

(ORDER LIST: 574 U.S.)

MONDAY, DECEMBER 1, 2014

ORDERS IN PENDING CASES

14M48 JONES, LaDONNA V. DALEY, REBECCA, ET AL.

14M49 SOLOMON, CARGYLE B. V. DAWSON, JUDGE, ETC.

14M50 PHOX, LaRONDA V. GEORGE E. FERN CO., ET AL.

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

14M51 SEARCY, ANDREW V. MERIT SYSTEMS PROTECTION BOARD

The motion for leave to proceed as a veteran is granted.

14M52 TRAN, QUANG KHAC V. STEPHENS, DIR., TX DCJ

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

14M53 HICKS, DAMONE L. V. GROUNDS, WARDEN

The motion for leave to file a petition for a writ of certiorari under seal with redacted copies for the public record is granted.

14M54 RUIZ-RIVERA, ANGEL V. DEPT. OF EDUCATION, ET AL.

14M55 CRISP, MICHAEL L. V. UNITED STATES

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

13-1499 WILLIAMS-YULEE, LANELL V. FLORIDA BAR

The motion of petitioner to dispense with printing the joint appendix is granted.

13-10372 SANDRES, NAOMI V. LOUISIANA DIV. OF ADMIN.

13-10432 WILLIAMS, CHAUNCEY A. V. DAY, E., ET AL.

13-10442 CLAYTON, LLOYD D. V. STEPHENS, DIR., TX DCJ
13-10658 CASTILLO, VINCENT M. V. LOUISIANA
14-5018 THORNTON, HAROLD V. ZICKEFOOSE, WARDEN, ET AL.
14-5142 ASHMORE, BENJAMIN V. ASHMORE, KELLY L.
14-5366 MARTIN, KENNETH V. UTTECHT, SUPT., COYOTE RIDGE
14-5578 WHEELER, LeROY K. V. DeSAUTEL, RENA M., ET AL.
14-5763 ASHMORE, BENJAMIN J. V. LEWIS, WILMA C.
14-5812 DUKE, MARY A. V. FFRENCH-MULLEN, JARLATH M.

The motions of petitioners for reconsideration of orders denying leave to proceed *in forma pauperis* are denied.

14-6332 NGUYEN, NHUONG V. V. PHAM, MONIQUE, ET AL.
14-6435 ALGIE, DOUGLAS J. V. NORTHERN KENTUCKY UNIVERSITY
14-6440 DEWALD, JEROME W. V. MICHIGAN
14-6831 BARCUS, SANDRA L. V. SEARS, ROEBUCK AND CO.

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until December 22, 2014, 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 DENIED

13-8570 NICHOLS, HAROLD W. V. HEIDLE, WARDEN
13-10125 ALESHIRE, SUZANNE V. HARRIS, N.A.
13-10246 CAMPBELL, CHRISTOPHER P. V. UNITED STATES
13-10403 GAMBLE, BASHAWN R. V. UNITED STATES
13-10424 SMITH, ERICK D. V. UNITED STATES
13-10635 DAVIS, COREY V. V. DONAHOE, POSTMASTER GEN.
13-10687 ALI, IMANUEL B. V. PENNSYLVANIA

13-10699) EDWARDS, RAFAEL C. V. UNITED STATES
)
 13-10760) AKINS, KENDRICK T. V. UNITED STATES
 13-10791 DEDMON, MARQUISE T. V. UNITED STATES
 14-161 ROSU, MIRCEA V. NEW YORK, NY, ET AL.
 14-197 ILLINOIS V. DAVIS, ADDOLFO
 14-213 ANTROPOVA, MARIA A. V. HOLDER, ATT'Y GEN.
 14-217 TAKEDA PHARMACEUTICAL, ET AL. V. ZYDUS PHARMACEUTICALS, ET AL.
 14-239 CEDAR & WASHINGTON ASSOCIATES V. PORT AUTH. OF NY AND NJ, ET AL.
 14-307 GRAIN PROCESSING CORP. V. FREEMAN, LAURIE, ET AL.
 14-319 SMITH, RODNEY S. V. TEXAS
 14-322 HEARN, BETTY S. V. OWENS, THELMA, ET AL.
 14-323 FIELDS, PAUL C. V. TULSA, OK, ET AL.
 14-332 ASARCO LLC V. GOODWIN, NEVA R., ET AL.
 14-333 BRAVERMAN, ERIC V. GRANGER, DARLA K., ET AL.
 14-338 PORAUTO INDUSTRIAL CO., ET AL. V. USDC NV
 14-340 FRIENDS OF AMADOR COUNTY V. JEWELL, SEC. OF INTERIOR, ET AL.
 14-346 T. D. I. V. A. P.
 14-348 LAS VEGAS, NV V. 5TH & CENTENNIAL, LLC, ET AL.
 14-352 KANE, HARLEY N., ET AL. V. STEWART TILGHMAN FOX, ET AL.
 14-353 FRITH, ROGER V. ND WORKFORCE INSURANCE, ET AL.
 14-376 RAY, ROBERT J. V. GEO GROUP, INC., ET AL.
 14-381 McINTOSH, JONATHON C. V. TX BOARD OF DENTAL EXAMINERS
 14-387 I. R. E. V. FL BD. OF BAR EXAMINERS
 14-388 BURROUGHS, MILO D. V. DEPT. OF ARMY
 14-390 PUJIANG TALENT DIAMOND TOOLS CO. V. UNITED STATES
 14-398 BARNWELL, CHAUNCEY B. V. TPCII, LLC
 14-427 SPECHT, ERICH, ET AL. V. GOOGLE, INC.
 14-429 GLOVER, JERRY L. V. REESE, CLYDE L., ET AL.

14-433 ANDERSON, LENNON V. CREECH, JILL S.
14-436 DEVITA, JAMES A. V. DISTRICT OF COLUMBIA
14-440 HITHON, JOHN V. TYSON FOODS, INC.
14-455 COOPER, RONNIE V. UNITED STATES
14-468 FUSCO, EMILIO V. UNITED STATES
14-470 BANERJEE, MONICA V. WILMOT, NH
14-478 MAZE, RUSSELL L. V. JOHNSON, WARDEN
14-500 KOPLIK, MICHAEL, ET AL. V. FOX, MICHAEL, ET AL.
14-508 PEREIRA, DEREK, ET AL. V. REGIONS BANK
14-5045 HAASE, RICHARD A. V. PEARL RIVER POLYMERS, ET AL.
14-5254 HENDERSON, MARCUS V. UNITED STATES
14-5299 LAGUNA-ALDACO, PEDRO V. UNITED STATES
14-5338 McLAIN, FRANCIS L. V. UNITED STATES
14-5356) CANNON, CHARLES V. UNITED STATES
)
14-5423) McLAUGHLIN, MICHAEL V. UNITED STATES
)
14-5457) KERSTETTER, BRIAN V. UNITED STATES
14-5554 HERNANDEZ-ESTRADA, SALVADOR V. UNITED STATES
14-5593 SUI, YAN, ET UX. V. 2176 PACIFIC HOMEOWNERS ASSN.
14-5642 JOHNSON, LATRICE V. DESJARDINS, MICHAEL, ET AL.
14-5644 HAASE, RICHARD A. V. PATENT AND TRADEMARK OFFICE
14-5681 DIAZ, MARICELA N. V. SOUTH DAKOTA
14-5706 ZINNI, RENEE M., ET VIR V. MARSHALL & ILSLEY BANK, ET AL.
14-5850 FOOTE, RONNIE V. MONIZ, SEC. OF ENERGY
14-5912 SMITH, TERRY V. FLORIDA
14-5924 PETRIC, STEVEN V. ALABAMA
14-5948 ZINNI, RENEE M., ET VIR V. JACKSON WHITE, PC, ET AL.
14-5953 BOYLE, TIMOTHY S. V. ALABAMA
14-5974 BLUME, GUY A. V. AMERICAN DAIRY QUEEN CORPORATION

14-6308 CLARK, LARRY E. V. LA DEPT. OF TRANSP. & DEV.
14-6327 NEWELL, PAUL T. V. CREWS, SEC., FL DOC, ET AL.
14-6331 ECHOLS, LEON O. V. MICHIGAN
14-6336 DOLPH-HOSTETTER, LISA V. WARREN, WARDEN
14-6338 DIXON, WILLIAM V. GREENE, LARRY, ET AL.
14-6342 JOHNSON, EARL V. ILLINOIS
14-6350 CREAMER, MARJORIE A. V. MOTORS LIQUIDATION CO.
14-6354 CLEGG, JEFFREY S. V. WHITE, WARDEN, ET AL.
14-6360 BOSTWICK, RICHARD D. V. SOVEREIGN BANK, ET AL.
14-6361 STROM, COLLEEN M. V. STROM, MICHAEL C.
14-6366 DE FREITAS, MIGUEL V. BERKOWITZ, MERYL J., ET AL.
14-6370 PHILLIPS, STEVEN W. V. HERNDON, WARDEN
14-6376 ESTY, SEAN P. V. CREWS, SEC., FL DOC
14-6377 WEBB, MARK T. V. WEBB, REBECCA
14-6384 WHITE, MARK E. V. CIRCUIT COURT OF MI
14-6389 DAVIS-BEY, GEORGE W. V. VIRGINIA
14-6396 PENNINGS, OTONIEL T. V. CALIFORNIA
14-6397 TAYLOR, ROBERT V. MACOMBER, ACTING WARDEN
14-6400 LOPEZ, CARLOS V. PIERCE, WARDEN, ET AL.
14-6405 FISCHER, JOSEPH A. V. HARRIS, ATT'Y GEN. OF CA, ET AL.
14-6410 STOYANOVA, DESISLAVA V. STOITCHKOV, KAREL
14-6413 SUI, YAN V. MARSHACK, RICHARD A., ET AL.
14-6414 PAWLEY, CASH W. V. CREWS, SEC., FL DOC
14-6429 RUFF, AARON V. McDOWELL, WARDEN
14-6439 ASBURY, WILLIE V. SOUTH CAROLINA
14-6444 WHEELER, MICHAEL T. V. FALK, WARDEN, ET AL.
14-6445 TRUJILLO, PHILLIP V. SHERMAN, ACTING WARDEN
14-6449 CLEVELAND, CHRISTOPHER V. STUART, ROGER, ET AL.

14-6451 ALBARRAN, ODILON V. MONTGOMERY, ACTING WARDEN
14-6452 ACOSTA, JOSE V. GRIFFIN, SUPT., SULLIVAN
14-6453 ACEVEDO, JOSE J. V. GUTTIERREZ, WARDEN
14-6466 WILLIAMS, CHARLES A. V. CANADY, JEFFREY, ET AL.
14-6467 CUMMINGS, DARREL V. WHIDDON, MATTHEW T., ET AL.
14-6468 MARSHALL, BILLY G. V. McCOLLUM, WARDEN
14-6472 ERICKSEN, GRANT E. V. PLUMLEY, WARDEN, ET AL.
14-6475 SMITH, JAMES E. V. HOBBS, DIR., AR DOC
14-6477 MAYBIN, GLENN D. V. BOOKER, RAYMOND, ET AL.
14-6478 LIU, WEN V. MOUNT SINAI SCHOOL OF MEDICINE
14-6490 JONES, CHARLES E. V. CREWS, SEC., FL DOC, ET AL.
14-6509 MICHEL, RAMON V. CALIFORNIA
14-6522 KITCHEN, RAYMOND V. CREWS, SEC., FL DOC
14-6525 CHAMBERS, DARLENE F. V. NIXON, JEREMIAH, ET AL.
14-6536 SALIM, RYAN R. V. OHIO
14-6537 FINAMORE, ANDREA V. PHILADELPHIA HOUSING AUTH.
14-6553 TEXIDOR, ISIDRO F. V. FOLINO, SUPT., GREENE, ET AL.
14-6561 MAHMUD, TAIMUR V. HOLDER, ATT'Y GEN.
14-6566 NELSON, BENJI V. FLORIDA
14-6591 SHIELDS, TERRANCE D. V. GEORGIA
14-6593 COX, KEITH B. V. KERESTES, SUPT., MAHANAY, ET AL.
14-6599 GRAVEN, WILLIAM A. V. OBAMA, PRESIDENT OF U.S., ET AL.
14-6601 GRIMES, JEROME L. V. BARBER, OFFICER, ET AL.
14-6603 GRAHAM, ALBERT V. STATE FARM INSURANCE
14-6610 PEARSON, LORENZO, ET UX. V. COMMERCIAL BANK OF OZARK
14-6619 GARIBAY, JOHN S. V. KING, AUDREY
14-6620 HORTON, NAKIA V. LAMAS, SUPT., ROCKVIEW, ET AL.
14-6621 MITCHELL, STEPHEN S. V. CLARKE, DIR., VA DOC

14-6636 ROBINSON, JEFFREY V. LASSITER, WARDEN
14-6646 BROWN, TINA L. V. FLORIDA
14-6650 TERRELL, BRIAN K. V. CHATMAN, WARDEN
14-6658 BRYANT, SHARON F. V. COLVIN, ACTING COMM'R, SOCIAL
14-6675 VOITS, IVAR V. NOOTH, SUPT., SNAKE RIVER
14-6676 THOMPSON, THOMAS W. V. PUSKAR, RANDOLPH, ET AL.
14-6699 SHEA, TIMOTHY K. V. DAVEY, WARDEN
14-6704 FRANKLIN, ROBERT D. V. DEPT. OF VA
14-6709 CLAY, AARON K. V. KANSAS
14-6715 ROBINSON, ANTHONY L. V. LAMARQUE, WARDEN, ET AL.
14-6721 PENNINGTON-THURMAN, WILMA M. V. BANK OF AMERICA
14-6722 CAMERON, DeWHITE B. V. KANSAS
14-6724 DE LA TORRE, GABRIEL V. KANSAS
14-6744 BOOSE, MITCHELL A. V. CLEMENTS, WARDEN
14-6747 HAM, DOYLE R. V. METRO. POLICE DEPT., ET AL.
14-6760 ZAMUDIO-OROSCO, MIGUEL A. V. UNITED STATES
14-6761 TALLEY, WILLIAM V. UNITED STATES
14-6791 OLIVA, JUAN B. V. CREWS, SEC., FL DOC, ET AL.
14-6802 WADE, CHARLES V. CREWS, SEC., FL DOC
14-6818 ALANIZ, ARLENE V. TEXAS
14-6824 LONG, NATHAN V. BALLARD, WARDEN
14-6835 WRIGHT, JIMMY L. V. UNITED STATES
14-6839 ROBINSON, BARBARA S. V. TACOMA COMMUNITY COLLEGE
14-6843 RUDOLPH, JOHN W. V. UNITED STATES
14-6844 NELSON, ROBERT V. UNITED STATES
14-6845 PEERMAN, FRANK R. V. UNITED STATES
14-6847 McINTOSH, DANNYE T. V. UNITED STATES
14-6848 SANCHEZ, JESUS G. V. UNITED STATES

14-6849 SMITH, GARRETT D. V. UNITED STATES
14-6851 PATTERSON, TERRY V. UNITED STATES
14-6853 RATIGAN, SHAWN V. UNITED STATES
14-6855 MOTES, MICHAEL H. V. UNITED STATES
14-6858 NGUYEN, HOANG V. UNITED STATES
14-6860 RAMOS-PEREZ, ROBERTO F. V. UNITED STATES
14-6861 SIMPSON, ELLA M. V. UNITED STATES
14-6864 VARELA, SIGIFREDO M. V. UNITED STATES
14-6869 BONANAO, GLENN M. V. UNITED STATES
14-6872 ALI, ABDUS-SHAHID M. V. UNITED STATES
14-6881 SLATER, ROBIN E. V. UNITED STATES
14-6885 OLIVER, TROY V. UNITED STATES
14-6886 MUNGRO, HARVEY L. V. UNITED STATES
14-6887 BARKER, BRIAN E. V. UNITED STATES
14-6888 GUTIERREZ, OSCAR V. UNITED STATES
14-6890 FELICIANO, FRANCISCO V. UNITED STATES
14-6891 WILLIS, ALBERT L., ET UX. V. UNITED STATES, ET AL.
14-6895 WATSON, VINCENT B. V. UNITED STATES
14-6901 MARFO, FRANK V. UNITED STATES
14-6904 BUCHANAN, RICHARD C. V. UNITED STATES
14-6906 BERNARD, JONATHAN T. V. UNITED STATES
14-6907 MATTHEWS, MICHAEL V. UNITED STATES
14-6909 PURTELL, JEREMIAH J. V. WISCONSIN
14-6915 JOSEPH, ANES V. UNITED STATES
14-6916 LEWIS, DANNY V. UNITED STATES
14-6956 GRIFFIN, MARVIN V. WILSON, WARDEN
14-6959 FOREMAN, EVAN V. UNITED STATES
14-6963 DOVINE, ANTONIO R. V. UNITED STATES

14-6968 CRAWFORD, DONTRE R. V. UNITED STATES

14-6971 WALKER, GREGORY V. UNITED STATES

14-6973 IBARRA, RODOLFO P. V. UNITED STATES

The petitions for writs of certiorari are denied.

13-1044 CISCO SYSTEMS, INC. V. COMMIL USA

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

13-1521 BAILEY, CHUNON L. V. UNITED STATES

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

14-191 RYAN, DIR., AZ DOC V. HURLES, RICHARD D.

The motion of respondent for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is denied.

14-358 STRYKER CORPORATION, ET AL. V. HILL-ROM SERVICES, INC., ET AL.

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

14-447 POP TEST CORTISOL V. MERCK & CO., INC., ET AL.

14-6328 LEFKOWITZ, GARY V. WIRTA, RAY, ET AL.

The petitions for writs of certiorari are denied. Justice Alito took no part in the consideration or decision of these petitions.

14-6335 POUILLARD, JOHN V. PITMAN, M., ET AL.

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is

dismissed. See Rule 39.8.

14-6437 BAXTER, VICTOR G. V. FLORIDA, ET AL.

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

14-6589 HAIRSTON, ARTHUR L. V. SAMUELS, DIR., BOP, ET AL.

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8. As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

14-6629 D'ANTUONO, FRANK V. NEW YORK

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8.

14-6836 COFFMAN, MICHAEL R. V. USDC ND FL

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

14-6846 McLEOD, STEVEN A. V. McLEOD, HUGHEY F.

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8.

14-6957 HOPKINS, GEORGE V. UNITED STATES

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

REHEARINGS DENIED

13-1444 KALYANARAM, GURUMURTHY V. NY INST. OF TECHNOLOGY

13-1454 ZULUETA, EDNA N. V. UNITED STATES

13-1525 MILES, ALEXANDER C. V. UNITED STATES

13-8899 BROWN, MEIER J. V. UNITED STATES

13-9210 BLAIR, CONRAD C. V. UNITED STATES

13-9516 HERRIOTT, ALICJA V. HERRIOTT, PAUL

13-9795 FREEMAN, RICKY, ET AL. V. SULLIVAN, LAQUITA, ET AL.

13-9967 CHACON, DAVID V. CALIFORNIA

13-9979 CARTIER, VERONICA V. SWANEY, LISA

13-10023 IN RE R. D.

13-10069 THOMPSON, DIONNE K. V. AMERIFLEX, ET AL.

13-10206 McCLINTON, EDMOND V. BOLIN, GREG

13-10316 HYNOSKI, MARY P. V. ATWOOD, MALONE, TURNER & SABIN

13-10339 SEBOLD, SOOKYEONG K. V. UNITED STATES

13-10377 JOHNSON, JOHN P. V. VIRGINIA, ET AL.

13-10382 WITKIN, MICHAEL A. V. FRAUENHEIM, WARDEN

13-10390 CHRISTY, EDWARD V. UNITED STATES

13-10431 WILSON, GERALD B. V. TEXAS

13-10443 ELLENBURG, MICHAEL V. MONTANA

13-10691 WEISS, SCOTT E. V. MINNESOTA

13-10738 WILSON, GEORGE V. SELMA WATER WORKS AND SEWER BD.

13-10740 HOUSTON, DOUGLAS V. WRIGHT, LESTER N., ET AL.

13-10762 BEHRENS, BRYAN S. V. CHASE HOME FINANCE

14-11 DeHORSE, DAVID S. V. DeHORSE, CATHERINE M., ET AL.

14-16 WILLIAMS, TONY R. V. LEEDS, TERRY, ET AL.

14-24 BOURNE, SAMUEL J. V. ARRUDA, JOHN R., ET AL.

14-25 NOWAK, JOHN J. V. PELC, BETTY, ET VIR

14-31 WILLESS, BRIAN S. V. UNITED STATES

14-36 RUDY, CHRISTOPHER J. V. LEE, MICHELLE K., ET AL.

14-58 ROCKWELL, JULIE E. V. INDUSTRIAL COMM'N OF AZ, ET AL.

14-84 KEVORKIAN, ANTRANIK V. CALIFORNIA

14-141 NORTHERN BUILDING CO., ET AL. V. HANOVER INSURANCE COMPANY

14-162 MONZINGO, JOE L. V. McDONALD, SEC. OF VA

14-5120 DANIELS, JOSEPH A. V. CALDWELL, PAUL E.

14-5127 ABDULLA, SALLAH H. V. UNIV. OF ARKANSAS AT LITTLE ROCK

14-5158 MONTES, STEVEN A. V. ARIZONA, ET AL.

14-5169 RICHARD, THOMAS P. V. WENEROWICZ, SUPT., GRATERFORD

14-5187 JOHNSON, CUTHBERT L. V. UNEMPLOYMENT COMPENSATION BD.

14-5202 STALLWORTH, SIDNEY V. MISSISSIPPI

14-5228 BROWN, RAHEEM V. UNITED STATES

14-5320 IN RE STEPHEN MICHAEL MARTENS

14-5368 HOLBROOK, DIANE V. RONNIES LLC

14-5370 WILLIAMSON, ANTHONY B. V. HOBBS, DIR., AR DOC

14-5376 HIRSCH, GARY V. NORTHWEST FARM CREDIT SERVICES

14-5502 IN RE NATHAN SMITH

14-5551 JEEP, DAVID G. V. UNITED STATES

14-5631 JOHNSON, DEBRA V. NLRB, ET AL.

14-5667 BUCZEK, SHANE C. V. CONSTRUCTIVE STATUTORY TRUST

14-5692 WILLIAMS, BRENNAYDER C. V. MILWAUKEE HEALTH SERVICES, INC.

14-5712 WILLIAMS, ALBERT V. FLORIDA

14-5713 KELSON, RHONNA V. DEPT. OF NAVY

14-5755 DAVIS, DANIEL M. V. UNITED STATES
14-5792 RAMBERT, ERIC X. V. VARANO, SUPT., COAL TOWNSHIP
14-6001 HARRIS, JASON L. V. YBARRA, SANDRA
14-6325 BRIDGES, MARVIN V. UNITED STATES
14-6337 EKANEM, BASSEY J. V. UNITED STATES
14-6402 JIMENEZ-RAMIREZ, JOEL V. UNITED STATES

The petitions for rehearing are denied.

14-5814 CASS, PAUL A. V. UNITED STATES

The petition for rehearing is denied. Justice Kagan took no part in the consideration or decision of this petition.

13-6348 IN RE MICHAEL A. TRIMUAR

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

ATTORNEY DISCIPLINE

D-2819 IN THE MATTER OF DISCIPLINE OF W. AUSTIN COOPER

W. Austin Cooper, of Sacramento, California, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2820 IN THE MATTER OF DISCIPLINE OF C. WILLIAM BERGER

C. William Berger, of Boynton Beach, Florida, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2821 IN THE MATTER OF DISCIPLINE OF WILLIAM GOLDMAN SCHER

William Goldman Scher, of Hackensack, New Jersey, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause

why he should not be disbarred from the practice of law in this Court.

D-2822 IN THE MATTER OF DISCIPLINE OF STEPHEN C. JACKSON

Stephen C. Jackson, of New York, New York, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2823 IN THE MATTER OF DISCIPLINE OF JOHN W. HILL

John W. Hill, of Los Angeles, California, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2824 IN THE MATTER OF DISCIPLINE OF DAVID S. PURCELL

David S. Purcell, of Saint Louis, Missouri, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2825 IN THE MATTER OF DISCIPLINE OF SALAH A. STEVENS

Salah A. Stevens, of Owings Mills, Maryland, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2826 IN THE MATTER OF DISCIPLINE OF MICHAEL CRAIG WORSHAM

Michael Craig Worsham, of Forest Hill, Maryland, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

Statement of KAGAN, J.

SUPREME COURT OF THE UNITED STATES

PATRICK HENRY JOSEPH, PETITIONER *v.*
UNITED STATES

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

No. 13–10639. Decided December 1, 2014

The petition for a writ of certiorari is denied. JUSTICE KENNEDY and JUSTICE SOTOMAYOR would grant the petition for a writ of certiorari.

Statement of JUSTICE KAGAN, with whom JUSTICE GINSBURG and JUSTICE BREYER join, respecting the denial of certiorari.

The courts of appeals have wide discretion to adopt and apply “procedural rules governing the management of litigation.” *Thomas v. Arn*, 474 U. S. 140, 146 (1985). But that discretion is not unlimited. Procedural rules of course must yield to constitutional and statutory requirements. *Id.*, at 148. And more to the point here, those rules, along with their application to particular cases, must “represent reasoned exercises of the courts’ authority.” *Ortega-Rodriguez v. United States*, 507 U. S. 234, 244 (1993). That is not a high bar, but it is an important one.

Petitioner Patrick Joseph asks us to review the Eleventh Circuit’s application of a rule providing that issues not raised in an opening appellate brief are forfeited, and so may not be raised in subsequent filings. See Order in No. 12–16167 (July 8, 2013), App. 6 to Pet. for Cert. (citing *United States v. Hembree*, 381 F. 3d 1109 (CA11 2004)). In the usual case, that rule (which all the federal courts of appeals employ) makes excellent sense: It ensures that opposing parties will have notice of every issue in an appeal, and that neither they nor reviewing courts will incur needless costs from eleventh-hour changes of course.

But this is not the usual case. Joseph took an appeal to

Statement of KAGAN, J.

the Eleventh Circuit after he was convicted of several drug offenses and sentenced as a career offender under the Sentencing Guidelines. At the time Joseph filed his opening brief, Eleventh Circuit precedent precluded the argument that he did not properly qualify as a career offender. See *United States v. Rainer*, 616 F. 3d 1212, 1215–1216 (2010). Soon after his filing, however, this Court decided *Descamps v. United States*, 570 U. S. ___ (2013), which made clear that the relevant Circuit precedent was “no longer good law,” *United States v. Howard*, 742 F. 3d 1334, 1345 (2014). Five days later (which was still nine days before the Government’s brief came due), Joseph moved to file a replacement brief relying on *Descamps* to challenge his classification as a career offender. (He acknowledged that because he had failed to raise the *Descamps* claim at trial, it would be reviewable for plain error.) The Government did not oppose the motion, asking only for additional time to file its own brief. The Eleventh Circuit nonetheless refused to accept Joseph’s filing.

Not a single other court of appeals would have done that. See *United States v. Vanorden*, 414 F. 3d 1321, 1324 (CA11 2005) (Tjoflat, J., specially concurring) (noting that the Eleventh Circuit’s rule is “inconsistent with . . . the law of every other circuit”). Every circuit, save the Eleventh, accepts supplemental or substitute briefs as a matter of course when this Court issues a decision that upsets precedent relevant to a pending case and thereby provides an appellant with a new theory or claim. See, e.g., *United States v. Anderson*, 745 F. 3d 593, 594, 598 (CA1 2014) (*Descamps* claim); *United States v. Clark*, 28 Fed. Appx. 34, 35 (CA2 2001); *United States v. Blair*, 734 F. 3d 218, 223 (CA3 2013) (*Descamps* claim); *United States v. Musleh*, 106 Fed. Appx. 850, 857, n. 4 (CA4 2004); *United States v. Delgado*, 256 F. 3d 264, 280 (CA5 2001); *United States v. Mitchell*, 743 F. 3d 1054, 1063 (CA6 2014) (*Descamps* claim); *United States v. Askew*, 403 F. 3d 496,

Statement of KAGAN, J.

509 (CA7 2005); *United States v. Bankhead*, 746 F. 3d 323, 325 (CA8 2014) (*Descamps* claim); *United States v. Cabrera-Guiterrez*, 756 F. 3d 1125, 1127 (CA9 2013) (*Descamps* claim); *United States v. Clifton*, 406 F. 3d 1173, 1175, n. 1 (CA10 2005); *United States v. Coumaris*, 399 F. 3d 343, 347 (CAD9 2005). Indeed, each considers such briefs even when submitted later in the appellate process than Joseph tried to file his. See, e.g., *Cabrera-Guiterrez*, 756 F. 3d, at 1127 (after argument); *Blair*, 734 F. 3d, at 223 (after full briefing). And as the above citations show, the circuit courts—once again, bar the Eleventh—have routinely followed that practice in the wake of *Descamps*.

There is good reason for this near-unanimity. When a new claim is based on an intervening Supreme Court decision—as Joseph’s is on *Descamps*—the failure to raise the claim in an opening brief reflects not a lack of diligence, but merely a want of clairvoyance. Relying on that misprediction alone to deny relief to an appellant like Joseph while granting it to the defendant in *Descamps* ill-fits with the principle, animating our criminal retroactivity law, of “treating similarly situated defendants the same.” *Griffith v. Kentucky*, 479 U. S. 314, 323, 328 (1987) (holding that new rules “appl[y] retroactively to all cases . . . pending on direct review”). And indeed, insisting on preservation of claims in this context forces every appellant to raise “claims that are squarely foreclosed by circuit and [even] Supreme Court precedent on the off chance that [a new] decision will make them suddenly viable.” *Vanorden*, 414 F. 3d, at 1324 (Tjoflat, J., specially concurring). That is an odd result for a procedural rule designed in part to promote judicial economy.

Perhaps for such reasons, even the Eleventh Circuit does not apply its default rule consistently when this Court hands down a new decision. Sometimes, as here, the court views its rule as pertaining “uniformly and equally to all cases,” so that a panel becomes simply “un-

Statement of KAGAN, J.

able to entertain” any claim not raised in an initial brief. *United States v. Bordon*, 421 F. 3d 1202, 1206, n. 1 (2005). But other times, the court abandons the rule without explanation—including, at least twice, for *Descamps* claims. See, e.g., *United States v. Ramirez-Flores*, 743 F. 3d 816, 820 (2014) (addressing a *Descamps* claim raised “for the first time at oral argument”); *United States v. Estrella*, 758 F. 3d 1239 (2014) (addressing a *Descamps* claim raised first in a Rule 28(j) letter after all briefs were filed); *United States v. Levy*, 379 F. 3d 1241, 1244–1245 (2004) (*per curiam*) (acknowledging “a few decisions where this Court apparently considered a new issue raised in a supplemental brief”). Thus, criminal defendants with unpreserved new claims may be treated differently *within* the Eleventh Circuit, just as they are as between the Eleventh Circuit and every other court of appeals.

I nonetheless agree with the Court’s decision today to deny certiorari. We do not often review the circuit courts’ procedural rules. And we usually allow the courts of appeals to clean up intra-circuit divisions on their own, in part because their doing so may eliminate any conflict with other courts of appeals. For those combined reasons, I favor deferring, for now, to the Eleventh Circuit, in the hope that it will reconsider whether its current practice amounts to a “reasoned exercise[]” of its authority. *Ortega-Rodriguez*, 507 U. S., at 244.

Statement of SOTOMAYOR, J.

SUPREME COURT OF THE UNITED STATES

STEPHEN MORELAND REDD *v.*
KEVIN CHAPPELL, WARDEN

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 14–6264. Decided December 1, 2014

The petition for a writ of certiorari is denied.

Statement of JUSTICE SOTOMAYOR, with whom JUSTICE BREYER joins, respecting the denial of certiorari.

Seventeen years after petitioner was first sentenced to death, and more than four years after his conviction and sentence were affirmed on direct appeal, petitioner has not received counsel to represent him in his state habeas corpus proceedings—counsel to which he is entitled as a matter of state law. See Cal. Govt. Code Ann. §68662 (West 2009). He has suffered this delay notwithstanding the California Supreme Court’s observation that “[i]deally, the appointment of habeas corpus counsel should occur shortly after an indigent defendant’s judgment of death,” *In re Morgan*, 50 Cal. 4th 932, 937, 237 P. 3d 993, 996 (2010), and our own general exhortation that “[f]inality is essential to both the retributive and the deterrent functions of criminal law,” *Calderon v. Thompson*, 523 U. S. 538, 555 (1998). At the same time, the California Supreme Court refuses to consider capital inmates’ *pro se* submissions relating to matters for which they have a continuing right to representation. See *In re Barnett*, 31 Cal. 4th 466, 476–477, 73 P. 3d 1106, 1113–1114 (2003). Petitioner therefore remains in limbo: To raise any claims challenging his conviction and sentence in state habeas proceedings, he must either waive his right to counsel or continue to wait for counsel to be finally appointed.

Although these circumstances are undoubtedly troubling, I vote to deny the petition for certiorari because it is

Statement of SOTOMAYOR, J.

not clear that petitioner has been denied all access to the courts. In fact, a number of alternative avenues may remain open to him. He may, for example, seek appointment of counsel for his federal habeas proceedings. See 18 U. S. C. §3599(a)(2). And he may argue that he should not be required to exhaust any claims that he might otherwise bring in state habeas proceedings, as “circumstances exist that render [the state corrective] process ineffective to protect” his rights. 28 U. S. C. §2254(b)(1)(B)(ii). Moreover, petitioner might seek to bring a 42 U. S. C. §1983 suit contending that the State’s failure to provide him with the counsel to which he is entitled violates the Due Process Clause. Our denial of certiorari reflects in no way on the merits of these possible arguments. Finally, I also note that the State represents that state habeas counsel will be appointed for petitioner “[i]n due course”—by which I hope it means, *soon*. See Brief in Opposition 6.