

(ORDER LIST: 544 U.S.)

MONDAY, MARCH 7, 2005

CERTIORARI -- SUMMARY DISPOSITIONS

03-7999 JONES, ANZEL K. V. DRETKE, DIR., TX DCJ

03-8067 CAPETILLO, EDWARD B. V. DRETKE, DIR., TX DCJ

The motions of petitioners for leave to proceed *in forma pauperis* and the petitions for writs of certiorari are granted. The judgments are vacated and the cases are remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *Roper v. Simmons*, 544 U.S. ____ (2005).

03-10877 JOHNSON, SHERMAINE A. V. VIRGINIA

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 Supreme Court of Virginia for further consideration in light of *Roper v. Simmons*, 544 U.S. ____ (2005).

03-11049 BARRAZA, MAURO M. V. DRETKE, DIR., TX DCJ

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 Court of Criminal Appeals of Texas for further consideration in light of *Roper v. Simmons*, 544 U.S. ____ (2005).

04-975 LEWIS, KAREN 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 Fifth Circuit for further

consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-6155 DUKE, MARK A. V. ALABAMA

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 Court of Criminal Appeals of Alabama for further consideration in light of *Roper v. Simmons*, 544 U.S. ____ (2005).

04-6643 DYCUS, KELVIN V. MISSISSIPPI

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 Supreme Court of Mississippi for further consideration in light of *Roper v. Simmons*, 544 U.S. ____ (2005).

04-7074 BAEZ, ROBERTO V. BUREAU OF IMMIGRATION, ET AL.

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 *Clark v. Martinez*, 543 U. S. ____ (2005).

04-7533 GORDON, RODNEY 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 Third Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-7589 MORTIER, TERRY L. 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 Seventh Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-8009 GREENE, RANDY 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 *United States v. Booker*, 543 U.S. ____ (2005).

04-8240 PIDCOKE, RICHARD B. V. UNITED STATES

04-8251 POWELL, TERRANCE O. V. UNITED STATES

04-8307 SANCHEZ-FLORES, RAMIRO V. UNITED STATES

The motions of petitioners for leave to proceed *in forma pauperis* and the petitions for writs of certiorari are granted. The judgments are vacated and the cases are remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-8309 SMITH, GENE 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 *United States v. Booker*, 543 U.S. ____ (2005).

04-8322 GAONA-TOVAR, ANGEL M. V. UNITED STATES

04-8326 GOODEN, COREY V. UNITED STATES

The motions of petitioners for leave to proceed *in forma pauperis* and the petitions for writs of certiorari are granted. The judgments are vacated and the cases are remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-8357 FULKS, DAVID M. 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 *United States v. Booker*, 543 U.S. ____ (2005).

04-8360 CRUZ-PEREZ, MARCO A. 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 *United States v. Booker*, 543 U.S. ____ (2005).

04-8369 LOPEZ, RAFAEL 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 Second Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-8374 WANG, MENG T. 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 *United States v. Booker*, 543 U.S. ____ (2005).

04-8396 TELLEZ-BOIZO, 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 Seventh Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-8402 BOWDEN, RICHARD L. V. UNITED STATES

04-8422 GREEN, DARRYL V. UNITED STATES

The motions of petitioners for leave to proceed *in forma pauperis* and the petitions for writs of certiorari are granted. The judgments are vacated and the cases are remanded to the United States Court of Appeals for the Sixth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-8429 CHICAS-SANCHEZ, LUIS A. 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 Ninth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-8433 BROOKS, VERNON 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 *United States v. Booker*, 543 U.S. ____ (2005).

04-8441 MITCHELL, DECARLOS A. V. UNITED STATES

04-8455 PIPKINS, CHARLES F., ET AL. V. UNITED STATES

04-8505 LEVY, WARRICK L. V. UNITED STATES

The motions of petitioners for leave to proceed *in forma pauperis* and the petitions for writs of certiorari are granted. The judgments are vacated and the cases are remanded to the United States Court of Appeals for the Eleventh Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

ORDERS IN PENDING CASES

04M57 SHECHET, JACOB V. SHECHET, FAIGE

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

04-480 MGM STUDIOS INC., ET AL. V. GROKSTER, LTD., ET AL.

04-495 WILKINSON, DIR., OH DOC, ET AL. V. AUSTIN, CHARLES E., ET AL.

The motions of the Acting Solicitor General for leave to

participate in oral argument as *amicus curiae* and for divided argument are granted.

04-603 GRABLE & SONS METAL PRODUCTS V. DARUE ENGINEERING

The motion of respondent to dispense with printing the joint appendix is granted. The motion of Jerome Milulski, et ux. for leave to file a brief as *amici curiae* is granted.

CERTIORARI GRANTED

04-759 UNITED STATES V. OLSON, JOSEPH, ET AL.

The petition for a writ of certiorari is granted.

04-905 VOLVO TRUCKS NORTH AMERICA, INC. V. REEDER-SIMCO GMC, INC.

The motion of National Association of State Directors of Pupil Transportation for leave to file a brief as *amicus curiae* is granted. The motion of Truck Manufacturers Association, et al. for leave to file a brief as *amici curiae* is granted. The motion of Washington Legal Foundation for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is granted.

CERTIORARI DENIED

04-510 RICCARDO, ANTHONY V. RAUSCH, LARRY

04-589 BRINK'S COMPANY, ET AL. V. UNITED STATES, ET AL.

04-602 NAMER, ROBERT, ET AL. V. FTC

04-626) GLENDALE FEDERAL BANK, FSB V. UNITED STATES

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04-786) UNITED STATES V. GLENDALE FEDERAL BANK, FSB

04-722 MARTIN BROS. CONTAINER & TIMBER V. MARTIN, RAYMOND J.

04-727 COVAD COMMUNICATIONS CO., ET AL. V. BELLSOUTH CORPORATION

04-736 DAIMLERCHRYSLER CANADA, INC. V. JAYNES, GEORGE, ET AL.

04-740 SSA GULF, INC. V. MAGEE, ROOSEVELT
04-742 DOE, JOHN V. UNITED STATES
04-748 WMATA V. BARBOUR, ADAM, ET AL.
04-766 LAMERS DAIRY, INC. V. DEPT. OF AGRICULTURE
04-768 CERVINI, MICHAEL A. V. UNITED STATES
04-888 BURTON, HEATHER, ET AL. V. RICHMOND, PATRICIA, ET AL.
04-892 RHOADS, STEVEN A. V. BOARD OF TRUSTEES
04-897 UNITED STEELWORKERS OF AM., ETC. V. PENSION BENEFIT GUAR. CORP.
04-898 BARCLAY, LISA, ET AL. V. BANK OF NEW YORK
04-902 MURPHY, JERRY V. METROPOLITAN TRANSIT AUTH.
04-906 ZIMMER, SHARON J. V. S.W. BELL TEL. CO.
04-911 KEYSTONE LAND & DEV. CO. V. XEROX CORPORATION
04-921 BICYCLE COMPONENTS EXPRESS, INC. V. BRUNSWICK CORP., ET AL.
04-927 BROUSSARD, CONNIE V. CITGO PETROLEUM CORP.
04-931 SAMODUMOVA, VERA V. GONZALES, ATT'Y GEN.
04-936 NIBCO, INC. V. RIVERA, MARTHA, ET AL.
04-940 ILLINOIS V. TORRES, JOSE
04-943 KITTELY RETAIL VENTURES V. KITTELY, ME
04-946 KELLER, STEPHEN P. V. TEXAS
04-964 MILLS, GERALDINE V. RI DEPT. OF HEALTH, ET AL.
04-998 COVUCCI, GREGORY J. V. SERVICE MERCHANDISE CO., INC.
04-1008 CHEATHAM, ARTRONE V. UNITED STATES
04-1010 HILGERS, DOUGLAS V. NORTH DAKOTA
04-1015 JOHNSON, MICHAEL V. INDIANA
04-7174 HOLLAND, GERALD J. V. MISSISSIPPI
04-7458 NEWTON, FRANCES E. V. DRETKE, DIR., TX DCJ
04-7497 NEWTON, FRANCES E. V. DRETKE, DIR., TX DCJ
04-7697 GILMORE, WAYNE E. V. USPS

04-7880 RUDOLPH, HENRY L. V. GALETKA, WARDEN
04-7887 McDANIEL, DANNY E. V. CRIST, ATT'Y GEN. OF FL, ET AL.
04-7896 RICHARDSON, GREGORY A. V. SISK, JAMES, ET AL.
04-7899 WINROW, BILLY J. V. OKLAHOMA
04-7912 PHIFER, CHARLES V. WABASH VALLEY, ET AL.
04-7914 MOORE, DENNIS R. V. TEXAS
04-7916 WEBB, JOHN V. ROPER, SUPT., POTOSI
04-7924 PHIFER, CHARLES V. WABASH VALLEY, ET AL.
04-7932 POMPE, BLAINE V. FARWELL, WARDEN
04-7941 BISHOP, KYLE R. V. NORFOLK SOUTHERN RAILWAY, ET AL.
04-7943 ANAYA, RICARDO R. V. KERNAN, ACTING WARDEN, ET AL.
04-7945 BEARDEN, ALFIE V. DRETKE, DIR., TX DCJ
04-7946 BRANCH, LAWRENCE V. MISSISSIPPI
04-7948 JAMISON, STANLEY V. CALIFORNIA
04-7951 MUNOZ, JUVENTINO V. COOPER, WARDEN
04-7954 JENKINS, MICHAEL S. V. TEXAS
04-7955 LOPEZ, GUALBERTO V. CALIFORNIA
04-7956 MALDONADO, MARIO D. V. OLANDER, WARDEN, ET AL.
04-7960 WARREN, KEITH A. V. CRAWFORD, DIR., NV DOC, ET AL.
04-7961 WOOTEN, JAMES D. V. CALIFORNIA
04-7962 WILHELM, STEVEN H. V. YARBOROUGH, WARDEN
04-7963 TORRES, DANIEL V. TEXAS
04-7965 ROMER, STEVEN J. V. TRAVIS, CHAIRPERSON, ET AL.
04-7967 STEWARD, BRYANT D. V. LAMARQUE, WARDEN
04-7968 SAMPLE, ALBERT W. V. VIRGINIA
04-7972 BASEY, DON W. V. WATHEN, R., ET AL.
04-7976 PETERSON, CHRISTINE V. WHOLE FOODS MARKET CA, INC.
04-7977 MURILLO, RAMON A. V. CAREY, WARDEN

04-7982 MOSLEY, LONNIE V. SOBINA, SUPT., SOMERSET
04-7987 GRAY, KOREY V. MASSACHUSETTS
04-7992 HAMILTON, DENNIS L. V. NEWLAND, WARDEN
04-7993 WOODBERRY, THOMAS V. WERHOLTZ, SEC., KS DOC, ET AL.
04-7997 BROWN, JAMES G. V. CARROLL, WARDEN
04-8003 HURST, JERRY A. V. TRW, INC.
04-8005 RAMIREZ, ARTURO C. V. BLACKETTER, SUPT., EASTERN OR
04-8006 QUEEN, ERIC D. V. NORTH CAROLINA
04-8014 HAMMOND, MELVIN V. ADMIN. OFFICE OF THE IL COURTS
04-8015 HULL, GRETCHEN L. V. STATE FARM INSURANCE
04-8016 DYSON, JERRY L. V. IOWA
04-8017 COOK, LARRY V. CABANA, DONALD
04-8020 CHAPEL, MICHAEL H. V. SMITH, WARDEN
04-8021 SHANK, CHARLES L. V. VIRGINIA
04-8022 SCOTT, JOHNNY R. V. UPTON, WARDEN
04-8024 OWEN, MICHAEL P. V. UNITED STATES
04-8026 JACKSON, STANLEY V. RENICO, WARDEN
04-8032 THURMOND, DAMEION V. ILLINOIS
04-8035 ALLEN, GENE A. V. NEVADA
04-8051 CASTEEL, LUTHER V. ILLINOIS
04-8052 JAMES, PIERRE V. ILLINOIS
04-8067 ROBERTS, ANTONIO L. V. COHEN, WARDEN
04-8086 MARBOU, GREGORIO V. GONZALES, ATT'Y GEN.
04-8089 CASAS-CASTRILLON, LUIS F. V. GONZALES, ATT'Y GEN.
04-8094 CHAPMAN, JEFFERY V. ILLINOIS
04-8109 MYRON, JAMES M. V. LAMARQUE, WARDEN
04-8156 ODOM, DWAYNE M. V. UNITED STATES
04-8160 ROMERO, GILBERT V. HAMLET, WARDEN

04-8165 LeTOURNEAU, RONALD R. V. HICKMAN, WARDEN
04-8201 DeVORE, ROBERT A. V. HILL, SUPT., SNAKE RIVER
04-8232 WALTON, DAVID V. CROSBY, SEC., FL DOC
04-8243 DANIELS, GREGORY R., ET UX. V. UNITED STATES
04-8248 SAVARESE, STEPHEN V. UNITED STATES
04-8278 THACKER, STEPHEN R. V. OKLAHOMA
04-8279 WILLIAMS, TYRONE M. V. UNITED STATES
04-8293 SPENCER, MICHAEL V. EASTER, BELINDA, ET AL.
04-8339 WOOTEN, ANTHONY V. UNITED STATES
04-8350 VIGIL, GERARDO V. UNITED STATES
04-8377 POGGEMILLER, JAMES V. UNITED STATES
04-8381 STEARNS, JEFFREY D. V. UNITED STATES
04-8382 SCOTT, MARC V. HAINES, WARDEN
04-8404 BAKER, BRENT M. V. SCHRIRO, DIR., AZ DOC, ET AL.
04-8406 ROMERO-GALLARDO, EDGAR V. UNITED STATES
04-8409 HRONEK, TERRY V. UNITED STATES
04-8445 LANGFORD, EDWARD A. V. UNITED STATES
04-8451 SMITH, SILAS L. V. UNITED STATES
04-8452 BLACKSHEAR, THOMAS E. V. UNITED STATES
04-8457 JIMENEZ, LUIS A. V. MENDEZ, WARDEN
04-8460 DUSENBERY, LARRY D. V. UNITED STATES
04-8472 BROWN, HILTON L. V. IRS, ET AL.
04-8474 ALVAREZ, JOSE L. V. UNITED STATES
04-8476 POLLARD, JESSE B. V. UNITED STATES
04-8482 BIBB, DERRICK L. V. UNITED STATES
04-8488 YOUNG, JERMAINE A. V. MCKELVY, WARDEN
04-8489 CAMACHO, STEVEN, ET AL. V. UNITED STATES
04-8502 JOHNSON, SEAN J. V. UNITED STATES

04-8509 BARREIRO, JOSE L. V. UNITED STATES
04-8510 ALFORD, BRIAN K. V. UNITED STATES
04-8522 MASON, ALFONZO V. UNITED STATES
04-8523 RODRIGUEZ-MARRERO, JOSE V. UNITED STATES
04-8539 MONTES, JOSE N. S. V. UNITED STATES
04-8543 SAWYERS, ANDRE T. V. UNITED STATES
04-8546 WELLONS, LARRY D. V. UNITED STATES
04-8555 ADAMSON, RICHARD J. V. USDC ND FL
04-8562 SAMUEL, DARRELL W. V. UNITED STATES
04-8563 SIGALA-LOMELI, JOSE V. UNITED STATES
04-8571 WOOD, SUSAN M. V. UNITED STATES
04-8574 AJAJ, AHMED M. V. SMITH, WARDEN

The petitions for writs of certiorari are denied.

04-889 MILWAUKEE METRO. SEWERAGE DIST. V. FRIENDS OF MILWAUKEE'S RIVERS

The motion of Association of Metropolitan Sewerage Agencies, et al. for leave to file a brief as *amici curiae* is granted.

The petition for a writ of certiorari is denied.

HABEAS CORPUS DENIED

04-8639 IN RE ANDRE J. TWITTY

The petition for a writ of habeas corpus is denied.

MANDAMUS DENIED

04-8023 IN RE DWAYNE C. NIMMONS

The petition for a writ of mandamus is denied.

REHEARINGS DENIED

03-1293) WHITFIELD, DAVID V. UNITED STATES
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03-1294) HALL, HAYWOOD E. V. UNITED STATES

03-9505 TAYLOR, DONALD L. V. UNITED STATES

04-384 SAWYER, AVA M. V. WORCESTER, DEAN S., ET AL.

04-614 KELLY, KAREN ANN F. V. ORANGE COUNTY, CA

04-767 MOORE, RALPH D. V. TN DEPT. OF CHILDREN'S SVCS.

04-5911 AREVALO, JOSE L. V. UNITED STATES

04-5990 WAYNE, YOLANDA N. V. SANTA CLARA VALLEY TRANSP. AUTH.

04-6228 VONDETTE, MICHAEL J. V. UNITED STATES

04-6688 FRANKS, DAVID S. V. GEORGIA

04-6703 HOWARD, ERNEST V. PERDUE, GOV. OF GA, ET AL.

04-6841 BUGGAGE, EDWARD V. SHEEHAN PIPELINE CONSTR. CO.

04-6854 SPIDLE, LAWRENCE D. V. MISSOURI

04-6909 BRADLEY, MELVIN V. DRETKE, DIR., TX DCJ

04-6950 ORTIZ-ROSAS, RODOLFO V. UNITED STATES

04-7018 TURNER, JOHN P. V. VIRGINIA

04-7044 EVERETT, JAMES V. PENNSYLVANIA, ET AL.

04-7320 SANTANA-MARTINEZ, AURELIO V. UNITED STATES

04-7327 ZHANG, JEFF V. CHARLES TOWN RACES & SLOTS

04-7414 IN RE FRANKIE K. WASHINGTON

04-7432 IN RE GINN DOOSE

04-7578 ALLEN, NORMAN V. UNITED STATES

04-7651 ROYAL, NATHANIEL V. UNITED STATES

04-7692 DORE, PASCAL V. UNITED STATES

04-7721 DAWSON, CHARLES N. V. UNITED STATES

04-7800 JONES, MARY C. V. UNITED STATES

The petitions for rehearing are denied.

04-5300

McGEE, TERRILL V. McDONALD'S RESTAURANTS, ET AL.

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