UNITED STATES
07-10862 HUYNH, THANG T. V. UNITED STATES
07-10864 CASTRO, LUIS A. V. UNITED STATES
07-10865 DORSEY, EDWENA L. V. UNITED STATES
07-10868 DANIELS, RONALD R. V. UNITED STATES
07-10872 TAYLOR, DUSTIN V. UNITED STATES
07-10875 NIBLOCK, JAMES R. V. UNITED STATES
07-10879 ANTHONY, MARI V. UNITED STATES
07-10880 BROWN, GEORGE V. WILLIAMS, MIKE, ET AL.
07-10882 CUNNINGHAM, EUGENE J. V. UNITED STATES
07-10886 EVANS, WILLIE R. V. UNITED STATES
07-10889 TERRY, ROGER T. V. UNITED STATES
07-10890 WINSTON, RAYMOND A. V. UNITED STATES
07-10892 ROBINSON, SEAN A. V. UNITED STATES
07-10897 QAZI, SHIRAZ S. V. UNITED STATES

07-10900 MITCHELL, BOBBY L. V. UNITED STATES
07-10902 ROBINSON, JOSEPH W. V. UNITED STATES
07-10907 DICKS, ANTUAN V. UNITED STATES
07-10909 CONTRERAS, JUAN V. UNITED STATES
07-10912 PEARCE, DAVID R. V. UNITED STATES
07-10913 NUNEZ-VILLEGAS, CELSO V. UNITED STATES
07-10914 McCREARY, DERICK L. V. UNITED STATES
07-10918 BRIONES-ZAPATA, GONZALO V. UNITED STATES
07-10919 ASHLEY, TROY D. V. UNITED STATES
07-10921 BROOKS, BRYAN K. V. UNITED STATES
07-10926 RAMOS, MARIO V. UNITED STATES
07-10929 CURRY, CARLOS V. UNITED STATES

The petitions for writs of certiorari are denied.

06-1398 AT&T PENSION BENEFIT PLAN V. CALL, LINDA

The motion of American Benefits Council, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

07-1263 SAINT-GOBAIN CALMAR, INC. V. ARMINAK & ASSOCIATES, ET AL.

The motion of Industrial Designers Society of America for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

07-1373 GLENMONT HILLS ASSOC. V. MONTGOMERY COUNTY, MD

The motion of National Association of Home Builders for leave to file a brief as *amicus curiae* is granted. The motion of California Apartment Association for leave to file a brief as *amicus curiae* is granted. The motion of National Association of Residential Property Managers for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari

is denied.

HABEAS CORPUS DENIED

07-10985 IN RE HAROLD STAFFNEY

The petition for a writ of habeas corpus is denied.

07-10971 IN RE KENNETH I. COUNCE

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of habeas corpus is dismissed. See Rule 39.8.

MANDAMUS DENIED

07-1255 IN RE RICHARD J. FLORANCE, JR.

The petition for a writ of mandamus is denied.

REHEARINGS DENIED

07-905 DYN0, THOMAS L. V. JOHNSON CITY, NY

07-1011 TINKHAM, PETER F., ET AL. V. KELLY, DOREEN R., ET AL.

07-6234 COOEY, RICHARD W. V. STRICKLAND, GOV. OF OH, ET AL.

07-7707 BEASON, DEMOND P. V. UNITED STATES

07-8791 SMITH, JAMES T. V. QUARTERMAN, DIR., TX DCJ

07-8910 BENSON, MELLONDIE V. POTTER, POSTMASTER GEN., ET AL.

07-8927 O'DONNELL, BENJAMIN J. V. GUNDY, WARDEN

07-9006 BRALEY, THOMAS D. V. CALIFORNIA, ET AL.

07-9056 MINNFEE, BARRY D. V. QUARTERMAN, DIR., TX DCJ

07-9096 CROWE, SAMUEL D. V. HALL, WARDEN

07-9109 ESTACIO, FEDERICO D. V. OREGON JUDICIAL DEPT., ET AL.

07-9236 BALZAROTTI, VICTOR V. McNEIL, SEC., FL DOC, ET AL.

07-9238 CARLSON, STEPHEN W. V. AMERICAN EXPRESS FINANCIAL ADVISORS

07-9252 REYES, MANUEL V. TOVAR, ANA

07-9269 ZOCHLINSKI, HOWARD A. V. UNIVERSITY OF CALIFORNIA, ET AL.

07-9280 KENON, GABRIEL V. FLORIDA

07-9307 SANDERS, HENRY T. V. UNITED STATES
07-9539 GERMAN, DARYL L. V. McNEIL, SEC., FL DOC
07-9577 HEFLEY, TRAVIS J. V. CALUMET PARK, IL, ET AL.
07-9604 MATHIS, PETER V. USDC WD TN
07-9696 NNAJI, NICHOLAS V. UNITED STATES
07-9710 TETREAULT, DANISHA, ET VIR V. HOUGHTON, ELAINE, ET AL.
07-10171 HEDGEPEETH, DARIN L. V. UNITED STATES
07-10283 IN RE EDWARD NEALON

The petitions for rehearing are denied.

MOTIONS FOR ADMISSION

The written motions for admission of the following
lawyers to the Bar of this Court are granted: