

(ORDER LIST: 562 U.S.)

MONDAY, MARCH 21, 2011

CERTIORARI -- SUMMARY DISPOSITIONS

09-11056 BAKER, TYRONE V. BUSS, SEC., FL DOC

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 *Wall v. Kholi*, 562 U.S. ____ (2011).

10-7435 FRANKLIN, MARCUS 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 Sixth Circuit for further consideration in light of *Pepper v. United States*, 562 U.S. ____ (2011).

ORDERS IN PENDING CASES

10M79 McBRIDE, KIRK W. V. TEXAS

10M80 WARE, DARRIS A. V. GANSLER, ATT'Y GEN. OF MD

10M81 GREENE, CEDRIC V. BROOKS, D.

The motions to direct the Clerk to file petitions for writs of certiorari out of time are denied.

10M82 IN RE LILLIE M. MIDDLEBROOKS

The motion for leave to proceed as a veteran is denied.

10M83 GOSSAGE, HENRY E. V. UNITED STATES

The motion to direct the Clerk to file a petition for a writ

of certiorari out of time under Rule 14.5 is denied.

10M85 DANZELL, ANDREW J. V. UNITED STATES

10M86 GREENE, CEDRIC V. CERMAK, GWENDOLYN, ET AL.

The motions to direct the Clerk to file petitions for writs of certiorari out of time are denied.

10M87 JUVENILE MALE V. UNITED STATES

The motion for leave to file a petition for a writ of certiorari with the supplemental appendix under seal is granted.

10M88 WHITE & CASE LLP V. UNITED STATES

The motion for leave to file a petition for a writ of certiorari with the supplemental appendix under seal is granted. Justice Kagan took no part in the consideration or decision of this motion.

10-209 LAFLEER, BLAINE V. COOPER, ANTHONY

The motion of respondent for appointment of counsel is granted. Valerie R. Newman, Esq., of Detroit, Michigan, is appointed to serve as counsel for the respondent in this case.

10-786 SPAIN, ET AL. V. CASSIRER, CLAUDE

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

10-5258 MCNEILL, CLIFTON T. V. UNITED STATES

The motion of petitioner for leave to file Volume II of the joint appendix under seal is granted.

10-7904 IN RE DAVID W. CREVELING

10-8112 GILLARD, LISA J. V. BD. OF TRUSTEES OF DIST. 508

The motions of petitioners for reconsideration of orders denying leave to proceed *in forma pauperis* are denied.

10-8332 ETERE, EMMANUEL V. NEW YORK, NY, ET AL.

10-8745 CLIFTON, JOHN V. FLORIDA PAROLE COMMISSION

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until April 11, 2011, within which to pay the docketing fees required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

CERTIORARI GRANTED

10-63 MAPLES, CORY R. V. THOMAS, INTERIM COMM'R, AL DOC

The petition for a writ of certiorari is granted limited to Question 2 presented by the petition.

10-788 REHBERG, CHARLES A. V. PAULK, JAMES P., ET AL.

The motion of Government Accountability Project for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is granted.

CERTIORARI DENIED

10-431 RAINEY, KYLE V. WALSH, SUPT., DALLAS, ET AL.

10-648 FOUND. OF HUMAN UNDERSTANDING V. UNITED STATES

10-677 FOX, CALVIN D. V. FLORIDA BAR

10-768 AFTERMATH RECORDS, ET AL. V. F.B.T. PROD., LLC, ET AL.

10-770 MYLAN INC., ET AL. V. DAIICHI SANKYO CO., LTD., ET AL.

10-776 CAO, ANH J. V. FEC

10-785 KRAINSKI, MEGAN V. NEVADA, EX REL. BD. OF REGENTS

10-792 WALKER, GRANT M., ET AL. V. MONSANTO CO. PENSION, ET AL.

10-794 BARR, CAROLYN C. V. UNITED STATES

10-796 STATE COMPENSATION INS. FUND V. ZAMORA, NANCY H.

10-808 MORRIS, ALFONSO V. ALABAMA

10-878 KUELBS, KRISTIN H., ET AL. V. HILL, KIMBERLY, ET AL.

10-880 TAYLOR, CAROLYN Y. V. COLUMBIA, SC, ET AL.

10-887 DIXON, JOSEPH V. EASTCOAST MUSIC MALL
10-892 PALKA, TADEUSZ V. SHELTON, ROGER, ET AL.
10-894 PROSSER, JEFFREY J., ET AL. V. NAT'L RURAL UTIL., ET AL.
10-900 BOHANA, DONALD J. V. VAUGHN, WARDEN, ET AL.
10-903 OBER, DARRELL G. V. MILLER, JEFFREY B., ET AL.
10-906 SCHNELLER, JAMES D. V. CROZER CHESTER MEDICAL, ET AL.
10-908 FLORANCE, RICHARD J. V. BUSH, DON, ET AL.
10-909 DRIVER, GIANNA V. CONLEY, JAMES G.
10-912 BAKER, EVERT C. V. TEXAS
10-913 ABCARIAN, HERAND V. McDONALD, TIMOTHY, ET AL.
10-915 CLEVELAND, OH V. AMERIQUEST MORTGAGE, ET AL.
10-917 HILLSIDE PRODUCTIONS, ET AL. V. MACOMB COUNTY, MI
10-921 ADAMS, GEORGE B. V. TRIMBLE, JAMES, ET AL.
10-922 DIAMOND, JOHN M. V. UNITED STATES
10-923 MUNOZ-MEJIA, GLORIA I. V. HOLDER, ATT'Y GEN.
10-934 LAKSHMINARASIMHA, ARKALGUD N. V. UNITED STATES, ET AL.
10-942 HENZLER, GRACE, ET AL. V. SALAZAR, SEC. OF INTERIOR
10-959 CARDEN, STEPHEN A. V. ASTRUE, COMM'R, SOCIAL SEC.
10-964 ROMERO, ROBERTO V. BUHIMSCHI, IRINA, ET AL.
10-967 ADEDIRAN, TERRY V. HOLDER, ATT'Y GEN.
10-970 LIVONIA PROPERTIES HOLDINGS, LLC V. 12840-12976 FARMINGTON ROAD
10-974 BURLINGTON BASKET CO. V. NEWBERRY, PAMELA K.
10-990 WILLIAMS, STEPHEN J. V. CONNECTICUT
10-996 PROCTOR, NOEL V. HUNTINGTON, ROBERT, ET UX.
10-998 COLOMBO, ROSE V. SUFFOLK COUNTY, NY
10-1002 KNIGHT, JUDY V. MOORING CAPITAL FUND, ET AL.
10-1006 MDL CAPITAL MGMT., ET AL. V. FEDERAL INSURANCE COMPANY
10-1022 ORTIZ, NATHANIEL L. V. UNITED STATES

10-1040 PETRUCELLI, JOHN V. UNITED STATES
10-6733 JIMENEZ-LOPEZ, JOSE R. V. UNITED STATES
10-7018 BIRDOW, JERELY L. V. UNITED STATES
10-7087 ALEJO-HERNANDEZ, VICTOR V. UNITED STATES
10-7097 CULBERSON, ERICKA V. UNITED STATES
10-7141 VENCES, RODOLFO V. UNITED STATES
10-7211 HULL, BRAD C. V. UNITED STATES
10-7258 BOLOMET, PASCAL, ET UX. V. RLI INSURANCE CO., ET AL.
10-7343 GAYFORD, JAMES V. UNITED STATES
10-7377 LOAEZA-MONTES, EMILIO V. UNITED STATES
10-7436 HARGROVE, DEMETRIUS R. V. UNITED STATES
10-7564 DAVIS, LEN V. UNITED STATES
10-7870 BARRON, JAMES R. V. UNITED STATES
10-7887 SIMON, ROBERT V. EPPS, COMM'R, MS DOC
10-7889 JEWELL, BARRY J. V. UNITED STATES
10-7895 PRISCO, ANGELO V. UNITED STATES
10-7909 WILLIAMS, KENNETH D. V. HOBBS, DIR., AR DOC
10-7912 JACKSON, NATELISHA T. V. UNITED STATES
10-7930 TREESH, FREDERICK V. BAGLEY, WARDEN
10-7984 IRICK, BILLY R. V. BELL, WARDEN
10-8255 GARCIA, MANUEL V. UNITED STATES
10-8273 HERRERA-TORRES, JESUS V. UNITED STATES
10-8290 DAVIS, HAROLD V. V. KUYKENDALL, KEN, ET AL.
10-8291 CAMPBELL, QUENTIN T. V. WASHINGTON
10-8296 EKANDEM, UYOATA O. V. MD DEPT. OF LABOR, ET AL.
10-8302 WILLIAMS, SAMMY V. PERKINS, DEPUTY WARDEN, ET AL.
10-8303 RICHARD, KEVIN L. V. DEXTER, WARDEN
10-8306 ROBINSON, FORRESTER T. V. DIGGS, WARDEN

10-8314 CAMPBELL, MICHAEL A. V. WORKMAN, WARDEN
10-8316 LUTZ, LESTER N. V. VARANO, SUPT., COAL TOWNSHIP
10-8324 PEREZ-RAMOS, JOSE V. UNITED STATES
10-8326 NICKSON, ALFRED S. V. PLILER, WARDEN
10-8327 BRAZZEL, JOSHUA V. INDIANA
10-8329 SMITH, RUSSELL V. FLORIDA
10-8336 WELLS, RODNEY V. FISHER, SUPT., SMITHFIELD
10-8339 NIXON, TRACY V. TEXAS
10-8344 LYNCH, THERON N. V. ALAMEDA COUNTY, CA, ET AL.
10-8349 TIMMONS, DENNIS V. ARTUS, SUPT., CLINTON
10-8350 THOMAS, SYLVESTER V. VAN HOLLEN, J. B., ET AL.
10-8351 SALLIS, PATRICIA V. AURORA HEALTH CARE, INC.
10-8353 SHERRATT, WILLIAM V. TURLEY, WARDEN, ET AL.
10-8355 DIAZ, RANDOLPH M. V. KNOWLES, WARDEN, ET AL.
10-8359 BRADFORD, CURTIS L. V. SOUTH CAROLINA
10-8360 BURE, MOISES E. V. FLORIDA
10-8363 PATSCHECK, MARGO V. HICKSON, WARDEN
10-8376 FOSTER, RICHARD D. V. CALIFORNIA
10-8384 MAHOLMES, EDWARD V. ILLINOIS
10-8389 GRANDOIT, GERARD D. V. HSBC BANK NEVADA
10-8391 RICHARDSON, WILLIAM C. V. STROUD, CATHY, ET AL.
10-8393 SILVA, ARNULFO V. FLORIDA
10-8394 SORRELL, FELECIA V. MI DEPT. OF HUMAN SERVICES
10-8396 STURGEON, GEORGE V. ILLINOIS
10-8400 HENDERSON, KENNETH K. V. ALABAMA
10-8409 WILLIAMS, RANDY V. THALER, DIR., TX DCJ
10-8415 CENTOBENE, JAMES R. V. BROWN, GOV. OF CA, ET AL.
10-8420 THOMAS, JERRY L. V. FRECH, KATRYNA, ET AL.

10-8421 MITCHELL, ALFRED B. V. OKLAHOMA
10-8428 EVANS, KENNETH V. MARSHALL, WARDEN
10-8429 BANKS, DONALD L. V. FLORIDA
10-8430 BRAMAGE, WALTER J. V. HSBC BANK NV
10-8436 ASSA'AD-FALTAS, MARIE V. SOUTH CAROLINA
10-8437 WINDING, JAMES V. MISSISSIPPI
10-8453 ARNAUT, JOSE V. RODEN, SUPT., NORFOLK
10-8455 KARABAJAKYAN, ANDRANIK M. V. SCHWARZENEGGER, ARNOLD, ET AL.
10-8456 DeYOUNG, ANDREW G. V. SCHOFIELD, WARDEN
10-8467 THOMAS, JERRY L. V. PARKER, DAVID, ET AL.
10-8474 THIBEAULT, CHARLES R. V. NEW YORK
10-8475 VICTORY, MICHAEL A. V. YATES, WARDEN
10-8483 JAMESON, BARRY S. V. YATES, WARDEN
10-8485 ALSTON, KEVIN V. COURT OF APPEALS OF WI
10-8492 ROLLE, ROBERT V. AGENCY FOR PERSONS WITH DIS.
10-8495 YATES, PIERRE V. OHIO
10-8499 QUISPE-GUEVARA, FRANCISCO V. V. HOLDER, ATT'Y GEN.
10-8503 McDONALD, JOHN E. V. MAINE
10-8508 JONES, EDWIN V. LARKINS, WARDEN
10-8536 ELLIS, HOWARD V. DISTRICT COURT OF NV, ET AL.
10-8542 SHOTTS, TERRY E. V. EVANS, WARDEN
10-8563 DIAZ, GUILLERMO V. FLORIDA
10-8578 SANCHEZ, JOSEPH R. V. McDANIEL, WARDEN, ET AL.
10-8582 BARRINO, TONY C. V. DEPT. OF TREASURY, ET AL.
10-8605 KENNEDY, JOHN F. V. TRUSTEES OF TESTAMENTARY TRUST
10-8609 RENNEKE, FREDERICK E. V. FLORENCE COUNTY, WI
10-8612 TROLLOPE, THOMAS M. V. SHELDON, STEVEN R., ET AL.
10-8616 TRACY, CLIFFORD R. V. UNITED STATES

10-8617 TRACY, CLIFFORD R. V. UNITED STATES
10-8619 NZUNDU-ANDI, THIERRY V. NCO FINANCIAL SYS., INC.
10-8631 LOR, CHOR B. V. KRAMER, MATTHEW C.
10-8637 DUNIGAN, KEVIN W. V. CALIFORNIA
10-8654 CULGAN, CLIFFORD J. V. OHIO
10-8656 CERVANTES-SEGURA, VICENTE V. UNITED STATES
10-8685 LADD, EUGENE F. V. THIBAULT, DEBORAH, ET AL.
10-8687 CIRIA, JOAQUIN H. V. RUBINO, NICHOLAS J., ET AL.
10-8688 ABRAM, FREDERICK V. MILYARD, WARDEN, ET AL.
10-8699 BROWN, JAMES V. FLORIDA
10-8708 BONILLA, ANGEL A. V. UNITED STATES
10-8716 COSTA, BERNARDO O. V. ALLEN, ARTHUR E.
10-8719 BAER, STEVEN V. BUSS, SEC., FL DOC
10-8721 CHARRON, KENNETH G. V. NIXON, GOV. OF MO
10-8735 STOKES, WILLIE V. GEHR, C.O.I., ET AL.
10-8740 LIGON, DENNIS V. ILLINOIS
10-8749 LaGARDE, NATHANIEL V. CAIN, WARDEN
10-8755 AYRES, ANGELA V. BIERMAN, GEESING & WARD, ET AL.
10-8769 DANYSH, KURT M. V. WENEROWICZ, SUPT., FRACKVILLE
10-8770 RENNEKE, FREDERICK E. V. NE DEPT. OF HEALTH
10-8773 DICKERSON, GLORIA D. V. MUTUAL OF AMERICA, ET AL.
10-8777 SCHWEITZER, NICHOLAS V. WILLIAMS, WARDEN
10-8780 LUSK, BARRY G. V. UNITED STATES
10-8788 WILLIAMS, FARRON V. CALIFORNIA
10-8810 COATES, KESHEL S. V. NATALE, RON, ET AL.
10-8813 McINERNEY, MICHAEL V. HELLING, WARDEN, ET AL.
10-8816 HOUSTON, TRAVIS L. V. UNITED STATES
10-8834 HAGOS, ABRAHAM V. COLORADO

10-8836 HEINEMANN, ANTHONY V. MURPHY, WARDEN, ET AL.
10-8840 TAYLOR, DAVID V. CONWAY, MATT, ET AL.
10-8841 THOMAS, MARK V. VAIL, SEC., WA DOC, ET AL.
10-8848 KOCH, JACK R. V. CATE, SEC., CA DOC, ET AL.
10-8855 POLK, KEVIN S. V. BEELER, WARDEN, ET AL.
10-8859 COOLEY, SIDNEY V. MEDINA, WARDEN, ET AL.
10-8860 RETANAN, LOUIS T. V. YATES, WARDEN, ET AL.
10-8866 THOMAS, HALEY J. V. EAGLETON, WARDEN
10-8874 SHEIKA, TAYSIR V. DOW, ATT'Y GEN. OF NJ, ET AL.
10-8883 W. X. C. V. NEW JERSEY
10-8892 FRAUSTO, ANTONIO V. UNITED STATES
10-8894 FAUSNAUGHT, STEVEN V. UNITED STATES
10-8899 GOODLEY, WAYMAN A. V. UNITED STATES
10-8901 THOMPSON, DARNELL V. UNITED STATES
10-8905 HELMS, RONALD V. FLORIDA
10-8906 HUNTER, LUCIENNE, ET AL. V. MANSDORF, PAUL, ET AL.
10-8910 MOSES, ZANADA A. V. UNITED STATES
10-8911 MIRANDA, JAIME Z. V. UNITED STATES
10-8915 AGUILAR, AROLD D. V. UNITED STATES
10-8918 STANLEY, ANDRE V. UNITED STATES
10-8920 OCAMPO, ROBERT J. V. UNITED STATES
10-8928 SISTRUNK, CLYDE V. UNITED STATES
10-8930 WILLIAMS, EUGENE V. LAWLER, SUPT., HUNTINGDON
10-8934 BOLDEN, PATICE L. V. UNITED STATES
10-8935 DUENAS, ANA G. V. UNITED STATES
10-8936 DANIELS, TIMOTHY V. UNITED STATES
10-8937 CARRADINE, ALLEN L. V. UNITED STATES
10-8939 MUNIZ-MASSA, EXCEL A. V. UNITED STATES

10-8941 GRIGG, GARY V. LEE, SUPT., GREEN HAVEN
10-8942 HERNANDEZ-GONZALEZ, JOSE L. V. UNITED STATES
10-8948 VALDEZ-CASTRO, JOEL V. UNITED STATES
10-8950 HINCHLIFFE, JAMES A. V. OPTION ONE MORTGAGE CORP.
10-8951 HOLMES, DENNIS V. UNITED STATES
10-8953 GALLOWAY, DERRICK L. V. UNITED STATES
10-8956 HOWARD, ORLANDO V. UNITED STATES
10-8959 MARTIN, ANTHONY V. TANNER, WARDEN
10-8964 LITTLE, SHERMAN V. UNITED STATES
10-8971 TUVALU, TUTUILA F. V. WOODFORD, JEANNE S., ET AL.
10-8976 MOORE, DEMETRIOUS A. V. UNITED STATES
10-8979 SHARMA, ERIN V. UNITED STATES
10-8983 BASKERVILLE, WALLACE V. SMITH, WARDEN
10-8984 SMART, BOBBY R. V. UNITED STATES
10-8985 REEP, RODNEY V. UNITED STATES
10-8989 GALLOWAY, RASHFORD E. V. ZICKEFOOSE, WARDEN
10-8990 FOUNTAIN, TERRY V. UNITED STATES
10-8995 HARPER, JAMES W. V. UNITED STATES
10-9003 SANTIAGO, JAIME C. V. WHIDDEN, WARDEN
10-9005 FLOWERS, RONNIE M. V. UNITED STATES
10-9011 GARCIA, JUAN V. UNITED STATES
10-9017 ESPINOZA, JULIAN V. UNITED STATES
10-9022 WANAMBISI, BENSON W. V. UNITED STATES
10-9023 WATKINS, LAPETTRA D. V. UNITED STATES
10-9024 WALKER, LEJUANNE V. UNITED STATES
10-9025 THOMAS, ROCHESTER V. U.S. DISCIPLINARY BARRACKS
10-9029 PEREZ-GUTIERREZ, ALFREDO V. UNITED STATES
10-9041 PINDLE, RICHARD A. V. UNITED STATES

10-9042 VASQUEZ, JESUS M. V. UNITED STATES
10-9045 JONES, EARL V. UNITED STATES
10-9047 ROCHE-MORENO, HECTOR V. UNITED STATES
10-9052 LINDSEY, JOSHUA D. V. UNITED STATES
10-9056 DOE, VANDARREL L. V. UNITED STATES
10-9060 JUAREZ-AGUILAR, ULYSES V. UNITED STATES
10-9063 TAVAREZ, LORENZO V. UNITED STATES
10-9068 EVANS, MATTHEW V. UNITED STATES
10-9075 OESBY, ANTONIO D. V. UNITED STATES
10-9077 SEALED APPELLANT V. SEALED APPELLEE
10-9079 PARKS, WILLIE J. V. UNITED STATES
10-9080 KISTLER, JOSHUA V. UNITED STATES
10-9081 LUCKEY, LEROY H. V. UNITED STATES
10-9086 JACOB, ALANDER V. UNITED STATES
10-9091 VAN WART, EHREN V. UNITED STATES
10-9098 PALACIOS, URIEL V. UNITED STATES
10-9099 McCURDY, MARK V. UNITED STATES
10-9102 LEET, EARL H. V. UNITED STATES
10-9124 COLE, JARROD V. UNITED STATES

The petitions for writs of certiorari are denied.

10-447 AMEZIANE, DJAMEL V. OBAMA, PRESIDENT OF U.S., ET AL.

The motion of respondents for leave to file a brief in opposition under seal is granted. The motion of petitioner for leave to file a reply brief under seal is granted. The petition for a writ of certiorari is denied. Justice Kagan took no part in the consideration or decision of these motions and this petition.

10-543 CLEARING HOUSE ASSOC. L.L.C. V. BLOOMBERG L.P., ET AL.

The motion of American Bankers Association for leave to file a brief as *amicus curiae* out of time is denied. The petition for a writ of certiorari is denied. Justice Kagan took no part in the consideration or decision of this motion and this petition.

10-590 HERRERA, CLACY W. V. UNITED STATES

10-660 CLEARING HOUSE ASSOC., L.L.C. V. FOX NEWS NETWORK, LLC, ET AL.

The petitions for writs of certiorari are denied. Justice Kagan took no part in the consideration or decision of these petitions.

10-946 BIERENBAUM, ROBERT V. GRAHAM, SUPT., AUBURN, ET AL.

The petition for a writ of certiorari is denied. Justice Sotomayor took no part in the consideration or decision of this petition.

10-7005 SKOIEN, STEVEN V. UNITED STATES

10-7402 LUJAN, LARRY V. UNITED STATES

The petitions for writs of certiorari are denied. Justice Kagan took no part in the consideration or decision of these petitions.

10-8305 RICH, MICHAEL N. V. ASSOCIATED BRANDS, INC.

The petition for a writ of certiorari is denied. Justice Sotomayor took no part in the consideration or decision of this petition.

10-8369 BROWN, HILTON L. V. SMALL, WARDEN

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

abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U.S. 1 (1992) (*per curiam*).

10-8395 SEMLER, RAYMOND L. V. CROW WING CTY. SOCIAL SERVICES

10-8401 HOLT, JOE D. V. VALLS, KRISTI A., ET AL.

The motions of petitioners for leave to proceed *in forma pauperis* are denied, and the petitions for writs of certiorari are dismissed. See Rule 39.8.

10-8435 CLUCK, MARY L. V. VAIL, SEC., WA DOC, ET AL.

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8. As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U.S. 1 (1992) (*per curiam*).

10-8446 POINTER, CHARLES V. EARLY, IDA, ET AL.

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

10-8454 BENSON, RICKY V. LUTTRELL, MARK, ET AL.

The petition for a writ of certiorari before judgment is denied.

- 10-8464) MORRIS, VANCE V. ARTUS, SUPT., CLINTON, ET AL.
)
10-8470) PHILLIPS, WILLIAM V. ARTUS, SUPT., CLINTON, ET AL.
)
10-8502) PORTALATIN, CARLOS V. GRAHAM, SUPT., AUBURN

The petitions for writs of certiorari are denied. Justice Sotomayor took no part in the consideration or decision of these petitions.

- 10-8489 McPHERSON, WINSTON L. V. UNITED STATES, ET AL.

The petition for a writ of certiorari is denied. Justice Kagan took no part in the consideration or decision of this petition.

- 10-8576 HOWARD, GREGORY T. V. USDC SD OH, ET AL.

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8. As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U.S. 1 (1992) (*per curiam*). Justice Kagan took no part in the consideration or decision of this motion and this petition.

- 10-8640 WASHINGTON, PAUL O. V. ALLISON, ACTING WARDEN

The petition for a writ of certiorari is denied. Justice Breyer took no part in the consideration or decision of this petition.

- 10-8833 GILLARD, LISA J. V. NORTHWESTERN UNIVERSITY

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is

dismissed. See Rule 39.8.

10-8890 CRUZ, DAVID V. UNITED STATES

10-8996 FLECK, DANNY L. V. UNITED STATES

The petitions for writs of certiorari are denied. Justice Kagan took no part in the consideration or decision of these petitions.

10-9021 URENA, JOSE RAFAEL V. UNITED STATES

The petition for a writ of certiorari is denied. Justice Sotomayor took no part in the consideration or decision of this petition.

HABEAS CORPUS DENIED

10-9049 IN RE RICHARD ROCHE

10-9192 IN RE CARLOS MOORE

10-9200 IN RE WALTER BROWN

10-9216 IN RE DAMON OWENS-BEY

The petitions for writs of habeas corpus are denied.

MANDAMUS DENIED

10-8476 IN RE JULIA C. VENOYA

10-8587 IN RE ROBERT J. JABBOUR

The petitions for writs of mandamus are denied.

10-8490 IN RE STEELY THACKER

The petition for a writ of mandamus and/or prohibition is denied.

REHEARINGS DENIED

10-136 HOREL, WARDEN V. VALDOVINOS, FELIX S.

10-505 STEVENS, MARY J. V. ANDREW MYERS ESTATE

10-598 KLEINHAMMER, RICHARD V. PASO ROBLES, CA, ET AL.

10-599 ONYEABOR, MYRIAM V. CENTENNIAL POINTE, ET AL.

10-662 ASWORTH, LLC, ET AL. V. KY DEPT. OF REVENUE
10-664 JOYCE, JOSEPHINE V. J.C. PENNEY CORP., INC.
10-707 ROOS, LORNA V. ROOS, MICHAEL
10-6518 HITCHCOCK, ALLEN V. JACKSON, WARDEN
10-6903 GARNETT, ANTHONY A. V. WINONA COUNTY SOCIAL SERVICES
10-7030 TORREFRANCA, DELMO F. V. RYAN, DIR., AZ DOC, ET AL.
10-7105 STOEVEER, RUTH E. V. TECH USA, ET AL.
10-7262 ROSE, DEBBY V. COX HEALTH SYSTEMS, ET AL.
10-7279 ARMSTRONG, JERRY W. V. REDDING PAROLE DEPT., ET AL.
10-7293 JOHNSON, DAVID L. V. ALABAMA, ET AL.
10-7347 ALLEN, RANDALL V. RELIANCE INS. CO.
10-7445 WATSON, JOHANSON V. THALER, DIR., TX DCJ
10-7471 LAZARO, DAVID J. V. HOLDER, ATT'Y GEN.
10-7519 ROBERSON, STEPHANIE V. MS INS. GUARANTY ASSN.
10-7639 MEEKS, ALFONZO V. NORTH CAROLINA
10-7673 DUNN, ROBERT D. V. PARKER, WARDEN
10-7718 CONKLIN, STEPHEN G. V. EMC MORTGAGE CORPORATION
10-7850 PARKER, LAWRENCE V. ASTRUE, COMM'R, SOCIAL SEC.

The petitions for rehearing are denied.

09-1420 ALLEN, CALVIN V. MISSOURI, EX REL. KOSTER

The motion for leave to file a petition for rehearing
is denied.

Per Curiam

SUPREME COURT OF THE UNITED STATES

T. FELKNER v. STEVEN FRANK JACKSON

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

No. 10–797. Decided March 21, 2011

PER CURIAM.

A California jury convicted respondent Steven Frank Jackson of numerous sexual offenses stemming from his attack on a 72-year-old woman who lived in his apartment complex. Jackson raised a *Batson* claim, asserting that the prosecutor exercised peremptory challenges to exclude black prospective jurors on the basis of their race. See *Batson v. Kentucky*, 476 U. S. 79 (1986). Two of three black jurors had been struck; the third served on the jury. App. to Pet. for Cert. 49–50.

Jackson’s counsel did not object when the prosecutor struck the first of the black jurors, Juror S. Counsel later explained that he did not make a “motion at that time” because he thought the excusal of Juror S “was a close call.” After the prosecutor sought to dismiss the second juror, Juror J, Jackson’s counsel made the *Batson* motion challenging both strikes. Record in No. 2:07-cv-00555-RJB (ED Cal.), Doc. 29, Lodged Doc. No. 7, pp. 76–77 (hereinafter Document 7).

The prosecutor offered a race-neutral explanation for striking each juror: Juror S had stated that from the ages of 16 to 30 years old, he was frequently stopped by California police officers because—in his view—of his race and age. As the prosecutor put it, “Whether or not he still harbors any animosity is not something I wanted to roll the dice with.” *Id.*, at 78; Record in No. 2:07-cv-00555-RJB (ED Cal.), Doc. 29, Lodged Doc. No. 10, pp. 57–58, 98–100 (hereinafter Document 10).

The prosecutor stated that he struck Juror J because

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she had a master's degree in social work, and had interned at the county jail, "probably in the psych unit as a sociologist of some sort." The prosecutor explained that he dismissed her "based on her educational background," stating that he does not "like to keep social workers." Document 7, at 78–79; Document 10, at 188–189; App. to Pet. for Cert. 49.

Jackson's counsel expressly disagreed only with the prosecutor's explanation for the strike of Juror J, see App. to Pet. for Cert. 22–23, 47, arguing that removing her on the basis of her educational background was "itself invidious discrimination." The prosecutor responded that he was not aware that social workers were a "protected class." As for Juror S, Jackson's counsel explained that he "let [Juror S] slide" because he anticipated the prosecutor's response and, in any event, he "only need[ed] one to establish the grounds for" a *Batson* motion. After listening to each side's arguments, the trial court denied Jackson's motion. Document 7, at 78–80.

Jackson renewed his *Batson* claim on direct appeal, arguing that a comparative juror analysis revealed that the prosecutor's explanations were pretextual. With respect to Juror S, Jackson argued that a non-black juror—Juror 8—also had negative experiences with law enforcement but remained on the jury. App. to Pet. for Cert. 47–48. Juror 8 stated during jury selection that he had been stopped while driving in Illinois several years earlier as part of what he believed to be a "scam" by Illinois police targeting drivers with California license plates. Juror 8 also complained that he had been disappointed by the failure of law enforcement officers to investigate the burglary of his car. Document 10, at 26–27, 56–57, 95–97.

With respect to Juror J, Jackson claimed that the prosecutor asked follow-up questions of several white jurors when he was concerned about their educational backgrounds, but struck Juror J without asking her any ques-

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tions about her degree in social work. App. to Pet. for Cert. 49.

The California Court of Appeal upheld the trial court's denial of the *Batson* motion and affirmed Jackson's convictions. The appellate court explained that "[t]he trial court's ruling on this issue is reviewed for substantial evidence," App. to Pet. for Cert. 43 (internal quotation marks omitted), which the California courts have characterized as equivalent to the "clear error" standard employed by federal courts, see, e.g., *People v. Alvarez*, 14 Cal. 4th 155, 196, 926 P. 2d 365, 389 (1996). With respect to whether the prosecutor's stated reasons were pretextual, the court explained that it "give[s] great deference to the trial court's ability to distinguish bona fide reasons from sham excuses." App. to Pet. for Cert. 43.

After comparing Juror S to Juror 8, the court concluded that "Juror 8's negative experience out of state and the car burglary is not comparable to [Juror S's] 14 years of perceived harassment by law enforcement based in part on race." *Id.*, at 48. As for Juror J, the court recognized that the prosecutor's dismissal was based on her social services background—"a proper race-neutral reason"—and that this explained his different treatment of jurors with "backgrounds in law, bio-chemistry or environmental engineering." The court also noted that the "prosecutor focused on [Juror J's] internship experience" at the county jail. *Id.*, at 49.

After the California Supreme Court denied Jackson's petition for review, Jackson sought federal habeas relief. The Federal District Court properly recognized that review of Jackson's claim was governed by the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA). That law provides, in pertinent part, that federal habeas relief may not be granted unless the state court adjudication "resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence pre-

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sented in the State court proceeding.” 28 U. S. C. §2254(d)(2). After considering the state Court of Appeal decision and reviewing the record evidence, the District Court held that the California Court of Appeal’s findings were not unreasonable. App. to Pet. for Cert. 24. The District Court therefore denied Jackson’s petition.

The Court of Appeals for the Ninth Circuit reversed in a three-paragraph unpublished memorandum opinion. 389 Fed. Appx. 640 (2010). In so doing, the court did not discuss any specific facts or mention the reasoning of the other three courts that had rejected Jackson’s claim. Instead, after setting forth the basic background legal principles in the first two paragraphs, the Court of Appeals offered a one-sentence conclusory explanation for its decision:

“The prosecutor’s proffered race-neutral bases for peremptorily striking the two African-American jurors were not sufficient to counter the evidence of purposeful discrimination in light of the fact that two out of three prospective African-American jurors were stricken, and the record reflected different treatment of comparably situated jurors.” *Id.*, at 641.

That decision is as inexplicable as it is unexplained. It is reversed.

The *Batson* issue before us turns largely on an “evaluation of credibility.” 476 U. S., at 98, n. 21. The trial court’s determination is entitled to “great deference,” *ibid.*, and “must be sustained unless it is clearly erroneous,” *Snyder v. Louisiana*, 552 U. S. 472, 477 (2008).

That is the standard on direct review. On federal habeas review, AEDPA “imposes a highly deferential standard for evaluating state-court rulings” and “demands that state-court decisions be given the benefit of the doubt.” *Renico v. Lett*, 559 U. S. ___, ___ (2010) (slip op., at 5) (internal quotation marks omitted). Here the trial

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court credited the prosecutor's race-neutral explanations, and the California Court of Appeal carefully reviewed the record at some length in upholding the trial court's findings. The state appellate court's decision was plainly not unreasonable. There was simply no basis for the Ninth Circuit to reach the opposite conclusion, particularly in such a dismissive manner.

The petition for certiorari and the motion for leave to proceed *in forma pauperis* are granted. The judgment of the Court of Appeals for the Ninth Circuit is reversed, and the case is remanded for further proceedings consistent with this opinion.

It is so ordered.

Statement of ALITO, J.

SUPREME COURT OF THE UNITED STATES

ROBERT HUBER ET UX. v. NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPERIOR COURT OF NEW JERSEY, APPELLATE DIVISION

No. 10–388. Decided March 21, 2011

The petition for a writ of certiorari is denied.

Statement of JUSTICE ALITO, with whom THE CHIEF JUSTICE, JUSTICE SCALIA, and JUSTICE THOMAS join, respecting the denial of certiorari.

Our cases recognize a limited exception to the Fourth Amendment’s warrant requirement for searches of businesses in “closely regulated industries.” See, e.g., *New York v. Burger*, 482 U. S. 691, 699–703 (1987) (internal quotation marks omitted). The thinking is that, other things being equal, the “expectation of privacy in commercial premises” is significantly less than the “expectation in an individual’s home.” *Id.*, at 700. And where a business operates in an industry with a “long tradition of close government supervision”—liquor dealers and pawnbrokers are classic examples—the expectation of privacy becomes “particularly attenuated.” *Ibid.* (internal quotation marks omitted).

In this case, a New Jersey appellate court applied this doctrine to uphold a warrantless search by a state environmental official of Robert and Michelle Huber’s backyard. No. A–5874–07T3, 2010 WL 173533, *9–*10 (Super. Ct. N. J., App. Div., Jan. 20, 2010) (*per curiam*). The Hubers’ residential property contains wetlands protected by a New Jersey environmental statute. See N. J. Stat. Ann. §13:9B–1 *et seq.* (West 2003 and Supp. 2010). According to the court below, the presence of these wetlands brought the Hubers’ yard “directly under the regulatory arm” of the State “just as much” as if the yard had been

involved in a “regulated industry.” 2010 WL 173533, *10.

This Court has not suggested that a State, by imposing heavy regulations on the use of privately owned residential property, may escape the Fourth Amendment’s warrant requirement. But because this case comes to us on review of a decision by a state intermediate appellate court, I agree that today’s denial of certiorari is appropriate. See this Court’s Rule 10. It does bear mentioning, however, that “denial of certiorari does not constitute an expression of any opinion on the merits.” *Boumediene v. Bush*, 549 U. S. 1328, 1329 (2007) (Stevens and KENNEDY, JJ., statement respecting denial of certiorari).