

(ORDER LIST: 540 U.S.)

MONDAY, MARCH 1, 2004

CERTIORARI -- SUMMARY DISPOSITION

02-10703 FORISH, ABRAHAM M. V. MASSACHUSETTS

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 Appeals Court of Massachusetts for further consideration in light of *Groh v. Ramirez*, 540 U.S. \_\_\_\_ (2004).

ORDERS IN PENDING CASES

03M48 RESENDIZ, ANGEL M. V. TEXAS

The motion for leave to proceed *in forma pauperis* without an affidavit of indigency executed by petitioner is granted.

8, ORIG. ARIZONA V. CALIFORNIA, ET AL.

Memorandum Opinion and Order on Motions for Summary Judgment and Motion in Limine received and ordered filed.

03-221 PLILER, WARDEN V. FORD, RICHARD H.

The motion of respondent for appointment of counsel is granted. Lisa M. Bassis, Esq., of Los Angeles, California, is appointed to serve as counsel for the respondent in this case.

03-475 CHENEY, VICE PRESIDENT OF U.S. V. USDC DC

In accordance with its historic practice, the Court refers the motion to recuse in this case to Justice Scalia.

03-7564 WHITE, MICHAEL T. V. MACK, WINTERS, ET AL.

The motion of petitioner for reconsideration of order

denying leave to proceed *in forma pauperis* is denied.

03-8342 DARBY, FORREST V. DEPT. OF DEFENSE, ET AL.

03-8346 IN RE NATHANIEL COOPER

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until March 22, 2004, 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**

03-636 JOHNSON, GARRISON S. V. CALIFORNIA, ET AL.

03-931 FLORIDA V. NIXON, JOE E.

The petitions for writs of certiorari are granted.

03-878 CRAWFORD, INT. FIELD OFFICE DIR. V. MARTINEZ, SERGIO S.

The motion of respondent for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is granted. This case is consolidated with No. 03-7434, *Benitez v. Wallis*, and a total of one hour is allotted for oral argument.

#### **CERTIORARI DENIED**

02-1433 HARRIS, DAVID R. V. DRETKE, DIR., TX DCJ

02-1678 SMALL, LARRY, ET AL. V. NONNETTE, NARVIS

02-1802 NICHOLS, JOSEPH B. V. TEXAS

03-373 HELLER, GARY E. V. ALEJO, URBANO C.

03-551 YOUNG, DAVID V. PENNSYLVANIA

03-624 AZDELL, ANN S., ET AL. V. JAMES, DIR., OPM, ET AL.

03-740 ASHCROFT, ATT'Y GEN., ET AL. V. SENECA-CAYUGA TRIBE OF OK

03-761 RANCHO VIEJO, LLC V. NORTON, SEC. OF INTERIOR, ET AL.

03-768 PENG, HSIEN I. V. HU, MEI CHIN PENG, ET AL.

03-770 CAREY, NORMA V. KNOX COUNTY, TN, ET AL.

03-772 AM. GEN. FIN., INC., ET AL. V. ASHBY, MARY J.

03-775 HOLY LAND FOUNDATION V. ASHCROFT, ATT'Y GEN., ET AL.

03-777 FLINT, WILLIE R. V. ABB INC., ET AL.

03-790 SAFETY NATIONAL CASUALTY CORP. V. DOW CORNING CORP.

03-913 LEHMAN, MARTIN A. V. KORNBLAU, BARBARA, ET AL.

03-917 CLEVELAND, RONALD, ET AL. V. VIACOM INC., ET AL.

03-919 CHAPPELL, SHELTON, ET AL. V. RICH, J. W., ET AL.

03-921 KOUKIOS, EVANS V. MICHAEL GANSON, L.P.A., ET AL.

03-925 GIRARD, ARNAUD, ET UX. V. KEY WEST, FL, ET AL.

03-928 IN RE ROBERT B. SURRICK

03-942 DAHLQUIST, BETTY C. V. VUKICH, PATRICK G.

03-951 BINNS, BRUCE W. V. ASHCROFT, ATT'Y GEN., ET AL.

03-962 MORTON, OLIVER V. HEWITT, ABRAHAM, ET UX.

03-969 BROCKMAN, KATHLEEN V. WY DEPT. OF FAMILY SERVICES

03-973 PUFFER-HEFTY SCH. DIST., ET AL. V. DU PAGE REG'L. BD. SCH.

03-988 JORDAN, OLETA V. CARRIE DUMAS LONG TERM CARE

03-1005 GARDNER, MARK J. V. OFFICE OF DISCIPLINARY COUNSEL

03-1010 MAGNUSSEN, JOSHUA V. DAHLQUIST, JAMES K., ET AL.

03-1012 SHARON S. V. SUPERIOR COURT OF CA, ET AL.

03-1035 KELSO, ALICIA V. U.S. DEFENSE INTELLIGENCE AGENCY

03-1045 BANDISODE, MADHUKAR S. V. DeGEORGE-SMITH, ELLEN, ET AL.

03-1053 SHENKAN, MARK D. V. POTTER, POSTMASTER GEN.

03-1061 BLOUNT, LOUISE M. V. OPM

03-1070 LAM, TONY V. SUPERIOR COURT OF CA

03-1092 POLISHAN, PAUL F. V. UNITED STATES

03-1096 SCHROEDER, DONNIE F. V. CIR

03-1098 SOH, JEROME V. WASHINGTON  
03-1118 CHASE, STEVEN G. V. UNITED STATES  
03-6363 BAILEY, DAVID A. V. DRETKE, DIR., TX DCJ  
03-6705 TYSON, ANTHONY V. CAMPBELL, COMM'R, AL DOC  
03-6945 KAFELE, AJAMU M. V. LERNER SAMPSON & ROTHFUSS  
03-7156 PEREZ, EFRAIN V. DRETKE, DIR., TX DCJ  
03-7229 ANTOINE, LEONARD F. T. V. UNITED STATES  
03-7355 WATKINS, TAMMY, ET AL. V. UNITED STATES  
03-7622 LONG, ELBERT P. V. KENTUCKY, ET AL.  
03-8048 BOYKINS, DANIEL V. NEW YORK  
03-8066 BROOKS, GEORGE R. V. JOHNSON, SUPT., PITTSBURGH  
03-8068 CARTER, PRESTON V. TENNESSEE  
03-8076 BARNES, EARNEST V. FLORIDA  
03-8078 ANDERS, BRUCE B. V. DRETKE, DIR, TX DCJ  
03-8080 SHARP, ROBIN V. CARY, WARDEN  
03-8081 RUIZ, FABIAN V. WALSH, SUPT., SULLIVAN  
03-8082 SIMMONS, LEON V. EARLY, WARDEN  
03-8090 WALCOTT, DARRYL V. CAREY, WARDEN  
03-8092 JEFFERSON, DANNY R. V. ROCKETT, OWEN, ET AL.  
03-8093 COOPER, RICHARD M. V. FLORIDA  
03-8094 WILSON, MAURICE V. MORGAN, WARDEN  
03-8095 McDANIEL, CLIFTON V. ALAMEIDA, DIR., CA DOC  
03-8100 McWILLIAMS, FREDERICK P. V. DRETKE, DIR., TX DCJ  
03-8101 PARKER, NORMAN V. CROSBY, SEC., FL DOC  
03-8102 McNEIL, TROY V. CASTRO, WARDEN  
03-8104 PRICE, BENJAMIN T. V. BRIGANO, WARDEN  
03-8107 LEE, CAROL H. V. VIRGINIA  
03-8116 LAMPKINS, LAJUANA M. V. ILLINOIS

03-8128 JOHNSON, VINCENT L. V. CAIN, WARDEN  
03-8132 JOHNSON, CARLOS D. V. CAIN, WARDEN  
03-8137 KEELLEN, KARSTON V. DEMAR, SHANNON, ET AL.  
03-8151 GUTIERREZ, MARCO R. V. INS, ET AL.  
03-8170 CHANDLER, JIM E. V. CROSBY, SEC., FL DOC  
03-8181 ARLEDGE, DOUGLAS R. V. GLENN, BUTCH, ET AL.  
03-8204 WALKER, GEORGE V. ILLINOIS  
03-8213 MATTIS, TREVOR V. VAUGHN, SUPT., GRATERFORD  
03-8222 ELMER, KIM S. V. BURT, WARDEN  
03-8226 MORGAN, ALBERT V. PRINCIPI, SEC. OF VA  
03-8228 MEREGINI, INNOCENT V. FLORIDA  
03-8230 LERMA, JOSE D. V. GIURBINO, WARDEN  
03-8234 BELL, JESSIE J. V. BATON ROUGE, LA, ET AL.  
03-8247 DORTCH, LUVELL V. ILLINOIS  
03-8255 BROWN, MARK A. V. OHIO  
03-8261 DOYLE, WILLIAM V. ILLINOIS  
03-8276 CARTER, JOHN E. V. TENNESSEE  
03-8277 EDWARDS, JAMES V. GREINER, SUPT., SING SING  
03-8279 CARSON, ROBERT E. V. ILLINOIS  
03-8286 DAVIS, GEORGE M. V. JOHNSON, DIR., VA DOC  
03-8297 SMITH, ANTHONY V. ILLINOIS  
03-8326 CUYUGAN, ALEXANDER A. V. CALIFORNIA  
03-8345 JONES, JERRY V. ILLINOIS  
03-8362 SAMUELSON, MICHAEL D. V. KEMNA, SUPT., CROSSROADS  
03-8375 MOORE, CARLOS V. ILLINOIS  
03-8397 COOPER, DENNIS V. JOHNSON, REG. DIR., GA DOC  
03-8416 WINSTON, DONALD V. WINTERS, WARDEN  
03-8422 KELLETT, ELIZABETH B. V. WEBSTER GROVES, MO

03-8425 MILLER, KEVIN P. V. ST. LOUIS COUNTY, MO

03-8429 WEBB, GLENN L. V. McGRATH, WARDEN

03-8441 VARNER, HERBERT V. ILLINOIS

03-8457 WARD, COSETTA, ET VIR V. BATON ROUGE NEONATAL ASSOC.

03-8463 ) RANGEL, ROQUE V. UNITED STATES  
 )

03-8656 ) HILL, MACHEO V. UNITED STATES

03-8464 ORTLOFF, ROBERT S. V. UNITED STATES

03-8465 SMITH, GERALD D. V. ILLINOIS

03-8474 SCHWINDLER, FRANK J. V. GEORGIA

03-8483 CHAMBERLAIN, GEORGE G. V. ZWECKER, CIVIL COMMITMENT REFER.

03-8488 LUNA, MARY E. V. ROCHE, SEC. OF AIR FORCE

03-8504 BRYANT, WILLIAM L. V. IDAHO

03-8524 MARTINEZ, WALLY V. UNITED STATES

03-8526 WOEHL, CLAUS D. V. UNITED STATES

03-8531 GREEN, CRIVVSTEEN V. GRANOFF, LEON L., ET AL.

03-8537 ISSE, ABDIRAHMAN S. V. UNITED STATES

03-8541 SUA, APOLOSIO V. HAWAII

03-8562 WILLIAMS, CHARLES E. V. UNITED STATES

03-8563 LYCKMAN, BOYD W. V. UNITED STATES

03-8564 JACKSON, VAN V. UNITED STATES

03-8572 JOHNS, LYLE G. V. UNITED STATES

03-8576 PERDOMO, CARLOS E. V. BENOVA, WARDEN

03-8580 WHITE, RODNEY E. V. BARRON, WARDEN

03-8582 THOMAS, JEAN C. V. UNITED STATES

03-8583 BOWMAN, RONNIE V. UNITED STATES

03-8586 ADDO, ALI H. V. UNITED STATES

03-8590 MACK, JAMARR V. UNITED STATES

03-8592 BROWN, DANIEL G. V. UNITED STATES

03-8594 BRADLEY, TIMOTHY W. V. UNITED STATES  
03-8598 VASQUEZ-CRUZ, JOSE A. V. UNITED STATES  
03-8600 SWEENEY, TEROS A. V. UNITED STATES  
03-8603 STRAIN, DANIEL V. UNITED STATES  
03-8604 SANDERS, JAMES R. V. UNITED STATES  
03-8605 OWENS, TERRY L. V. UNITED STATES  
03-8606 MOORE, GLENN C. V. UNITED STATES  
03-8610 WILLIAMS, TROY C. V. UNITED STATES  
03-8611 JONES, TIMOTHY D. V. UNITED STATES  
03-8614 CRAWFORD-GRAHAM, RITA V. PRINCIPI, SEC. OF VA  
03-8620 WILLIAMS, DARRYL L. V. UNITED STATES  
03-8621 WELCH, LORETTA G. V. UNITED STATES  
03-8624 ORTIZ-MONROY, GRISELDO V. UNITED STATES  
03-8626 AULL, MYRON B. V. UNITED STATES  
03-8630 GRANT, ISSAC R. V. UNITED STATES  
03-8632 FRANKLIN, TODDRICK O. V. UNITED STATES  
03-8637 HOLMES, MICHAEL V. UNITED STATES  
03-8647 JACKSON, ALEXANDER V. UNITED STATES  
03-8648 MARTINEZ-GARCIA, TOMAS V. UNITED STATES  
03-8649 GRAVES, RYAN D. V. UNITED STATES  
03-8654 HUNTER, REO L. V. UNITED STATES  
03-8660 SMITH, CHARLES A. V. UNITED STATES  
03-8663 REYES, ROBERTO A. V. UNITED STATES  
03-8666 WARREN, JOSEPH C. V. UNITED STATES  
03-8668 ROGERS, FREEMAN L. V. UNITED STATES  
03-8671 RUTKOWSKI, LARRY V. UNITED STATES  
03-8674 BOYD, WILLIE E. V. UNITED STATES  
03-8678 HAWKINS, HASSAN V. UNITED STATES

03-8679 HEBRON, ELAUN L. V. UNITED STATES  
03-8680 DAFNEY, LATINA T. V. UNITED STATES  
03-8684 GARZA, ANTHONY M. V. UNITED STATES  
03-8693 GARNES, MARK A. V. UNITED STATES  
03-8695 HELI-MEJIA, JOSE V. UNITED STATES  
03-8696 VINASCO, EDGAR V. UNITED STATES  
03-8699 SMITH, BEN J. V. UNITED STATES  
03-8702 PHIPPS, JOSHAWA C. V. UNITED STATES  
03-8705 LAWRENCE, DESMOND C. V. UNITED STATES  
03-8707 DEL VALLE, NOE V. UNITED STATES  
03-8713 MATIAS, VICTOR V. UNITED STATES  
03-8715 PEREZ, JORGE A. V. UNITED STATES  
03-8717 CEJA, ANGELINA M. V. UNITED STATES  
03-8732 WILLIAMS, JAMES V. UNITED STATES

The petitions for writs of certiorari are denied.

03-762 UNITED STATES V. SANTEE SIOUX TRIBE OF NE

The motion of Choctaw Nation of Oklahoma for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

03-778 ANTI-DEFAMATION LEAGUE, ET AL. V. QUIGLEY, WILLIAM J., ET UX.

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

03-781 SHELTON, JIMMY D. V. UNITED STATES

The motion of Louisiana Association of Criminal Defense Lawyers for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.



03-8638 HASSEL, JOHN V. UNITED STATES

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

03-8745 ROBINSON, JOHNNY V. CROSBY, SEC., FL DOC, ET AL.

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

#### **HABEAS CORPUS DENIED**

03-8736 IN RE DAVID D. SANDOVAL

03-8790 IN RE THOMAS LEE RUSH

The petitions for writs of habeas corpus are denied.

#### **MANDAMUS DENIED**

03-975 IN RE J. PATRICK LYONS

03-8359 IN RE LAWRENCE L. SIMMONS

03-8593 IN RE MONROE E. BULLOCK

The petitions for writs of mandamus are denied.

#### **REHEARINGS DENIED**

02-8202 KOVACHEVICH, LAZAR S. V. NEW YORK CITY HOUSING AUTH.

03-224 MOORE, LAWRENCE V. LOCAL UNION NO. 58, IBEW, ET AL.

03-709 CIGNA HEALTHCARE OF CA, INC. V. BALABAN-ZILKE, MUZEYYEN, ET AL.

03-752 SONNEBERG, MILTON V. UNITED STATES

03-6341 TREUL, VINCENT G. V. BUTLER, WARDEN

03-6607 IN RE HERMAN TOWNSEND

03-6617 GAINES, J. B. STELL V. DRETKE, DIR., TX DCJ

03-6667 STOREY, KENNETH L. V. HUTCHISON, TIM, ET AL.

03-6714 ELLIOTT, JAMIE V. SUTER, CLERK, USSC, ET AL.

03-6825 BOCANEGRA, PAUL D. V. McGRATH, WARDEN  
03-7035 HOWARD, ANDRE V. HCHD/BEN TAUB HOSPITAL  
03-7038 GARNIER, HENRY B. V. MILLER-STOUT, MAGGIE, ET AL.  
03-7409 ROBERTS, CLARENCE D. V. CARTER, WARDEN  
03-7476 GUTZMORE, FITZROY G. V. UNITED STATES  
03-7486 TRICE, RICHARD E. V. UNITED STATES  
03-7558 BENOIT, EDDY V. BENOIT, MICHELINE  
03-7563 APODACA, ANNE V. SNODGRASS, WARDEN, ET AL.  
03-7576 ROBINSON, ERVIN J. V. UNITED STATES  
03-7777 WASHINGTON, MELVIA D. V. U.S. NAVAL TRAINING, ET AL.  
03-8009 CRAWFORD, CURTIS E. V. PEARSON, WARDEN, ET AL.

The petitions for rehearing are denied.

02-10566 OGUAGHA, INNOCENT V. CRAVENER, DIST. DIR., INS

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

#### **RECESS ORDER**

The Court will take a recess from Monday, March 8,  
2004, until Monday, March 22, 2004.