

(ORDER LIST: 546 U.S.)

MONDAY, NOVEMBER 7, 2005

CERTIORARI -- SUMMARY DISPOSITIONS

05-6832 MITCHELL, DALE D. 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 Eighth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

ORDERS IN PENDING CASES

05M24 IN RE GRAND JURY PROCEEDINGS

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

05M25 DIXON, JOSEPH V. FAIRBANKS CAPITAL CORP.

05M26 DEYERBERG, JANET M. V. WOODWARD, BOB, ET AL.

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

04-1034) RAPANOS, JOHN A., ET AL. V. UNITED STATES

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04-1384) CARABELL, JUNE, ET AL. V. ARMY CORPS OF ENGINEERS, ET AL.

The motion of petitioners to deconsolidate the cases is denied. The motion of petitioners for divided argument is granted to be divided as follows: 20 minutes for petitioners in No. 04-1034; 20 minutes for petitioners in No. 04-1384; 40 minutes for respondents.

04-1131 WHITMAN, TERRY L. V. DEPT. OF TRANSPORTATION, ET AL.

The motion of American Federation of Government Employees, et al. for leave to participate in oral argument as *amici curiae* and for divided argument is denied.

04-1144 AYOTTE, ATT'Y GEN. OF NH V. PLANNED PARENTHOOD

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

04-1186 WACHOVIA BANK, NAT. ASSN. V. SCHMIDT, DANIEL G., 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 Thomas took no part in the consideration or decision of this motion.

04-1244) SCHEIDLER, JOSEPH, ET AL. V. NOW, ET AL.

04-1352) OPERATION RESCUE V. NOW, ET AL.

04-1360 HUDSON, BOOKER T. V. MICHIGAN

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

05-5734 WHITEHEAD, DAVID L. V. WICKHAM, DEWAYNE

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

05-6876 OWEN, HAROLD V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until November 28, 2005, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

CERTIORARI GRANTED

- 04-10566) SANCHEZ-LLAMAS, MOISES V. OREGON
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- 05-51) BUSTILLO, MARIO A. V. JOHNSON, DIR., VA DOC

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari in No. 04-10566 are granted limited to Questions 1 and 2 presented by the petition. The petition for a writ of certiorari in No. 05-51 is granted limited to Question 1 presented by the petition. These cases are consolidated and a total of one hour is allotted for oral argument.

- 05-128 HOWARD DELIVERY SERVICE V. ZURICH AMER. INSURANCE CO.

The petition for a writ of certiorari is granted.

- 05-184 HAMDAN, SALIM A. V. RUMSFELD, SEC. OF DEFENSE

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

CERTIORARI DENIED

- 04-10456 DeLEON, ARTHUR V. TEXAS
- 04-10510 WAGES, MICHAEL V. ILLINOIS
- 04-10577 MEDLEY, CLIFFORD S. V. TEXAS
- 05-40 McSALLY, MARTHA V. RUMSFELD, SEC. OF DEFENSE
- 05-166 KRAUSE, WILLIAM V. TITLESERV, INC., ET AL.
- 05-167 BP CARE, INC. V. LEAVITT, SEC. OF H&HS, ET AL.
- 05-181 CONEY, WILLIAM V. UNITED STATES
- 05-196 TRIPLETT, JOHN F. V. UNITED STATES
- 05-229 HOWSAM, GARY, ET AL. V. SUPERIOR COURT OF CA
- 05-275 LOPEZ, LEONARDO M. V. DRETKE, DIR., TX DCJ
- 05-277 NESE, LOUIS V. V. JULIAN NORDIC CONST. CO., ET AL.

05-278 MITCHELL, HERMAN E. V. METROPOLITAN LIFE INS., ET AL.
05-279 BROCKWAY, ROBERT L. V. YALE UNIVERSITY, ET AL.
05-287 SALAZAR, SHERIFF V. GONZALES, TEREZA
05-289 MILES, TIMOTHY J. V. H-QUOTIENT, INC.
05-292 CINCINNATI, OH V. BARNES, PHILECIA
05-293 DOE I, JOHN, ET AL. V. MOORE, JAMES T., ET AL.
05-297 SNYDER, RICHARD, ET UX. V. COSBY, ELLEN W.
05-304 LORUSSO-SMITH, REBECCA V. GA DOC, ET AL.
05-308 OFFICE PLANNING GROUP, INC. V. BARAGA-HOUSHTON-KEWEENAW
05-311 PARDUE, KATHLEEN V. CENTER CITY CONSORTIUM, ET AL.
05-322 HANNA, TIMOTHY K. V. MA TURNPIKE AUTHORITY
05-340 FRANKLIN, BOBBY L., ET AL. V. UNITED STATES, ET AL.
05-412 WILLIAMS, DIANA M. V. DEPT. OF TREASURY
05-418 McWILLIAMS, MICHAEL V. LANGHAM, DAVID W.
05-427 ROBERTS, JOAN V. TITUS COUNTY MEMORIAL HOSPITAL
05-436 BUSH, THOMAS H. V. WISCONSIN
05-440 REIGLER, GARLON J. V. CIR
05-446 CLIFTON, RONALD J. V. UNITED STATES
05-472 DAVIS, EMERSON V. CALLAHAN, WARDEN
05-5175 WILLIAMS, WINTHROP P. V. UNITED STATES
05-5544 LE, THONG V. MISSISSIPPI
05-5638 HARDRIDGE, STEPHEN R. V. UNITED STATES
05-6080 SOSA, PEDRO S. V. DRETKE, DIR., TX DCJ
05-6180 SCOTT, JOHN E. V. DRETKE, DIR., TX DCJ
05-6181 BAILEY, WESLEY E. V. VIRGINIA
05-6182 BUI, GLEN, ET UX. V. VICTORINO, JONATHAN, ET UX.
05-6187 SHIVAE, CHEVY R. V. VIRGINIA
05-6189 SAUNDERS, LOUIS V. TENNIS, SUPT., ROCKVIEW

05-6244 ATWELL, GEOFFREY W. V. WYNDER, SUPT., DALLAS, ET AL.
05-6268 KINDRED, RICHARD S. V. VANDERGRIFT, ROGER, ET AL.
05-6289 WILLIAMS, DAVID H. V. WADE, KAY, ET AL.
05-6296 MILLER, DON G. V. ROMANOWSKI, WARDEN
05-6331 MISIAK, MARK A. V. MORGAN, SUPT., WA
05-6333 LEKAS, CHRISTOPHER V. ILLINOIS
05-6338 O'GARRA, ANTHONY V. NEW YORK
05-6357 ARI, ROXANNE V. MITCHELL, WARDEN
05-6364 PURVIS, RONNIE V. CHATMAN, WARDEN
05-6382 JOHNSON, JoANNE V. BARNHART, COMM'R, SOCIAL SEC.
05-6386 TRUEMAN, JEFFREY A. V. RUMSFELD, SEC. OF DEFENSE
05-6388 KING, DAVID V. BOYKO, JUDGE, ETC.
05-6422 WHITELEY, MICHAEL D. V. IDAHO
05-6438 HAMM, JODY R. V. MICHIGAN
05-6439 HARRINGTON, ROBERT L. V. CURTIS, WARDEN
05-6449 FRITTS, GLENN R. V. COLORADO
05-6466 KIDD, DONALD V. GREYHOUND LINES, INC.
05-6479 NOVOTNY, EDWARD F. V. PORZYCKI, MICHAEL J., ET AL.
05-6508 LAWS, BRIAN K. V. EVANS, ACTING WARDEN
05-6510 BENAVIDES, WALTER A. V. McGRATH, WARDEN
05-6531 TATE, GROVER V. GARNETT, WARDEN
05-6573 JAFFAL, AHMAD A. V. CALABRESE, JUDGE, ETC.
05-6583 McCUTCHEON, GEORGE V. DiCARLO, WARDEN
05-6702 WILLIAMS, WALTER E. V. FLORIDA
05-6770 COOPER, ELWOOD J. V. UNITED STATES
05-6771 CALLE-OCHOA, JOHN J. V. UNITED STATES
05-6775 JEFFRIES, MAHLON V. UNITED STATES
05-6779 STACEY, RONALD W. V. UNITED STATES

05-6794 MESINA, ROMAN C. V. JOHNS, WARDEN
05-6799 CARDOZA, HECTOR V. UNITED STATES
05-6803 VILLANUEVA-MARTINEZ, LUIS A. V. UNITED STATES
05-6805 TEJADA-CRUZ, SILVANO V. UNITED STATES
05-6809 VANORDEN, JOHN H. V. UNITED STATES
05-6810 TERRELL, ALVIN S. V. UNITED STATES
05-6812 WALKER, TIMOTHY M. V. UNITED STATES
05-6813 ZEPEDA-ARIAS, EVER F. V. UNITED STATES
05-6815 MARTINEZ-GALVAN, SANTIAGO V. UNITED STATES
05-6817 KILLINGSWORTH, STEPFON C. V. UNITED STATES
05-6818 MARGAREJO, RICHARD V. CROSBY, SEC., FL DOC, ET AL.
05-6819 SMITH, ANTONIO L. V. UNITED STATES
05-6826 TAVERAS, FRANKLIN V. UNITED STATES
05-6828 VALLES, JESUS V. UNITED STATES
05-6834 IACULLO, DINO V. UNITED STATES
05-6836 HERRERA, ARTURO V. UNITED STATES
05-6837 HOLLYWOOD, BRANDON M. V. UNITED STATES
05-6839 GRAHAM, SYLVESTER J. V. UNITED STATES
05-6841 HOWELL, GODFREY E. V. UNITED STATES
05-6842 FRAZIER, WILLIAM V. UNITED STATES
05-6843 PACHECO, PEDRO V. UNITED STATES
05-6844 PARRA-SOTELO, JORGE V. UNITED STATES
05-6845 LEONARD, JAMES E. V. UNITED STATES
05-6846 SILVA, PAUL E. V. UNITED STATES
05-6850 GEORGE, GARY R. V. UNITED STATES
05-6853 MORENO-HERNANDEZ, ISIDRO V. UNITED STATES
05-6857 VILLARREAL-GONSALEZ, MARTIN V. UNITED STATES
05-6858 THORN, WESLEY G. V. UNITED STATES

05-6864 GARRETT, WILLIE L. V. UNITED STATES
05-6865 HARRELL, DAVID V. UNITED STATES
05-6869 HARPER, CHRISTOPHER L. V. UNITED STATES
05-6870 GORMLEY, PURVIS H. V. UNITED STATES
05-6874 DRAYTON, DAMAR V. UNITED STATES
05-6878 JONES, DORIAN V. UNITED STATES
05-6880 SWASEY, CEDERICK D. V. UNITED STATES
05-6881 CRUZADO-LAUREANO, JUAN M. V. UNITED STATES
05-6882 COLLIER, ANTHONY A. V. UNITED STATES
05-6883 CANADY, CHARLES G. V. UNITED STATES
05-6884 McCRAVEN, JACKIE V. UNITED STATES
05-6885 GARCIA, DARBERTO V. UNITED STATES
05-6887 POPE, IRVIN L. V. UNITED STATES
05-6890 WIGGINS, RONALD V. UNITED STATES
05-6891 VIGNEAU, PATRICK M. V. UNITED STATES
05-6894 WILLIAMS, BRIAN T. V. UNITED STATES
05-6903 SANCHEZ-SANCHEZ, JOSE R. V. UNITED STATES
05-6904 CHEEK, CECIL E. V. UNITED STATES
05-6906 PINARGOTE-RAMIREZ, OSCAR J. V. UNITED STATES
05-6907 MITRE, BRICEIDA V. UNITED STATES
05-6909 JENKINS, TERRY C. V. UNITED STATES
05-6910 GARCIA-SAUZA, JOSE R. V. UNITED STATES
05-6912 GARCIA-RODRIGUEZ, OSCAR D. V. UNITED STATES
05-6913 MUHAMMAD, SHMIR A. V. UNITED STATES
05-6920 TAYLOR, TANISHA C. V. UNITED STATES
05-6921 WATLINGTON, RAYMOND L. V. UNITED STATES
05-6923 PADMORE, GERALD V. UNITED STATES
05-6924 SMITH, JOHN P. V. UNITED STATES

05-6926 RUBIO-ZARATE, EDILBERTO V. UNITED STATES
05-6928 NATION, THOMAS E. V. UNITED STATES
05-6929 MATEO, DARWIN S. V. UNITED STATES
05-6930 LEVY, RAPHAEL R. V. UNITED STATES
05-6932 JONES, MARK E. V. UNITED STATES
05-6933 JACKSON, CASEY D. V. UNITED STATES
05-6934 MARTINS, CHRISTOPHER V. UNITED STATES
05-6935 LEVINE, QUINCY V. UNITED STATES
05-6936 LEISURE, RUSTY V. UNITED STATES
05-6937 JEFFERSON, YOLANDA V. UNITED STATES
05-6941 VARGAS, MICHAEL A. V. UNITED STATES
05-6943 WEEKS, JERRY E. V. UNITED STATES
05-6947 OCAMPO, ALVIN V. UNITED STATES
05-6949 MEDRANO, JESUS A. V. UNITED STATES
05-6953 MONTERO, RAMON J. V. UNITED STATES
05-6955 MACIAS-LUNA, HUMBERTO V. UNITED STATES
05-6956 BARNES, SHAWNDELL V. UNITED STATES

The petitions for writs of certiorari are denied.

05-36 GOLDEN PACIFIC BANCORP V. FDIC

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

05-286 TRAWINSKI, BENON J., ET UX. V. UNITED TECHNOLOGIES CARRIER

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

MANDAMUS DENIED

05-6919 IN RE MARK J. CHAPMAN

The petition for a writ of mandamus is denied.

REHEARINGS DENIED

04-1599 APARICIO, ROBERT E. V. POTTER, POSTMASTER GEN., ET AL.

04-7579 STILLS, FREDERICK D. V. CAREY, WARDEN

04-10437 VALDES, DIOSDADO R. V. UNITED STATES

04-10623 HAMMER, JEFFREY V. AMAZON.COM

05-5416 ZHANG, JEFF B. V. AUSTIN, MIKE

05-5988 VAN VELZER, DAVID A. V. UNITED STATES

The petitions for rehearing are denied.