

(ORDER LIST: 551 U.S.)

TUESDAY, SEPTEMBER 25, 2007

ORDERS IN PENDING CASES

06-43 STONERIDGE INVESTMENT V. SCIENTIFIC-ATLANTA, INC., ET AL.

The motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument is granted. Justice Breyer took no part in the consideration or decision of this motion.

06-713 ) WASHINGTON STATE GRANGE V. WA REPUBLICAN PARTY, ET AL.

06-730 ) WASHINGTON, ET AL. V. WA REPUBLICAN PARTY, ET AL.

The motion of petitioners for divided argument is denied.

06-856 LaRUE, JAMES V. DeWOLFF, BOBERG & ASSOC., INC.

The motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument is granted. The motion of respondents to dismiss the writ of certiorari is denied.

06-984 MEDELLIN, JOSE E. V. TEXAS

The motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument is granted.

06-7949 GALL, BRIAN M. V. UNITED STATES

The motion of petitioner for appointment of counsel is granted. Jeffrey T. Green, Esquire, of Washington, D.C., is appointed to serve as counsel for the petitioner in this case.

06-8273 DANFORTH, STEPHEN V. MINNESOTA

The motion of Kansas for leave to participate in oral

argument as *amicus curiae* and for divided argument is denied.

06-9130 ALI, ABDUS-SHAHID M. S. V. FED. BUREAU OF PRISONS, ET AL.

The motion of petitioner for appointment of counsel is granted. Jean-Claude Andre, Esquire, of Los Angeles, California, is appointed to serve as counsel for the petitioner in this case.

**CERTIORARI GRANTED**

06-937 QUANTA COMPUTER, INC., ET AL. V. LG ELECTRONICS, INC.

06-1037 KENTUCKY RETIREMENT SYS., ET AL. V. EEOC

06-1082 VIRGINIA V. MOORE, DAVID L.

The petitions for writs of certiorari are granted. The briefs of petitioners are to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Monday, November 5, 2007. The briefs of respondents are to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Monday, December 3, 2007. Reply briefs, if any, are to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Friday, December 28, 2007. Briefs of *amici curiae* are to be filed with the Clerk and served upon counsel for the parties on or before 2 p.m., 7 days after the brief for the party supported is filed, or if in support of neither party, within 7 days after the petitioner's brief is filed.

06-1181 DADA, SAMSON T. V. KEISLER, ACTING ATT'Y GEN.

The petition for a writ of certiorari is granted limited to the following Question: "Whether the filing of a motion to reopen removal proceedings automatically tolls the period within which an alien must depart the United States under an order granting voluntary departure." The brief of petitioner is to be

filed with the Clerk and served upon opposing counsel on or before 2 p.m., Monday, November 5, 2007. The brief of respondent is to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Monday, December 3, 2007. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Friday, December 28, 2007. Briefs of *amici curiae* are to be filed with the Clerk and served upon counsel for the parties on or before 2 p.m., 7 days after the brief for the party supported is filed, or if in support of neither party, within 7 days after the petitioner's brief is filed.

- 06-1321 GOMEZ-PEREZ, MYRNA V. POTTER, POSTMASTER GEN.
- 06-1346 ALI, AHMED V. ACHIM, DEBORAH, ET AL.
- 06-1413 MEADWESTVACO CORP. V. IL DEPT. OF REVENUE, ET AL.
- 06-1431 CBOCS WEST, INC. V. HUMPHRIES, HEDRICK G.

The petitions for writs of certiorari are granted. The briefs of petitioners are to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Monday, November 5, 2007. The briefs of respondents are to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Monday, December 3, 2007. Reply briefs, if any, are to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Friday, December 28, 2007. Briefs of *amici curiae* are to be filed with the Clerk and served upon counsel for the parties on or before 2 p.m., 7 days after the brief for the party supported is filed, or if in support of neither party, within 7 days after the petitioner's brief is filed.

06-1457 ) MORGAN STANLEY CAPITAL GROUP V. PUBLIC UTILITY DIST. 1, ET AL.  
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06-1462 ) CALPINE ENERGY SVCS., ET AL. V. PUBLIC UTILITY DIST. 1, ET AL.

The motion of Golden State Water Company for disqualification of counsel in No. 06-1457 is denied. The petitions for writs of certiorari are granted. The cases are consolidated and a total of one hour is allotted for oral argument. The brief of petitioners is to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Monday, November 5, 2007. The brief of respondents is to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Monday, December 3, 2007. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Friday, December 28, 2007. Briefs of *amici curiae* are to be filed with the Clerk and served upon counsel for the parties on or before 2 p.m., 7 days after the brief for the party supported is filed, or if in support of neither party, within 7 days after the petitioners' brief is filed. The Chief Justice and Justice Breyer took no part in the consideration or decision of this motion and these petitions.

06-1463 PRESTON, ARNOLD M. V. FERRER, ALEX E.

The petition for a writ of certiorari is granted. The brief of petitioner is to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Monday, November 5, 2007. The brief of respondent is to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Monday, December 3, 2007. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Friday, December 28, 2007. Briefs of *amici curiae* are to be

filed with the Clerk and served upon counsel for the parties on or before 2 p.m., 7 days after the brief for the party supported is filed, or if in support of neither party, within 7 days after the petitioner's brief is filed.

06-1498

WARNER-LAMBERT CO., ET AL. V. KENT, KIMBERLY, ET AL.

The petition for a writ of certiorari is granted. The brief of petitioners is to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Monday, November 5, 2007. The brief of respondents is to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Monday, December 3, 2007. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Friday, December 28, 2007. Briefs of *amici curiae* are to be filed with the Clerk and served upon counsel for the parties on or before 2 p.m., 7 days after the brief for the party supported is filed, or if in support of neither party, within 7 days after the petitioners' brief is filed. The Chief Justice took no part in the consideration or decision of this petition.

06-1509

BOULWARE, MICHAEL H. V. UNITED STATES

The petition for a writ of certiorari is granted limited to the following Question: "Whether the diversion of corporate funds to a shareholder of a corporation without earnings and profits automatically qualifies as a non-taxable return of capital up to the shareholder's stock basis, see 26 U.S.C. §301(c)(2), even if the diversion was not intended as a return of capital." The brief of petitioner is to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Monday, November 5, 2007. The brief of respondent is to be

filed with the Clerk and served upon opposing counsel on or before 2 p.m., Monday, December 3, 2007. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Friday, December 28, 2007. Briefs of *amici curiae* are to be filed with the Clerk and served upon counsel for the parties on or before 2 p.m., 7 days after the brief for the party supported is filed, or if in support of neither party, within 7 days after the petitioner's brief is filed.

06-1646 UNITED STATES V. RODRIQUEZ, GINO G.

The petition for a writ of certiorari is granted. The brief of petitioner is to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Monday, November 5, 2007. The brief of respondent is to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Monday, December 3, 2007. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Friday, December 28, 2007. Briefs of *amici curiae* are to be filed with the Clerk and served upon counsel for the parties on or before 2 p.m., 7 days after the brief for the party supported is filed, or if in support of neither party, within 7 days after the petitioner's brief is filed.

06-11543 BEGAY, LARRY 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 brief of petitioner is to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Monday, November 5, 2007. The brief of respondent is to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Monday,

December 3, 2007. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Friday, December 28, 2007. Briefs of *amici curiae* are to be filed with the Clerk and served upon counsel for the parties on or before 2 p.m., 7 days after the brief for the party supported is filed, or if in support of neither party, within 7 days after the petitioner's brief is filed.

06-11612

GONZALEZ, HOMERO V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted limited to the following Questions: "1) Must a federal criminal defendant explicitly and personally waive his right to have an Article III judge preside over voir dire? 2) Did the court of appeals err when it reviewed petitioner's objection for plain error?" The brief of petitioner is to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Monday, November 5, 2007. The brief of respondent is to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Monday, December 3, 2007. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Friday, December 28, 2007. Briefs of *amici curiae* are to be filed with the Clerk and served upon counsel for the parties on or before 2 p.m., 7 days after the brief for the party supported is filed, or if in support of neither party, within 7 days after the petitioner's brief is filed.

- 07-21 ) CRAWFORD, WILLIAM, ET AL. V. MARION CTY. ELECTION BD., ET AL.  
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07-25 ) IN DEMOCRATIC PARTY, ET AL. V. ROKITA, IN SEC. OF STATE, ET AL.

The petitions for writs of certiorari are granted. The cases are consolidated and a total of one hour is allotted for oral argument. The brief of petitioners is to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Monday, November 5, 2007. The brief of respondents is to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Monday, December 3, 2007. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Friday, December 28, 2007. Briefs of *amici curiae* are to be filed with the Clerk and served upon counsel for the parties on or before 2 p.m., 7 days after the brief for the party supported is filed, or if in support of neither party, within 7 days after the petitioners' brief is filed.

- 07-5439 BAZE, RALPH, ET AL. V. REES, COMM'R, KY DOC, ET AL.

The motion of petitioners for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The brief of petitioners is to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Monday, November 5, 2007. The brief of respondents is to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Monday, December 3, 2007. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Friday, December 28, 2007. Briefs of *amici curiae* are to be filed with the Clerk and served upon counsel for the parties on or before 2 p.m., 7 days after the brief for

the party supported is filed, or if in support of neither party, within 7 days after the petitioners' brief is filed.

**CERTIORARI DENIED**

07-5058 CHI, HELIBERTO V. QUARTERMAN, DIR., TX DCJ

07-5425 TURNER, CARLTON A. V. QUARTERMAN, DIR., TX DCJ

The petitions for writs of certiorari are denied.

(ORDER LIST: 551 U.S.)

TUESDAY, SEPTEMBER 25, 2007

HABEAS CORPUS DENIED

07-6705      IN RE MICHAEL W. RICHARD  
(07A259)

The application for stay of execution of sentence of death presented to Justice Scalia and by him referred to the Court is denied. The petition for a writ of habeas corpus is denied.

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TUESDAY, SEPTEMBER 25, 2007

MANDAMUS DENIED

07-6706 IN RE MICHAEL W. RICHARD  
(07A260)

The application for stay of execution of sentence of death presented to Justice Scalia and by him referred to the Court is denied. The petition for a writ of mandamus and/or prohibition is denied.

(ORDER LIST: 551 U.S.)

TUESDAY, SEPTEMBER 25, 2007

ORDER IN PENDING CASE

07A265      IN RE MICHAEL W. RICHARD

The application for stay of execution of sentence of death presented to Justice Scalia and by him referred to the Court is denied.