

(ORDER LIST: 544 U.S.)

MONDAY, MARCH 28, 2005

CERTIORARI -- SUMMARY DISPOSITIONS

03-1503 BROWN, WARDEN V. BELMONTES, FERNANDO

The motion of respondent for leave to proceed *in forma pauperis* 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 Ninth Circuit for further consideration in light of *Brown v. Payton*, 544 U.S. ____ (2005).

04-711 KOONIN, ALFRED J. 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 Ninth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-858 GRASSO, MICHAEL J. 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 Third Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-1086 ROBINSON, MARCUS 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 Sixth Circuit for further

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

04-7231 BILLINGSLEA, GEORGE 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).

04-8657 JOYNER, JASON W. 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 *United States v. Booker*, 543 U.S. _____ (2005).

04-8659 SCOTT, BEVERLY 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).

04-8667 ALCORN, JULIUS 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).

04-8670 ALVARADO, ERNESTO 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).

04-8678 RIVAS, MIGUEL N. 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).

04-8686 VAZQUEZ-MOLINA, CARLOS V. UNITED STATES

04-8709 McGUIRE, MITCHELL 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 First Circuit for further consideration in light of *United States v. Booker*, 543 U.S. _____ (2005).

04-8713 GARCIA, HIRAM V. UNITED STATES

04-8714 HELTON, JAMES V. UNITED STATES

04-8715 GOMEZ-MORALES, LEONARDO 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).

04-8722 LOWRY, ROBERT E. 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).

04-8724 MADRAZO-CONSTANTE V. UNITED STATES

04-8726 BAUTISTA-SANCHEZ, PAULINO V. UNITED STATES

04-8728 CHAPPELL, WILLIAM J. V. UNITED STATES

04-8732 HOLLYWOOD, BRANDON M. V. UNITED STATES

04-8744 VITELA, JESSE 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).

04-8751 LARSON, ROBERT W. 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).

04-8761 BROWN, KELA 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).

04-8768 TRASVINA ALVAREZ, JUAN C. 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).

04-8775 ELVE, CHAD M. V. UNITED STATES

04-8881 HICKS, DRAMOND D. 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).

ORDERS IN PENDING CASES

04M60 D'AGOSTINO, MARY V. VER-A-FAST

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

04-8205 HARVEY, WILLIAM E. V. UNITED STATES

The motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* is denied.

CERTIORARI GRANTED

04-980 BROWN, WARDEN V. SANDERS, RONALD L.

The motion of respondent for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is granted limited to Questions 1 and 3 presented by the petition.

CERTIORARI DENIED

03-10261 LEGRAND, MICHAEL D. V. LOUISIANA

04-280 KEBEDE, MEKDES V. GONZALES, ATT'Y GEN.

04-693 FRANKLIN SAVINGS CORP., ET AL. V. UNITED STATES

04-694 CHOMIC, JENNIE E. V. UNITED STATES, ET AL.

04-703 WASDEN, ATT'Y GEN. OF ID, ET AL. V. PLANNED PARENTHOOD OF ID, IN

04-714 TRIPLE A FIRE PROTECTION, INC. V. NLRB

04-806 ARKANSAS V. JOLLY, MICHAEL S.

04-822 AMMEX, INC. V. UNITED STATES, ET AL.

04-835 AG ROUTE SEVEN PARTNERSHIP V. UNITED STATES

04-837 TARVER, BRET V. BO-MAC CONTRACTORS, INC., ET AL.

04-859 SPEKEN, RALPH H., ET UX. V. MOORE, THOMAS R.

04-860 AMMEX, INC. V. UNITED STATES

04-972 SPIRKO, JOHN G. V. BRADSHAW, WARDEN

04-976 PPG INDUSTRIES, INC. V. NELSON, BRIAN S., ET AL.

04-977 PAM CAPITAL FUNDING, ET AL. V. NATIONAL GYPSUM CO., ET AL.

04-981 TORO CO. V. WHITE CONSOL. INDUS., INC.

04-982 SELLENS, CHARLES J., ET UX. V. GROTH, BRYAN E., ET AL.

04-984 BRIARPATCH LTD., L.P., ET AL. V. PHOENIX PICTURES, INC., ET AL.

04-990 GENTHE, MICHAEL V. QUEBECOR WORLD LINCOLN, INC.

04-993 HUNTINGTON RESTAURANTS V. FRANCHISE HOLDING
04-999 VA DEPT. OF STATE POLICE V. WASHINGTON POST, ET AL.
04-1002 WILDER, KIMBERLY V. AMITYVILLE, NY, ET AL.
04-1017 UNITED STATES, EX REL. DINGLE V. BIOPORT CORPORATION, ET AL.
04-1051 POWERS, MIKE V. LEIS, SHERIFF, ET AL.
04-1076 DEYERBERG, JANET M. V. WOODWARD, BOB, ET AL.
04-1078 ROBINSON, BERT A., ET AL. V. TEXAS AUTOMOBILE DEALERS
04-1082 MANN, JASON V. CONNECTICUT
04-1090 PRATT, PAMELA J. V. WA DEPT. OF LABOR
04-1097 BRAVEHEART V. UNITED STATES
04-1109 HOOK, MARY J. V. CIR
04-1122 CYRUS, PATTY J. V. UNITED STATES
04-1125 KLINE, RONALD C. V. UNITED STATES
04-7326 BILLIOT, JAMES E. V. EPPS, COMM'R, MS DOC
04-7361 ANDREWS, LONNY J. V. UNITED STATES
04-7452 YORK, WILLIAM W. V. TN BD. OF PROBATION AND PAROLE
04-7459 BERRY, EARL W. V. MISSISSIPPI
04-7521 SANCHEZ-PARRA, ERNESTO, ET AL. V. UNITED STATES
04-7609 WYATT, ROY W. V. OREGON
04-7718 ALLEY, SEDLEY V. TENNESSEE
04-7775 DELGADO-GARCIA, JOSE, ET AL. V. UNITED STATES
04-7807 ESCAMILLA, LICHO V. TEXAS
04-8181 LOTT, RONALD C. V. OKLAHOMA
04-8219 SCALES, NOLAN W. V. DRETKE, DIR., TX DCJ
04-8221 SCHERRER, ROBERT C. V. USDC CD CA
04-8225 MESA, RICHARD M. V. CALIFORNIA
04-8230 OBI, CHIEDU J. V. TEXAS
04-8234 WILLIAMS, JUNE R. V. THOMSON CORP., ET AL.

04-8235 O'NEAL, SEAN M. V. KRAMER, WARDEN
04-8236 MITCHAM, MARK L. V. SCHRIRO, DIR., AZ DOC
04-8239 MONEY, MICHAEL R. V. CALIFORNIA
04-8261 AMKHANITSKY, MIKHAIL V. CTC REAL ESTATE SERVICES
04-8264 ADAMS, KEVIN V. MOORE, SUPT., NORTHEAST
04-8266 BARRON-BACA, GUILLERMO V. SHOEMAKER, WARDEN, ET AL.
04-8281 MALAN, JOHN A. V. MALAN, MELISSA M.
04-8282 SHELTON, TYRONE V. WILSON, CHARLES, ET AL.
04-8283 SOUTH, JAMES W. V. DRETKE, DIR., TX DCJ
04-8287 WOLFE, MARION C. V. MAHLE, C. E.
04-8297 OLIVEIRA, MARK V. FLORIDA
04-8302 AHMED, NAWAZ V. OHIO
04-8317 CONKLIN, ROGER D. V. SCHOFIELD, WARDEN
04-8330 HIRACHETA, ANTHONY W. V. LOCKYER, ATT'Y GEN. OF CA
04-8331 FLEMING, LEROY V. DETROIT, MI, ET AL.
04-8340 TURAY, RICHARD G. V. WASHINGTON
04-8341 VERA, GUILLERMO V. USDC ED CA
04-8342 THOMAS, DAN V. TEXAS
04-8343 VALDIVIA, ANGELA M. V. OROSCO, ET AL.
04-8344 TURNER, DAVID V. RUNNELS, WARDEN
04-8345 WILKIN, ROBERT E. V. KEMNA, SUPT., CROSSROADS, ET AL.
04-8346 TILLMAN, CEDWICK V. SCHOFIELD, WARDEN
04-8349 WILSON, DEMETRIUS A. V. SUPERIOR COURT OF CA, ET AL.
04-8353 PARKER, NEDRO G. V. DRETKE, DIR., TX DCJ
04-8358 BERRY, CHRISTOPHER V. KLEM, SUPT., MAHANAY
04-8364 MURRAY, MARION D. V. THOMPSON, WARDEN
04-8368 MARLOW, JAMES G. V. CALIFORNIA
04-8371 CORDERO, RICHARD V. GORDON, KENNETH W., ET AL.

04-8373 FOSTER, JOSEPH V. V. CAIN, WARDEN
04-8392 MURPHY, KEVIN L. V. CAREY, WARDEN, ET AL.
04-8394 PITTMAN, GABRIEL I. V. KYLER, SUPT., HUNTINGDON, ET AL.
04-8395 JACKSON, JASON L. V. ILLINOIS
04-8397 VORA, CHANDAN S. V. CROWDER, JEFF
04-8399 WILLIAMS, DARNELL A. V. BRADSHAW, WARDEN
04-8405 BURDSAL, THOMAS C. V. FARWELL, WARDEN
04-8407 CLARK, JAMES W. V. CORRECTIONS CORP. OF AMERICA
04-8411 FOTI, ANGELO J. V. OHIO
04-8438 COUCH, RONALD A. V. HERNANDEZ, WARDEN
04-8453 CYARS, AARON L. V. HOFBAUER, WARDEN
04-8487 WILLOUGHBY, GARY L. V. CASON, WARDEN
04-8491 CARROLL, CASEY O. V. GIURBINO, WARDEN
04-8515 CHRISTOPHER, STEPHEN C. V. ESTEP, WARDEN, ET AL.
04-8549 ROLLINS, MARY V. SMITH, GREG, ET AL.
04-8556 ARTIGLIO, JASON J. V. MARSHALL, WARDEN
04-8590 HELM, LEE V. ORTIZ, EXEC. DIR., CO DOC
04-8598 RAY, WILLIAM V. LEWIS, WARDEN
04-8617 WALKER, ADRIAN D. V. USDC DE, ET AL.
04-8654 MATTHEWS, LINDY R. V. UNITED STATES
04-8704 JIMENEZ, ANDREW V. CALIFORNIA
04-8735 FARRAR, STEPHEN L. V. BELLEQUE, SUPT., OR
04-8770 WILLIAMS, TIMOTHY L. V. VIRGINIA
04-8792 NYHUIS, DOUGLAS V. DEWALT, WARDEN
04-8793 SMITH, CHARLES R. V. UNITED STATES
04-8796 RAPP, KEITH C. V. UNITED STATES
04-8811 TORRES, JOSE A. V. UNITED STATES
04-8813 PONDER, HULON V. FLORIDA

04-8819 CLARK, KENT L. V. UNITED STATES
04-8826 AHMED, AHMED Y. V. UNITED STATES
04-8832 SCOTT, OMAR Y. V. UNITED STATES
04-8833 MARTIN, GREGORY L. V. UNITED STATES
04-8835 MAYNIE, KEITH V. OLSON, WARDEN
04-8852 POLLENDER, JAMES V. UNITED STATES
04-8855 SOBERANIS, MITCHUM V. UNITED STATES
04-8862 COUCH, RONALD L. V. UNITED STATES
04-8863 YOUNG, JERMAINE A. V. UNITED STATES
04-8868 HENLEY, WINFORD L. V. UNITED STATES
04-8879 GONZALEZ-QUINTANA, CESAR V. UNITED STATES
04-8891 CARRASCO-MATEO, MANUEL V. UNITED STATES
04-8894 MACKIE, STEVEN M. V. UNITED STATES
04-8902 SMITH, KORY R. V. UNITED STATES
04-8905 RUPLEY, RICHARD, ET AL. V. UNITED STATES
04-8908 ALEXANDER, RODERICK V. UNITED STATES
04-8911 ARMOUR, CHRISTOPHER V. UNITED STATES
04-8917 OUTLER, RAYMOND V. ANDERSON, WARDEN
04-8939 MOES, ROBERT J. V. UNITED STATES

The petitions for writs of certiorari are denied.

04-686 GOMEZ, CAROLINE V. AMOCO OIL CO.

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

04-856 EVANSTON, IL V. FRANKLIN, EDWARD

The motion of International Municipal Lawyers Association, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

04-979 TROY PUBL'G CO., INC., ET AL. V. NORTON, JAMES B., ET AL.

The motion of Associated Press, 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

04-1173 IN RE CHARLES CAUSEY

04-9003 IN RE ROBERT M. JONES

The petitions for writs of habeas corpus are denied.

MANDAMUS DENIED

04-8260 IN RE CARLOS F. BELL-OUTLAW

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

REHEARINGS DENIED

04-640 1690 COBB L.L.C., ET AL. V. MARIETTA, GA, ET AL.

04-691 THOMPSON, KEITH J. V. NAT. R. PASSENGER CORP.

04-5943 HUBBARD, WILLIAM A. V. UNITED STATES

04-5976 MILLER, GEORGE V. UNITED STATES

04-7139 CEASAR, ALICE F. V. USAA, ET AL.

04-7255 NIMMONS, DWAYNE V. CROSBY, SEC., FL DOC

04-7336 GREEN, GEORGE J. V. JOHNSON, DIR., VA DOC

04-7339 IVES, LARRY C. V. OKLAHOMA

04-7372 LEWIS, HERBERT V. UNITED STATES

04-7623 BERT, COLVIN I. V. SNOW, SEC. OF TREASURY, ET AL.

04-7649 SPRINGMEIER, FRITZ A. V. UNITED STATES

The petitions for rehearing are denied.

03-6841 ENIGWE, IFEDOO N. V. UNITED STATES

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

RECESS ORDER

The Court will take a recess from Monday, April 4, 2005,
until Monday, April 18, 2005.